

**CECIL COUNTY PLANNING COMMISSION
MEETING MINUTES
Wednesday, January 22, 2020
6:00 p.m.**

PRESENT: Pat Doordan - Chairman , Chad Johnston - Vice Chair, Wyatt Wallace, Peter Kirsh, Joyce Bowlsbey – Alternate, Bill Coutz (Ex-Officio), Eric Sennstrom (LUDS), Bryan Lightner (LUDS/P&Z), and Jennifer Bakeoven (LUDS/P&Z).

ABSENT: Bill Miners, Don Harmer, Ed Arellano (DEH), Deborah Sniadowski, Esq., Kordell Wilen (LUDS/DPR), and Steve O’Connor (LUDS/P&Z).

MINUTES: Motion was made by Mr. Kirsh seconded by Mr. Johnston and unanimously carried to approve the December 16, 2019, 6:00 p.m. meeting minutes as mailed.

CAPITAL IMPROVEMENT PROGRAM – AMENDMENTS – *Postponed*

- **Amendments to FY2020 CIP**

MWSP – AMENDMENTS

- **Artesian Water and the Town of North East,**
 - Section 3.2.6, North East, (C), Service Area Agreements;
 - Section 3.2.9, Artesian Water Maryland, Inc., (A) Introduction to Artesian Water Maryland;
 - Section 3.2.10.3, Elkton West/ Meadowview Water System, (B) Proposed Improvements;
 - Section 3.2.10.6, Route 7 Water System, (B) Proposed Improvements;
 - Appendix D, Water System Maps;
 - Appendix F, Agreements Incorporated by Reference;
 - Appendix G, Town of North East Water Service Area and Artesian Water Maryland, Inc., Non-Exclusive Water Service Areas.

Eric Sennstrom, Director – LUDS, appeared and presented an overview of the proposed amendments. The additions and deletions are as follows:

Section 3.2.6 North East

C. Service Area Agreements

Add – In June 2019, the Town and Artesian Water Maryland, Inc. executed a subsequent interconnection agreement that superseded the January 2018 agreement with the establishment of an additional interconnection between the Town and Artesian on the east side of the Town that would enable Artesian to purchase up to 200,000 gallons per day from the Route 40 east interconnection.

Section 3.2.9 Artesian Water Maryland, Inc.

Section A. Introduction to Artesian Water Maryland

Add – A subsequent interconnection agreement was executed in June 2019 between the town of North East and Artesian Water Maryland that established an additional interconnection east of the Town at Route 40 that makes an additional 200,000 gallons per day available to Artesian.

Section 3.2.10.3 Elkton West/Meadowview Water System

B. Proposed Improvements

Delete – which extends from the Maryland/Delaware State line, to Bouchelle Road/Mechanics Valley Road.

Delete – Artesian Anticipates executing an interconnection agreement with the Town of North East to provide an additional source of supply to the western portions of this service area at a location near the intersection of Routes 40 and 272.

Add – Artesian and the Town of North East executed an interconnection agreement in June 2019 to provide up to 200,000 gallons per day to the Elkton West Service Area.

3.2.10.6 Route 7 Water System

b. Proposed Improvements

Delete – anticipates executing

Add – has executed

Appendix D Water System Maps

Remove North East and replace with Artesian east of the Town

Appendix F – Agreements Incorporated by Reference

Add – Artesian Water Maryland/Town of North East Interconnection Agreement dated June 26, 2019

Appendix G Town of North East Water Service Area and Artesian Water Maryland, Inc. Non Exclusive Water Service Areas

Delete – Non Exclusive

Delete – Town of North East Water Service Area & Artesian Water Maryland, Inc. Non Exclusive Water Service Areas Map

Add – Town of North East Water Service Area and Artesian Water Maryland, Inc. Service Areas Map

Add – Third Amendment for Water Services and Water Service Agreement for the Elkton West Area by and between Cecil County, Maryland and Artesian Water Maryland, Inc.

The language provided by the Town of North East is as follows:

3.2.6 North East

A. Existing System

The Town of North East owns and operates two water treatment plants (WTP), the Rolling Mill WTP and the Leslie WTP. The combined maximum design treatment capacity is 2.83 million gallons per day. The water system presently provides potable water and fire protection to a population of approximately 8,965 people and to the Maryland Transit Authority Rest Stop on Interstate 95. It also provides water to Artesian Water via an interconnection on Red Toad Road. A combination of five elevated and three underground storage tanks provide a total reserve of approximately 2,960,000 gallons.

The Rolling Mill WTP is rated at 2.0 million gallons per day. The Rolling Mill WTP is a package surface water treatment plant with two separate filter trains and has provisions for a future third filter unit. As part of the Rolling Mill WTP, a raw water pumping station near the mouth of the North East River allows the Town to pump water from the river and discharge it into the raw water reservoir at the Rolling Mill WTP. This pumping station is used under severe drought conditions and other emergencies.

The Leslie WTP is rated at 830,000 gallons per day. The design of the Rolling Mill WTP allows transfer of water to the higher pressure zones served by the Leslie WTP.

B. Proposed Improvements

The Town of North East's priorities for improvement of the water system include:

Work in Progress

- 1) Install powder activated carbon additions at both water treatment plants;
- 2) Install tank mixers in finished water storage tanks;
- 3) Dredge the raw water pond at the Leslie water treatment plant;
- 4) Replace the Rolling Mill finished water booster pump station;

Additionally, the Town has completed an updated 20-Year Capital Improvement Study. This study has identified and evaluated potential capital improvements that will need to be completed over the next 20 years.

Future Projects

- 5) Rehabilitate the Irishtown Road water booster pump station;
- 6) Rehabilitate the Razor Strap Road water booster pump station;
- 7) Various water main replacement projects;
- 8) Rehabilitate/Replace Leslie WTP Raw Water Pump Station;
- 9) Additional water storage tank to serve Zone 2;
- 10) Perform various SCADA upgrades;

- 11) Construct a new water storage tank and booster pumping station to serve Zone 3; and
- 12) Install a third filter unit at the Rolling Mill WTP to provide for future expansion.

C. Service Area Agreements

The Town and the County have entered into various agreements during the last four decades. In November 1972, the Town and County entered into an agreement outlining the scope of the Town's responsibility for the service area on the periphery of the Town. Subsequent agreements were entered into in June 1983, November 1986, February 1989, and March 2002. The 2002 agreement superseded the previous agreements. Cecil County Government has also permitted the Town to serve portions of the Candlelight Ridge and Bedrock Subdivisions.

In January 2018, the Town and Artesian Water Maryland Inc. finalized an interconnection agreement that would enable Artesian to purchase a minimum of 35,000 gallons a day from the town, with the option to eventually increase that amount to as much as 150,000 gallons. In 2019 the interconnection infrastructure on Red Toad Road was constructed and service began to be provided. In June 2019, a revised agreement was executed with Artesian Water which supersedes the 2018 agreement. This revised agreement allows Artesian Water to take up to 350,000 gallons per day, which includes a second connection from the Bay Berry Tank.

Should the Town receive a request to expand the agreement beyond 350,000 gallons per day, some of the projects noted above will need to be completed to meet the request.

D. Water Service Areas

The water service area maps in Appendix D show the various service area categories.

HEALTH DEPARTMENT: The Cecil County Health Department has no objection to the proposed amendments.

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: None.

RECOMMENDATION:

Staff recommended approval of the proposed amendments with the inclusion of the Town of North East's language.

ACTION: Motion to recommend to approval per staff's recommendation was made by Mr. Johnston. Motion seconded by Mr. Wallace.

VOTE: The recommendation of approval of the proposed amendments with the inclusion of the Town of North East's language, unanimously carried.

The next meeting for this application will be on February 4, 2020 before the County Council.

SUBDIVISION:

No subdivision submittals were received for review by the Planning Commission.

REZONING:

FILE: 2019-05 APPLICANT: 109-111 Providence Road, LLC.

REQUEST: Request to rezone 7.29 acres from Rural Residential, (RR) to Northern Agricultural Residential, (NAR).

PROPERTY LOCATION: 109-111 Providence Road, Elkton, MD 21921, Election District: 4, Tax Map: 13, Parcel: 349.

PROPERTY OWNER: 109-111 Providence Road, LLC.

PRESENTLY ZONED: Rural Residential, (RR).

Tom Prevas, Esq. and Dave Fennimore, Project Coordinator, appeared and presented an overview of the application. Mr. Prevas explained that this site is a superfund site. This site is under the EPA for means of remediation and clean up. The parcels are currently zoned residential but due to the contaminants on the property, the site can never be used for residential use. Due to that decision, Mr. Prevas' clients feel that a mistake was made during the 2011 Comprehensive Rezoning when zoning it with a residential designation.

HEALTH DEPARTMENT: The Cecil County Health Department has no objection to the rezoning request.

COMMENTS IN SUPPORT: None.

Mr.Prevas added that this application should include both parcels 349 and 360.

COMMENTS IN OPPOSITION: Vito Papagno, 285 Blacksnake Road, Elkton had concerns about how this request would affect his parcel that is adjoining to the parcels included in this application. John Chadwick, 119 Providence Road, Elkton also spoke with concerns of this proposal. Mr. Chadwick has concerns regarding the potential for decreased property values for the adjoining properties due to the installation of solar panels and increased construction traffic.

RECOMMENDATION:

Staff recommended approval, due to a demonstrated mistake in the 2011 Comprehensive Rezoning.

ACTION: Motion to recommend approval per staff's recommendation was made by Mr. Wallace. Motion seconded by Mr. Johnston.

VOTE: The recommendation of approval due to a demonstrated mistake in the 2011 Comprehensive Rezoning, unanimously carried.

The next meeting for this application will be February 18, 2020 before the County Council.

SPECIAL EXCEPTIONS:

FILE: 3987 - APPLICANT: Stefan A. Watson.

FOR: Special Exception to operate a home occupation.

PROPERTY LOCATION: 324 Old Bayview Road, North East, MD 21901, Election District: 5; Tax Map: 19, Parcel: 468.

PROPERTY OWNER: Garnet Property Group, LLC, c/o Jeff Wilen, Member.

PRESENTLY ZONED: High Density Residential, (RM).

Stefan Watson appeared and presented an overview of the application. Mr. Watson stated that he would like to conduct online sales from his home. No inventory will be on the property. Customers will pay the supplier directly and the goods would be shipped directly to the buyer.

Mr. Watson stated that there would not be any signage on the property.

HEALTH DEPARTMENT: – The Cecil County Health Department has no objection to this Special Exception.

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: None.

RECOMMENDATION:

Staff recommended approval for two (2) years.

ACTION: Motion to recommend approval per staff's recommendation was made by Mr. Johnston. Motion seconded by Mr. Wallace.

VOTE: The recommendation of approval for two (2) years, unanimously carried.

The next meeting for this application will be January 28, 2020 before the Board of Appeals.

FILE: 3988 - APPLICANT: William, Jr. & Erika Hawley.

FOR: Special Exception Renewal for placement of a doublewide manufactured home on the property for hardship purposes.

PROPERTY LOCATION: 3541 Telegraph Road, Elkton, MD 21921, Election District: 4; Tax Map: 13, Parcel: 637.

PROPERTY OWNER: William, Jr. & Erika Hawley.

PRESENTLY ZONED: Northern Agricultural Residential, (NAR).

William Hawley appeared and presented an overview of the application. Mr. Hawley explained that due to the continued care of his Father in-law, Ralph Jewell, he has been unable to move forward with the building of his home at this location. He is asking for an extension as they continue to care for Mr. Jewell.

Mr. Lightner stated that staff has not received any complaints regarding this special exception over the last two (2) years.

HEALTH DEPARTMENT: A Building Permit 201729223 was approved for placement for a new three (3) bedroom doublewide mobile home on an approved building lot with a one (1) 10,000 square foot sewage area being utilized by the mobile home. Any additional living units would require an additional 10,000 square foot sewage areas plus additional satisfactory soil evaluations (perc testing). A comment on the submitted plat that the temporary doublewide mobile home was to be removed within one (1) year of the main house being completed.

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: None.

RECOMMENDATION:

Staff recommended approval for two (2) years.

ACTION: Motion to recommend approval for as long as the applicant owns the property and the hardship remains, was made by Mr. Wallace.

Motion seconded by Ms. Bowsbey.

Discussion ensued regarding Mr. Hawley's long term plans for the property and the reason that a special exception was required for this use.

There was no vote taken on this motion.

ACTION: Motion to recommend approval for two (2) years after Ralph Jewell ceases to reside in the mobile home, was made by Mr. Kirsh.

Motion seconded by Ms. Johnston.

VOTE: The recommendation of approval for two (2) years after Ralph Jewell ceases to reside in the mobile home, unanimously carried.

The next meeting for this application will be January 28, 2020 before the Board of Appeals.

GENERAL DISCUSSION:

None.

The meeting adjourned at 6:41 p.m.

NEXT PLANNING COMMISSION MEETING: The next meeting will be on Wednesday, February 19, 2020 at 6:00 p.m. located in the Elk Room.

Respectfully submitted,

Jennifer Bakeoven
Administrative Assistant
Department of Land Use & Development Services
Division of Planning & Zoning

**CECIL COUNTY PLANNING COMMISSION
MEETING MINUTES
Wednesday, February 19, 2020
6:00 p.m.**

PRESENT: Pat Doordan - Chairman , Chad Johnston - Vice Chair, Don Harmer, Wyatt Wallace, Peter Kirsh, Bill Coutz (Ex-Officio), Eric Sennstrom (LUDS), Devyn King (LUDS/P&Z), Bryan Lightner (LUDS/P&Z), and Jennifer Bakeoven (LUDS/P&Z).

ABSENT: Bill Miners, Joyce Bowlsbey – Alternate, Ed Arellano (DEH), Deborah Sniadowski, Esq., Kordell Wilen (LUDS/DPR), and Steve O’Connor (LUDS/P&Z).

MINUTES: Motion was made by Mr. Wallace, seconded by Mr. Johnston and carried to approve the January 22, 2020, 6:00 p.m. meeting minutes as mailed. Mr. Harmer abstained from this vote as he was not in attendance at the January 22nd meeting.

SUBDIVISION:

No subdivision submittals were received for review by the Planning Commission.

MASTER WATER & SEWER PLAN – AMENDMENTS

- **Town of Perryville – Table 13 – Immediate, 5 and 10 Year Priorities for Sewerage Development.**
- **Town of Perryville – Table 15A – Sewer Pump Stations and Force Mains.**

Eric Sennstrom, Director, LUDS, presented the proposed amendments. The town of Perryville initiated upgrades to their wastewater collection system. They have applied for permits to the Maryland Department of the Environment. The County’s Master Water and Sewer Plan will need to reflect the proposed upgrades prior to the permits being issued by the State. The tables listed above are the proposed changes. See file.

HEALTH DEPARTMENT: The Cecil County Health Department has no objection to the proposed amendments.

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: None.

RECOMMENDATION:

Staff recommended approval of the requested changes to the Master Water & Sewer Plan.

ACTION: Motion to recommend approval per staff’s recommendation was made by Mr. Johnston. Motion seconded by Mr. Wallace.

VOTE: The recommendation of approval, unanimously carried.

The next meeting for this application will be March 3, 2020 before the County Council.

AGRICULTURAL PRESERVATION DISTRICT:

FILE CE-20-02 -APPLICANT: McKeown Family, LLC.

FOR: Preservation District Establishment.

PROPERTY LOCATION: E/S Locust Point Road, Elkton, MD 21921, Election District: 2, Tax Map; 38, Grid: 8, Parcels: 511 & 532

ACREAGE: 220.

PROPERTY OWNERS: McKeown Family, LLC, Robert D. McKeown, Jr, Managing Member, Deborah L. McKeown, Managing Member.

PRESENTLY ZONED: Northern Agricultural Residential, (NAR).

Devyn King, LUDS/ P&Z presented the staff report for this application:

The proposed district property is located off of Locust Point Rd. in Elkton, MD 21921; and further identified as Tax Map 38, Grid 8, Parcels 511 and 532.

Zoned NAR, the property is located in the 2nd Election District, and contains 220 acres. An approximately 9.5-acre area formerly used as a mining site will be excluded from the District.

The proposed district is located outside of current and planned Master Water & Sewer Plan service areas.

Chapter A385-3 of the Code of Cecil County set the regulatory Criteria for the establishment of an Agricultural Preservation District.

Subsection C of Chapter A385-3 requires that all Districts consist of a minimum of 50 contiguous acres. This proposed District contains 210.5 acres and does meet this requirement.

Subsection D of Chapter A385-3 requires that all districts consist of "a minimum of 50% of USDA soil capability classes I, II, & III; and if the property is wooded than at least 50% of the soils shall be woodland groups 1 and 2. This proposed district contains a total of 142.71 (67.8%) acres of class I, II, and III soils, and the proposed district contains a total of 60.33 (28.66%) acres of woodland groups 1 and 2 soils. Thus 203.08 acres or 96.47% of the proposed district consists of the required soil types. (Note: The soil calculations on the application form are incorrect due to a faulty formula).

The Agricultural Preservation Advisory Board voted favorably for this proposed district.

HEALTH DEPARTMENT: Cecil County Health Department has no objection to Preservation District Establishment.

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: None.

RECOMMENDATION:

Staff recommended approval.

ACTION: Motion to recommend approval per staff's recommendation was made by Mr. Wallace.

Motion seconded by Mr. Johnston.

VOTE: The recommendation of approval, unanimously carried.

The next meeting for this application will be March 3, 2020 before the County Council.

REZONING:

FILE: 2020-01 APPLICANT: Roger D. & Glendora Dvorak.

REQUEST: Request to rezone 39.41 acres from Low Density Residential, (LDR) to Northern Agricultural Residential, (NAR).

PROPERTY LOCATION: 119 Nottingham Road, Elkton, MD 21921, Election District: 3, Tax Map: 26, Parcel: 10.

PROPERTY OWNER: Roger D. & Glendora Dvorak.

PRESENTLY ZONED: Low Density Residential, (LDR).

Dwight Thomey, Esq. and Roger Dvorak, appeared and presented an overview of the application. Mr. Thomey explained that his client believes that a mistake was made in the Comprehensive Rezoning. Due to the belief that water and sewer will never be available in this area and the property's soils are subject to seasonal testing for percolation, the land would not be used for residential development. Should the rezoning be approved, Mr. Dvorak would like to enter into an agreement to place a power generation facility (solar panels) on fourteen (14) acres of his property. The use would require a Northern Agricultural Residential zoning designation of the property then a subsequent approval of a Special Exception to operate a power generation facility on the property.

HEALTH DEPARTMENT: Cecil County Health Department has no objection to the Rezoning request.

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: Kathleen Grace, 8 Heisler Avenue, North East owns the property located at 156 Nottingham Road, Elkton. Ms. Grace explained that she is not necessarily against the rezoning request, she just has some questions and concerns regarding the proposed use of the property should the rezoning be granted. She stated that she is concerned about stormwater run off from the property. She explained that she is glad to hear that the solar panels will not cover the entire property and that they will be screened from sight.

William Denney, 235 Nottingham Road, Elkton also stated that he is not against the rezoning request but also has questions regarding the proposed use. Mr. Denney explained that he wanted to make certain that by Mr. Dvorak's property being rezoned, his property's zoning designation would not change. He was also concerned that if solar panels are installed in the future, certain herbicides would not be used to control weeds and such. Otherwise, he is not against the rezoning application.

RECOMMENDATION:

Staff recommended approval, due to a demonstrated mistake in the 2011 Comprehensive Rezoning.

ACTION: Motion to recommend approval per staff's recommendation was made by Mr. Johnston. Motion seconded by Mr. Harmer.

VOTE: The recommendation of approval due to a demonstrated mistake in the 2011 Comprehensive Rezoning, unanimously carried.

The next meeting for this application will be March 17, 2020 before the County Council.

SPECIAL EXCEPTIONS:

FILE: 3991 - APPLICANT: Blake & Lisa Ward.

FOR: Special Exception Renewal to operate a home occupation.

PROPERTY LOCATION: 1690 Colora Road, Colora, MD 21917, Election District: 6; Tax Map: 17, Parcel: 639, Lot 4A.

PROPERTY OWNER: Blake & Lisa Ward.

PRESENTLY ZONED: Northern Agricultural Residential, (NAR).

Blake and Lisa Ward appeared and presented an overview of the application. Mrs. Ward explained that they have a tea room in their home that is currently open for private events / by appointment only. She would like to eventually open to the public.

HEALTH DEPARTMENT: Permit 201624247 was approved as a three (3) bedroom dwelling. The proposed Tea Room would require 45' of additional drainfield. Based on 450 gallon of additional flow calculated from actual installation flow calculated from actual installation. Additional trench would not be required if one (1) bedroom is converted to the tearoom and seats are no more than 15 seats.

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: None.

RECOMMENDATION:

Staff recommended approval, for as long as the applicants own the property and operate the business.

ACTION: Motion to recommend approval per staff's recommendation was made by Mr. Johnston. Motion seconded by Mr. Kirsh.

Discussion ensued regarding whether another abbreviated approval should be recommended due to the business not yet being open to the public.

Members in favor of approval for as long as the applicants own the property and operate the business include, Mr. Johnston, Mr. Harmer and Mr. Kirsh.

Mr. Wallace voted against said approval.

VOTE: The recommendation of approval for as long as the applicants own the property and operate the business, carried.

The next meeting for this application will be February 25, 2020 before the Board of Appeals.

GENERAL DISCUSSION:

None.

The meeting adjourned at 6:45 p.m.

NEXT PLANNING COMMISSION MEETING: The next meeting will be on Monday, March 16, 2020 at 6:00 p.m. located in the Elk Room.

Respectfully submitted,

Jennifer Bakeoven
Administrative Assistant
Department of Land Use & Development Services
Division of Planning & Zoning

**CECIL COUNTY PLANNING COMMISSION
MEETING MINUTES
Monday, March 16, 2020
6:00 p.m.**

PRESENT: Chad Johnston - Vice Chair (via telephone), Wyatt Wallace, Peter Kirsh, Joyce Bowlsbey – Alternate, Eric Sennstrom (LUDS), Bryan Lightner (LUDS/P&Z), and Jennifer Bakeoven (LUDS/P&Z).

ABSENT: Pat Doordan – Chairman, Don Harmer, Bill Miners, Bill Coutz (Ex-Officio), Ed Arellano (DEH), Deborah Sniadowski, Esq., Kordell Wilen (LUDS/DPR), and Steve O’Connor (LUDS/P&Z).

MINUTES: Motion was made by Mr. Wallace, seconded by Mrs. Bowlsbey and carried to approve the February 19, 2020, 6:00 p.m. meeting minutes as mailed.

SUBDIVISION:

No subdivision submittals were received for review by the Planning Commission.

FY 2021 CAPITAL IMPROVEMENT PROGRAM

Rebecca Anderson, Budget Manager and Scott Flanigan, Director – Department of Public Works, appeared and gave an overview of the program.

Discussion ensued regarding the proposed location of the transit hub and the access provided to the property owners on Edgar Price Road.

HEALTH DEPARTMENT: *CCAS Phase 2 Building Expansion/Sprinkler*

This facility is serviced by holding tanks. Holding tanks need to be pumped at a regular frequency. No suitable soil is available for a conventional, or an innovative or alternative septic system on this property. There is an existing dug well on the property that needs to be abandoned and sealed, contact the Cecil County Health Department for procedures.

The Cecil County Health Department has no comment on the remaining projects seeking Planning Commission approval.

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: None.

RECOMMENDATION:

Staff recommended approval, based on the Capital Improvement Program being consistent with the Comprehensive Plan.

ACTION: Motion to recommend approval per staff’s recommendation was made by Mr. Wallace. Motion seconded by Mrs. Bowlsbey.

VOTE: The recommendation of approval, based on the Capital Improvement Program being consistent with the Comprehensive Plan, unanimously carried.

SPECIAL EXCEPTION:

FILE: 3994 - APPLICANT: Greg & Kathy Ann Joseph.

FOR: Special Exception to operate a campground and conference center.

PROPERTY LOCATION: 307 Wapiti Lane, North East, MD 21901, Election District: 5; Tax Map: 46, Parcel: 27.

PROPERTY OWNER: Wapiti Land Company.

PRESENTLY ZONED: Northern Agricultural Residential, (NAR).

Greg Joseph appeared and presented an overview of the application. Mr. Joseph explained that he and his wife are looking to purchase this land which adjoins their land. They run a camp on their property and would like to operate on this parcel similar to their current operation. This property was granted a Special Exception approximately 15 years ago but the approval is contingent on the current owners owning the property. This special exception is to reflect the Josephs owning the property.

HEALTH DEPARTMENT: This property has not been licensed by the Health Department as a camp since 2008. The Health Department has no knowledge of any activity on this property since that date. The Health Department would need to receive in writing the intended use for the property, specifically if for a camp, the various camping related activities, numbers of attendance, hours of operation, and proposed sewage capacity and water usage. Additional permitting may be required depending upon any other additional Health Department regulated activities that may be proposed.

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: None.

Mr. Lightner stated that a letter was received from the Critical Area Commission (CAC) and read an excerpt from the letter. The CAC did not see any issues with the proposed use. See file for letter.

RECOMMENDATION:

Staff recommended approval so long as the applicants or their Limited Liability Company own the property and meet the requirements of Sections 85 and 101 of the Cecil County Zoning Ordinance.

ACTION: Motion to recommend approval per staff's recommendation was made by Mrs. Bowlsbey. Motion seconded by Mr. Wallace.

VOTE: The recommendation of approval so long as the applicants or their Limited Liability Company own the property and meet the requirements of Sections 85 and 101 of the Cecil County Zoning Ordinance carried.

The next meeting for this application will be March 24, 2020 before the Board of Appeals.

GENERAL DISCUSSION:

None.

The meeting adjourned at _____ p.m.

NEXT PLANNING COMMISSION MEETING: The next meeting will be on Monday, April 20, 2020 at 6:00 p.m. located in the Community Services Dining Room.

Respectfully submitted,

Jennifer Bakeoven
Administrative Assistant
Department of Land Use & Development Services
Division of Planning & Zoning

**CECIL COUNTY PLANNING COMMISSION
MEETING MINUTES
Monday, April 20, 2020
6:00 p.m.**

PRESENT: Chad Johnston - Vice Chair, Wyatt Wallace, Peter Kirsh, Don Harmer, Joyce Bowlsbey – Alternate, Bill Coutz (Ex-Officio), Stephen O’Connor (LUDS / P&Z), Kordell Wilen (LUDS / DPR), Bryan Lightner (LUDS/P&Z), and Jennifer Bakeoven (LUDS/P&Z).

ABSENT: Pat Doordan – Chairman, Bill Miners, Ed Arellano (DEH), Deborah Sniadowski, Esq.

MINUTES: Motion was made by Mr. Wallace, seconded by Mr. Kirsh and carried to approve the March 16, 2020, 6:00 p.m. meeting minutes as mailed.

SUBDIVISION:

- 1. Blue Ball Investment Group, LLC, 4 Lots, Request to remove condition of Preliminary Plat approval, Blue Ball Road and Telegraph Road, McCrone, Inc., Ninth Election District.**

David Strouss, McCrone, Inc. appeared and presented an overview of the project and request. Mr. Strouss explained that they are looking to postpone the subdivision for this phase of development (site plan).

Peter Kirsh read the comments of the Health Department:
The Health Department has no objection to this request.

Mr. O’Connor, P&Z, read the comments of the department:
This proposal was found not to be in compliance with §3.8 of the Subdivision Regulations regarding public notification¹.

The purpose of this submittal before the Planning Commission today is to consider removal of the fourth (4th) condition of the 2008 Preliminary Plat approval, which is still valid. If approved, only the condition would be changed, but the Preliminary Plat expiration date will remain the same.

While this is a distinct project from Mendenhall Square, the items in that subdivision’s approval influence this proposal

This is the BG zoned remaining lands portion of the Mendenhall Square Concept Plat that was approved on 7/21/2003.² The eighth condition of Concept Plat approval required a Bufferyard C between the NAR and BG zoned portions of the site.

¹ The required sign posting was inspected on April 6, 2020. Due to the COVID-19 restrictions, the applicant is notified that the sign should be replaced as soon as possible once the state of emergency is lifted. Evidence of the sign posting should be sent to the Division of Planning & Zoning.

² The Concept Plat (31 plus 4 minor lots on 94.2 acres, for a proposed density of 1du/3.039 acres) was approved on 7/21/2003, conditioned on:

1. A **boundary line survey** being completed prior to TAC’s review of the Preliminary Plat;
2. A **JD** being completed prior to Planning Commission’s review of the Preliminary Plat;
3. All proposed lots other than 34 & 35 having access off the internal roads;
4. The proposed Blackborne Drive entrance aligning directly with Blue Ball Village Drive;
5. A **TIS** with signal warrant analysis of the Blue Ball Rd/MD 273 intersection being completed prior to the TAC review of the Preliminary Plat;

The Phase 1 Preliminary Plat's approval³ was conditioned on pedestrian access being designed into the plat from the residential to the commercial portion of the property.

The Concept Plat for Mendenhall Square was re-approved⁴ with all the conditions of the 7/21/2003 approval remaining in effect.

The Preliminary Plat for this project was approved by Planning Commission on 7/21/2008, with 9 conditions:

1. Health Department requirements being met;
2. DPW requirements being met;
3. A Traffic Impact Study being completed prior to Final Plat review;
4. Final Plat approval preceding all site plan approvals;
5. The FCP being approved prior to Final Plat review;
6. All Landscape Plans being approved prior to future site plan approvals;
7. All details between Final Plat and the FCP and future Landscape Plan matching up;
8. Per the Mendenhall Square Phase 1 Preliminary Plat's condition of approval, the Final Plat and all future site plans showing pedestrian access from the residential portion of the project; and
9. Deed restrictions for the long-term protection of the Forest Retention/Afforestation Areas (FRAs) being recorded and noted on the plat prior to recordation, with the metes & bounds description of the FRA being shown on the Final and Record Plats.

The Preliminary Plat approval was extended by the Planning Commission on 7/19/2010 to expire on 7/19/2012.

The Preliminary Plat approval was extended by the Planning Commission on 7/16/2012 to expire on 7/31/2014.

The Preliminary Plat approval was extended by the Planning Commission on 7/21/2014 to expire on 7/31/2016, with an additional condition:

1. Any subsequent extension submissions including a note, to the effect, that the signature and seal date differs but otherwise the plat is identical to the plat approved on 7/21/2008⁵.

The Preliminary Plat approval was extended by the Director of Planning & Zoning on 7/18/2016 to expire on 7/31/2018.

The Preliminary Plat approval was extended by the Director of Land Use & Development Services on 7/17/2018 to expire on 7/31/2020.

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6. **Lot 34's** Bufferyard **C** requirement along Blue Ball Road and the **street tree** requirement along Blackborne drive **being waived** in favor of a rear Bufferyard **B** and a **row of pines** along the side lot lines;
 7. A setback modification being granted for the existing building on proposed lot 34;
 8. The Bufferyard C requirement along MD RTE 273 being waived and a Bufferyard C being provided between the **BG** zone and the **NAR** zone; and
 9. Dry hydrants or a drafting tank being discussed with the Rising Sun Fire Company and a report being made to the Planning Commission with the Preliminary Plat.

³ The Phase 1 Preliminary Plat was approved on 6/21/2004, conditioned on:

1. Health Department requirements being met;
2. DPW requirements being met;
3. The **TIS recommendations** being **agreed to** by the County and SHA;
4. The FCP and Landscape Plan being approved prior to Final Plat review;
5. The FRAs being depicted on the plat, and the details of the FCP, Landscape Plan, and Final Plat matching up;
6. The inclusion of a 30,000 gallon drafting tank in the final design; and
7. Pedestrian access being designed into the plat from the resident to the commercial portion of the property

⁴ The 7/21/2003 Concept Plat approval had lapsed.

⁵ Per the July 2014 PC meeting minutes the surveyors seal and signature are dated 6/19/2012, whereas the date on the plat is "July 2008".

This project location is situated within the 2010 Comprehensive Plan's Resource Conservation District (RCD) land use district.

The project is not within a Priority Funding Area (PFA); It is within a Priority Preservation Area (PPA).

The site is within the Business General (BG) zoning district.

The property is not located within a Critical Area overlay zone.

The site is not located within a Floodplain district per FEMA FIRM panel 24015C0075E effective May 4, 2015. The floodplain note should be updated reflect the most recent maps.

The BG zone does not have a maximum base density, rather a Major Site Plan must be approved for any new buildings, additions, use or expansion that is greater than 1,000 square feet of disturbance in this zone per Article III, Part V, §35.2 of the Zoning Ordinance. Any project less than 1,000 square feet requires a Minor Site Plan.

As established by the County's adoption of the Sustainable Growth and Agricultural Preservation Act's tier map, this site is located within a Tier III⁶ area. However, this project is "grandfathered"⁷ from tier map restrictions.

This site is located outside of an existing and future water and sewer service areas on the 2019 Master Water & Sewer Plan.

The site is located within the Rising Sun Fire Company (009) service area. As of September 13, 2019, the Division of Planning & Zoning is requesting this information be placed on all subdivisions and site plans for the benefit of the State Department of Assessments and Taxation.

§4.1.8 of the Subdivision Regulations requires the TAC and subsequently the Planning Commission, will, in general, be reviewing the Preliminary Plat with specified criteria:

1. Conformance to the provisions of the Cecil County Comprehensive Plan and Cecil County Zoning Ordinance.
2. Conformance to the approved density and layout and any conditions of Concept Plat approval, including, but not limited to, completion of the boundary line survey, completion and review of any Traffic Impact Study by appropriate State and County departments, approval of the Preliminary Stormwater Management Plan, approval of the Preliminary Forest Conservation Plan and/or Preliminary Environmental Assessment.
3. Conformance to the applicable provisions of the Cecil County Zoning Ordinance and these regulations.
4. Protection of wetlands, streams, area of steep slope and shorelines, including but not limited to, the Cecil County Critical Area program and corresponding sections of the Cecil County Zoning Ordinance.

⁶ Tier III – The County may approve a major subdivision served by on-site sewage disposal systems, community systems, or a shared facility only if the Planning Commission recommends its approval and conducts a review that includes the cost of providing local government services to the residential subdivision and the potential environmental issues or natural resource inventory related to the proposed residential major subdivision. If a minor subdivision is approved on the property after 31 December 2012, no further subdivision can occur.

⁷ Grandfathering provisions apply to all projects receiving Preliminary Plat approval prior to 1 October 2016

5. Protection of forested, reforested, or afforested areas as required by the Cecil County Forest Conservation Regulations.
6. Conformance to all requirements of the Cecil County Department of Public Works, including but not limited to, stormwater management requirements.
7. Conformance to all requirements of the Cecil County Department of Environmental Health.; and
8. Conformance to the requirements of other State and County departments, as may be applicable.

Furthermore, per §4.1.17 of the Subdivision Regulation requires the Director of Land Use and Development Services shall consider the following when determining Preliminary Plat extensions:

- a. Change in adjoining land use
- b. Change in street or highway plan
- c. Change in zoning or subdivision regulations

For the record, the intersection of MD RTE 273 and Blue Ball Rd., which this site adjoins, has changed from a stop sign on Blue Ball Rd, and free flow traffic on MD RTE 273 to a Traffic Circle since the last Preliminary Plat extension. The applicant is notified that this will be a consideration if another extension of the Preliminary Plat is sought.

Article III, Part V, §39.3 & §39.4 of the Zoning Ordinance provides the Bufferyard and Landscaping requirements for the BG zoning district.

Article VI of the Zoning Ordinance provides for minimum lots standards and setback in the Schedule of Zoning Regulations. This site is not served by sewer thus the “Areas not served by Community Facilities” applies. In the BG zone the minimum lot size is 20,000 square feet and lot width is 65 feet. The front setback is 50 feet. The rear setback is 60 feet, which can be reduced to 30 feet when the use abuts land zoned “business” or “industrial”. The side yard setback(s) are 50 feet, which can be reduced to 10 feet when the use abuts land zoned “business” or “industrial”. The maximum permissible height is 65 feet, and the minimum road frontage is 50 feet.

- Since the maximum building height is not standard with most other zoning districts, staff requests the height limit to be placed on the plat.
- There is a note on the plat to stating that road frontage requirements for Lot 4 are waived per Article VII, §171.4 by using shared ingress and egress for newly created business parks with a maximum of 3 lots using the shared access. Legal instruments for this shared access must be reviewed and approved by the County attorney, signed and recorded prior to approval of the subdivision.

A 25’ buffer is required around all non-perennial streams and non-tidal wetlands present per the Zoning Ordinance, Article IX, §174.2 & §174.4 respectively. Permits are required from the (US Army) Corps of Engineers and MDE for all non-tidal wetland and stream impacts prior to recordation. JD’s are required in conjunction with permitting. If no permits are required, and if the proposed project meets the policy standards established on 3/20/1995 and revised on 1/16/1996; or if the FSD/Conceptual Environmental Assessment finds that there are to be no impacts to field-delineated wetlands or stream impacts; or if the FSD/Conceptual Environmental Assessment finds that there are no wetlands or streams and that finding is consistent with the details of County wetlands maps and USGS quad maps, then no JD is required. If required, then a JD is recommended to be done prior to Final Plat review by the Planning Commission, but required to be completed prior to recordation.

Article IX, §174.5 of the Zoning Ordinance requires that dwellings or impervious surfaces shall not occur on slopes with a grade of 25% or more covering a contiguous area of 10,000 ft² or more. On slopes between 15

and 25%, good engineering practices shall be used to ensure sediment and erosion control and slope stabilization before, during and after disturbance activities.⁸

Article IX, §174.6 of the Zoning Ordinance requires development shall avoid areas of Rare, Threatened, and Endangered (RTE) species as defined by the Maryland DNR, Natural Heritage Program. The letter on file for this site is from June 2003. Since nearly 17 years have passed, an updated letter should be provided prior to Final Plat submittal or Site Plan approval.

Article IX, §174.7 of the Zoning Ordinance requires that all regulated activities defined by the Cecil County Forest Conservation Regulations shall meet all requirements a prescribed herein. Planning and Zoning staff reports that the Preliminary Forest Conservation Plan (PFCP) was approved on March 14, 2008. The applicant is hereby given notice that the requirements for forest conservation have been updated since that approval, and the Final Forest Conservation Plan (FFCP) must meet the current standards.

Any tree removal within a public right-of-way requires approval from the Maryland Department of Natural Resources.

Article X, §184 requires that for all Major Subdivisions that all landscaping as provided in Article III shall be required. Again, Article III, Part V, §35.3 provides for a Bufferyard and street tree requirements in the BG zoning district.

A Bufferyard meeting the C standard in Appendix B of the Zoning Ordinance is required along all Collector and Arterial Roads. A 25' Bufferyard C is shown along MD RTE 273, however a 15' Bufferyard C is shown along Blue Ball Rd. There is not a 15' standard for Bufferyard C in Appendix B. Could the applicant please clarify? Mr. Strouss explained that he did not know why there is a discrepancy but his client will comply with the Bufferyard C requirement.

Since the project does not propose any new streets, the Street Tree requirement is moot.

A Landscape Plan (LP) must be approved prior to Final Plat submittal or Site Plan approval, whichever comes first.

A cost estimate for the installation and maintenance of the proposed plantings must be submitted prior to Final Plat submittal or Site Plan approval, whichever comes first.

A Landscape Agreement (LA) with financial surety must be submitted prior to recordation of the Final Plat or Site Plan approval, whichever comes first.

It should be noted that the section of MD RTE 273 is a scenic byway. While off-premise signs are permissible in the BG zone, they are prohibited by the State Highway Administration (MDOT-SHA). It is suggested that a note to this effect be placed on all future subdivision and/or site plans submittals.

The proposed subdivision indicates that the sites will share parking facilities. Article XIV, §272.2 requires that a parking plan be completed.

The proposed subdivision indicates that the site will have over 100 parking spaces. When a site is over 100 spaces Article XIV, §273.8 requires that additional landscaping is required.

⁸ The Cecil County Subdivision Regulations define steep slopes as "15 percent or greater incline." The Cecil County Zoning Ordinance defines steep slopes as consisting of a grade of 25% or more covering a contiguous area of 10,000 ft² or more. The Cecil County Forest Conservation Regulations define steep slopes as "areas with slopes greater than 25 percent slope."

The aforementioned Parking Plan and additional landscaping must be approved prior to either submittal of the Final Plat or Final Site Plan approval, whichever comes first.

A Traffic Impact Study (TIS) for this project was submitted in 2015. It is unclear if this was approved and/or recommendations of that TIS were implemented. The third condition of the 2008 preliminary plat approval required a TIS being complete prior to Final Plat review. The TIS should be updated, reviewed, and accepted to reflect the change to traffic with the implementation of the traffic circle prior to submittal of the Final Plat.

The proposed pedestrian walkway along Blue Ball Rd. does not align with the walkway in the adjoining Mendenhall Square subdivision (PC 1105/16). The pedestrian walkway on this proposal must be realigned prior to Final Plat or Site Plan approval to connect with the platted location of this walkway.

Is the proposed pedestrian walkway along MD RTE 273 going to be large enough to accommodate multi-uses, including bicycles? Mr. Strouss explained that State Highway Administration stated that they do not want sidewalks installed along MD RTE 273.

The Division of Plans Review reports that the Preliminary Stormwater Management (SWM) was approved prior to the original 2008 Preliminary Plat approval. That has now expired. Therefore, Preliminary and Final Stormwater Management (SWM) Plans must be approved prior to submittal of the plat to the Planning Commission or approval of the Site Plan, whichever comes first.

A Final Forest Conservation Plan (FFCP) must be approved prior to Final Plat Submittal or Site Plan approval, whichever comes first.

Notification from DPR that Public Improvement Plans (i.e. street and storm drain plans, water and sewer plans, stormwater plans) have obtained final technical approval must be submitted to Planning & Zoning prior to submittal of the Final Plat in accordance of §4.2.14 of the Subdivision regulations.

Per §4.2.15 of the Subdivision Regulations, Public Works Agreements and Inspection and Maintenance agreements must be recorded prior to the Chief of DPR signing the record plats.

Per §4.2.16 of the Subdivision Regulations, proposed covenants, easements or restrictions of Public or Common spaces must be reviewed by the County Attorney and recorded prior to recordation of the Final Plat.

School information:	Elementary	Middle	High School
9/30/2019	Calvert ES	Rising Sun MS	Rising Sun HS
FTE	443	684	1122
Capacity	433	818	924
% Utilization	102%	84%	121%

Preliminary Plat Requirements:

- (a) The Preliminary Plat shall be submitted by the developer on paper and shall be clear and legible. The scale shall be no smaller than 1" = 100' (1" = 200' where the average lot size is greater than five (5) acres as approved by the Office of Planning and Zoning). When more than one (1) sheet is required, an index sheet of the same size shall be submitted showing the entire subdivision drawn to scale. Each sheet must have the surveyor's seal. Incomplete plats will not be accepted by the Office of Planning and Zoning. For Planning Commission review only, a Preliminary Plat will be not considered complete if the boundary line survey has not been completed, the Traffic Impact Study (if required) has not been completed, the documentation of the completed jurisdictional determination (if applicable) has not submitted, and the Preliminary Forest Conservation Plan has not been approved prior to submittal of said Preliminary Plat (if in the Critical Area, a Preliminary Plat will not be considered complete unless the Preliminary Environmental Assessment has been approved prior to submission of said Preliminary Plat). In addition, for Technical Advisory Committee and Planning Commission review, a Preliminary Plat will be not considered complete if the public notification sign(s) have not been properly installed, if the electronic version of the plat has not been submitted for posting on the County's website, and if the submission fee, established in Appendix A, has not been paid. Incomplete Preliminary Plats will be returned to the subdivider within fifteen (15) days of submission for completion and resubmission by the subdivider at a later date.
- (b) A vicinity map indicating the location of the property with reference to surrounding property, streets, landmarks, streams, etc. (scale shall be no smaller than 1"=2000'), and conforming to Section 2.4.4 on the designation of the remainder. The tax map, block (grid), parcel number(s) shall also be shown.

- (c) The names, liber and folio of all adjoining property. In the event that a recorded subdivision adjoins the land to be developed, the subdivision name, and recording reference shall be indicated. In the event that a historic district or other officially designated historic site adjoins the land to be developed, it shall be identified.
- (d) Title information:
 - 1. Proposed name.
 - 2. Scale of Plat (feet and meters).
 - 3. Location by election district, County and State.
 - 4. Date.
- (e) Name and address of the owner and registered engineer or surveyor licensed in the State of Maryland responsible for the preparation of the plat, signature, and seal of the engineer, surveyor and corporation required.
- (f) Northpoint. Indicate if true north.
- (g) Boundary of proposed subdivision.
- (h) All existing pertinent features either natural or manmade that may influence the design of the subdivision, such as important trees or wooded areas, power transmission towers, existing buildings and structures and water courses.
- (i) Existing topography at 2- or 5-ft contour intervals. Contour lines shall be indicated 100 ft beyond the subdivision boundary. Contours shall be based on government bench marks when available within 2000 ft of property or by estimation from USGS quadrangle maps. Data shall be stated in all cases and a reference or bench mark described on the plat together with elevation. Source of contours shall be stated on plat, such as, field run topo, or aerial topo, etc. Interpolation of contours from USGS quadrangle maps will not be accepted unless previously approved by OPZ.
- (j) Location, width, and names of all streets and/or alleys on or adjoining the subdivision; this should include plats which have preliminary approval as well as those recorded but unimproved and all existing easements (to be indicated with dashed lines).
- (k) Location of existing and proposed utilities on or within 200 ft of the tract with approximate pipe sizes and directions of slope indicated (should include electric and telephone poles or towers).
- (l) The layout of all proposed and existing lots with approximate dimensions and minimum building line should be indicated. All major subdivisions must be provided with coordinates consistent with the geodetic control requirements approved by the Board of County Commissioners on 15 May 2007.
- (m) The preliminary layout of all proposed streets and pedestrian ways, including width of right-of-way, pavements, storm drains, and grades.
- (n) The approximate location, dimensions, and area of all property proposed to be reserved or temporarily reserved for public use, or to be reserved for use of all property owners in the subdivision, and the location, dimensions and purposes of any proposed easements, including drainage easements.
- (o) Zoning district classification of the tract or parcel being subdivided.
- (p) Existing and proposed (schematic) drainage system, including the type(s) of structures, the floodplain, proposed stormwater management facility locations, and any deviations from standards, consistent with Section 7.5.
- (q) Locations of the septic disposal area, proposed wells and percolation information are to be indicated in accordance with the specifications of the Maryland State Department of Health and Mental Hygiene when individual sanitary facilities are to be used. If community sewerage and/or water systems are to be used, such notation shall be made on the Preliminary Plat.
- (r) The total number of lots, area of lots, the density, the total area of any open space, the total area of any common open space, any add-ons, total area and types of right-of-way dedicated, and total area of subdivision shall be indicated in table form. All acreage shall be accounted for, per the boundary line survey, and the Preliminary Plat density shall not exceed the approved Concept Plat density.
- (s) In cases of condominium or multi-family projects (apartments, townhouses, etc.), the following additional items shall be shown:
 - 1. Approximate location of each building, setbacks from all streets (public or private), property lines and distance between buildings.
 - 2. Number and types of units in each building.
 - 3. Total number of Units and sub-totals of each type.
 - 4. Number of parking spaces in each off-street parking area, and the space to unit ratio.
- (t) Soil types shall be shown.
- (u) Perimeter of the entire parcel as well as the section requiring approval.
- (v) For proposed subdivisions located in the **Critical Area**, the following additional information will be shown on the Preliminary Plat as applicable:
 - 1. Computation of the total area within the critical Area District, area within each of the land management classifications (i.e., IDA, LDA, RCA), and number of lots in the Critical Area;
 - 2. Slopes 15% or greater;
 - 3. Location and area extent of all soils exhibiting the following characteristics as determined by the Soil Survey, such as:
 - (a) Wet soils,
 - (b) Hydric soils and soils with hydric properties, and
 - (c) Highly erodible soils (soils on slopes greater than 15% or on slope greater than 5% with "K" values greater than 0.35).
 - 4. Location of all existing or proposed site improvements (including storm drains, culverts, retaining walls, fences, and stormwater management facilities, as well as sediment and erosion control structures);
 - 5. Location of open space, the Buffer and other buffer areas, forested areas and landscaping (the plan shall show all areas to be maintained as landscaping to be provided and the means by which such landscaping will be permanently maintained shall be specified);
 - 6. Location of all Habitat Protection Areas on the site;
 - 7. Location of tidal and non-tidal wetlands on and adjacent to the site and delineation of the watershed thereof;
 - 8. Location of eroding shoreline reaches, the rates of erosion, areas where shore erosion measures are in place, areas to be protected by installation of proposed erosion abatement approaches;
 - 9. Areas to be retained in agricultural use;
 - 10. Areas proposed for reforestation and afforestation;
 - 11. Total area of the site that will be temporarily disturbed during development and area that will be permanently disturbed (disturbed is defined as any activity occurring on a area which may result in the loss of or damage to existing natural vegetation);
 - 12. Proposed natural park areas, as appropriate; and
 - 13. The location of the Critical Area District Boundary, the Mean High Water Line and the landward edge of tidal wetlands.

In addition to the information above, the Preliminary Plan shall be accompanied by the following when the subdivision or development is proposed in the Critical Area, as required:

- (a) A Planting Plan reviewed by and addressing the comments of the Bay Watershed Forester;
- (b) A Habitat Protection Plan, including comments of the Maryland Forest, Park, and Wildlife Service, the Water Resources Administration, and other agencies as appropriate;
- (c) An executed Cooperators Agreement with the Cecil County Soil Conservation District, or a farm plan, as applicable;
- (d) A preliminary Stormwater Management Plan;
- (e) A preliminary Sediment and Erosion Control Plan;
- (f) A Shore Erosion Protection Plan – complete specification for complete shore erosion work;
- (g) Natural Park Management Plan, as appropriate; and

- (h) An Environmental Assessment, which provides a coherent statement of how the proposed development addresses the goals and objectives of the Cecil County Chesapeake Bay Critical Area Program. At a minimum, the Environmental Assessment shall include:
1. A statement of existing conditions, e.g. amount and type of forest cover, amount and type of wetlands, discussion of existing agricultural activities on the site, soil types, topography, etc.;
 2. A discussion of the proposed development project, including number and type of residential units, amount of impervious surface, proposed sewer treatment and water supply, acreage devoted to development, proposed open space and habitat protection areas;
 3. A discussion of the proposed development's impacts on water quality and Habitat Protection Areas; and
 4. Documentation of all correspondence and findings.

Mr. Wilen, DPR, read the comments of the division:

1. The Development Plans Review Division has reviewed the Preliminary Major Subdivision and Site Plan.
2. The stormwater management requirements; Concept, Preliminary and Final Environmental Site Design Plan must be approved prior to submittal for Final Plat Approval.
3. Additional conditions by the Department of Public Works at the July 21, 2008 Planning Commission meeting must be satisfied, but will not be read at this time.
4. Development Plans Review has no objection to the request, which would allow approval of the first phase Site Plans prior to the Final Major Subdivision Plat approval.

July 21, 2008 Planning Commission meeting comments:

1. A SWM plan, Road & Storm Drain plan, and a Mass and Final Grading plan must be approved by the CCDPW prior to submittal for Final Plat Approval. The fees for design review of this project must be provided at the time of first design submittals.
2. We will require a traffic impact study for this development. Its major objective must be to determine the traffic loading generated by this development. Particular interest must be paid to the issue of left turn stacking on Blue Ball Road waiting to enter this site. The final location of the Blue Ball Road access points will be determined after analyzing the data from this study. If this data is not available until the site plan phase the exact locations remain a fluid state. That is that the entrance location may be moved from what is presented here to what the Department finds acceptable as each of the site plans are presented for the four individual lots.
3. The Department strongly recommends that the traffic impact generated by this proposal be based on a worst case scenario of traffic loading by number & type of vehicles and that entrance locations be selected and approved accordingly.
4. Requirements for acceleration, deceleration and bypass lanes apply to any/all entrances proposed onto Blue Ball Road. Please clarify the plan presented on Sheet 2. Are you proposing to create a 10' wide paved lane along the entire Blue Ball Road frontage from the existing right turn lane at MD Route 273 to the Mendenhall Square property?
5. What type of truck traffic do you expect with the proposed site use? The entrance geometry must be accordance with Section 3.07.1 & 2 to accommodate the turning movements of the largest vehicle expected.
6. While the internal pavement arrangement does not fall under our jurisdiction outside of the proposed entrances the Department has some concern over the onsite cart way widths and geometry as to their ability to handle large delivery trucks operating in and out of this site. What we do not want to see is traffic backed out onto Blue Ball Road due to inadequate turning movements available onsite.
7. The well location for Lot 1 is at a point that is exposed to possible damage from truck traffic into both Lots 1 and 4. We recommend moving the well or at a minimum providing traffic barriers around it.
8. In using the existing SWM pond located on the west side of the site you must verify that the pond was designed and built to accommodate runoff from this site.
9. Do you propose installing curb along the Blue Ball Road frontage? If so how do you intend to handle the runoff from Blue Ball Road as well as the runoff that had been conveyed by the roadside drainage swale remove for the curb installation? Identify the runoff conveyance proposed for this frontage.
10. Preliminary plats must show storm water conveyance and SWM easements. These must be on the plat presented to the Planning Commission for review.
11. The following standard notes and requirements apply to this plat and project: The details of these notes and requirements will be identified in the record but will not be read at this time:
 - 11.1 The Final Plat Lot Grading and Lot Grading Plan Construction Limits Notes.
 - 11.2 Compliance with Sections 251-9.A (5), 251-13, and 251-15.D. of the Cecil County Stormwater Management Ordinance.
 - 11.3 Requirements for Stormwater Inspection and Maintenance Agreements.
 - 11.4 Requirements for Public Works Agreements.
 - 11.5 Requirements for Utility relocations.

Notes and requirements identified for record:

1. The Final Plat must include the Lot Grading Plan standard note. The Lot Grading Plan must include the standard construction limits note.
 - a. *Final Plat: "A lot grading plan has been approved by the CCDPW for the construction shown hereon. A site construction as built shall be submitted to the CCDPW prior to use and/or occupancy of any of the sites shown hereon. Any change to the Forest Retention, Forestation, and/or Reforestation will require a consistency review, of the SWM approval, with CCDPW."*
 - b. *Grading Plan: "No clearing or grading is permitted beyond the limits of disturbance shown hereon. Any expanded clearing and/or grading in the absence of an approved revised lot grading plan may be considered non-compliance with Chapter 251 of the Cecil County Code and either or both the developer and/or Builder may be subject to the enforcement of the penalty provisions therein."*
2. The downstream conveyance of storm water must be analyzed in accordance with Section 251-9 A. (5) of the County's SWM Ordinance. If stormwater discharge is directed off of the site on to adjacent property it is the responsibility of the Developer to obtain appropriate easements from the affected property owners per Sections 251-13 and 251-15.D of the Cecil County SWM Ordinance.
3. An Inspection & Maintenance Agreement is required for the private SWM facilities.
4. A Public Works Agreement is required for the proposed county road and all work done on Blue Ball Road.

Where determined necessary by the utility companies, the owner, the designer, or DPW, utility poles must be relocated at the Developer's expense.

COMMENTS IN FAVOR: None.

COMMENTS IN OPPOSITION: None.

Discussion ensued regarding septic requirements.

Mr. O'Connor read the recommendation of the staff:

RECOMMENDATION: There are numerous items that have expired or must be re-evaluated due to the amount of time since the original Preliminary Plat approval. However, a major Site Plan, even for multiple buildings, can be approved by staff provided that all of the Major Site Plan requirements are satisfied. Staff recommends approval of removing the condition that states "Final Plat approval preceding all Site Plan approvals." and adding a condition that "A Revised Preliminary Plat must be reviewed by the TAC and Planning Commission prior to the submittal of the Final Plat." in order to address the numerous items required to be updated.

A motion for approval per staff's conditions was made by Mr. Wallace.

The motion was seconded by Mr. Kirsh.

All approve, motion carried.

REZONING:

FILE: 2020-02 APPLICANT: Cecil Real Properties, LLC, c/o Thomas C. Kleine, Esq.

REQUEST: Request to rezone 395.37 acres from Suburban Transition, (ST) to Heavy Industrial, (M2).

PROPERTY LOCATION: 183 Zeitler Road, Elkton, MD 21921, Election District: 3, Tax Map: 305, Parcel: 23.

PROPERTY OWNER: Cecil Real Properties, LLC, Attn: Tom Ahearn.

PRESENTLY ZONED: Suburban Transition, (ST).

Thomas Kleine, Esq., Mark Ferguson, Expert Witness and David Strouss, McCrone, Inc. appeared and presented an overview of the application. Mr. Kleine and Mr. Ferguson gave testimony as to why they feel this parcel was mistakenly zoned Suburban Transition (ST) in the 2011 Comprehensive Rezoning. They feel a zoning designation of Heavy Industrial (M2) would be a more appropriate zoning designation. Mr. Ferguson provided the Commission with a history of the property and all its past uses and clean-up efforts.

HEALTH DEPARTMENT: The Health Department has no objection to the request.

Discussion ensued regarding the issues that may confront the developers with this zoning designation and how it may affect the surrounding properties, particularly on Laurel Run Road.

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: Donna Hollifield, 811 Marley Road, Phil Muhlmichl, 872 Marley Road and Theresa Pennington, 780 Blue Ball Road, all of Elkton, Maryland spoke in opposition. Collectively, they feel this type of zoning designation will bring uses that may be detrimental to the surrounding properties. They also have concerns regarding the conditions of Marley and Blue Ball roads and the large trucks that may come for the proposed use of the property.

RECOMMENDATION:

Staff recommended approval, based on a demonstrated mistake in the 2011 Comprehensive Rezoning.

ACTION: Motion to recommend approval per staff's recommendation was made by Mr. Kirsh. Motion seconded by Mr. Harmer.

Discussion ensued regarding notification that was made to adjoining property owners and general public.

VOTE: The recommendation of approval, based on a demonstrated mistake in the 2011 Comprehensive Rezoning, unanimously carried.

SPECIAL EXCEPTION:

FILE: 3996 - APPLICANT: Herman Cook.

FOR: Special Exception to operate a Commercial Kennel.

PROPERTY LOCATION: 67 Court House Point Road, Chesapeake City, MD 21915, Election District: 2; Tax Map: 48, Parcel: 136, Lot 2.

PROPERTY OWNER: Herman Cook, III & Jayne E. Vickery – Cook.

PRESENTLY ZONED: Southern Agricultural Residential, (SAR).

Herman Cook appeared and presented an overview of this application. Mr. Cook explained that he would like to operate a commercial kennel with the capacity of fifteen (15) dogs.

HEALTH DEPARTMENT: A solution to the waste from the dog kennel that is compliant with regulatory requirements needs to be conveyed to the Health Department

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: None.

RECOMMENDATION:

Staff recommended approval, conditioned on the requirements of Section 66 of the Zoning Ordinance being followed.

ACTION: Motion to recommend approval, conditioned on the Health Department's comments being addressed and the requirements of Section 66 of the Zoning Ordinance being followed, was made by Mr. Harmer. Motion seconded by Mr. Wallace.

Discussion ensued regarding why the staff did not include a time frame on the recommendation of approval.

VOTE: The recommendation of approval, conditioned on the Health Department's comments being addressed and the requirements of Section 66 of the Zoning Ordinance being followed, unanimously carried.

GENERAL DISCUSSION:

None.

The meeting adjourned at 7:45 p.m.

NEXT PLANNING COMMISSION MEETING: The next meeting will be on Monday, May 18, 2020 at 6:00 p.m. The meeting will be held in a virtual format hosted by the Perryville Room.

Respectfully submitted,

Jennifer Bakeoven
Administrative Assistant
Department of Land Use & Development Services
Division of Planning & Zoning

CECIL COUNTY PLANNING COMMISSION
MEETING MINUTES
Monday, May 18, 2020
Virtual meeting hosted by the Perryville Room
6:00 p.m.

PRESENT: Pat Doordan – Chairman, Chad Johnston - Vice Chair, Wyatt Wallace, Peter Kirsh, Don Harmer, Joyce Bowsbey – Alternate, Bill Coutz (Ex-Officio), Eric Sennstrom (LUDS), Stephen O’Connor (LUDS / P&Z), Kordell Wilen (LUDS / DPR), Bryan Lightner (LUDS/P&Z), Matthew Littlejohn (LUDS/P&Z) and Jennifer Bakeoven (LUDS/P&Z).

ABSENT: Bill Miners, Ed Arellano (DEH), Deborah Sniadowski, Esq.

MINUTES: Motion was made by Mr. Wallace, seconded by Mr. Kirsh and carried to approve the April 20, 2020, 6:00 p.m. meeting minutes as mailed.

2019 ANNUAL REPORT

Eric Sennstrom, Director – Land Use & Development Services, appeared and gave an overview of the 2019 Annual Report.

The Land Use Article of the Annotated Code of Maryland requires the Planning Commission to adopt an Annual Report and file it with the local legislative body by July 1st of each year. Mr. Sennstrom summarized the content of the report which includes various data concerning major / minor subdivisions, site plans, historic district applications, rezonings, agricultural preservation, special exceptions, variances, appeals, building permits and zoning violations.

The 2019 Annual Report also contains the roster for the several commissions and boards that are associated with the Division of Planning & Zoning such as Planning Commission, Board of Appeals, Agricultural Preservation Advisory Board, Historic District Commission, Agricultural Reconciliation Committee and the staff of Planning & Zoning.

Also included is the Appendices which includes maps highlighting each Election District 1-9, and the development activity that occurred within those districts, greater specificity provided as far as major / minor subdivision activity, land preservation, building permit, site plan for commercial/ industrial/ institutional, zoning enforcement and complaint, special exception / variance / appeals activities that has occurred within the county. Various maps are also included in the document.

HEALTH DEPARTMENT: None.

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: None.

A motion for the adoption of the 2019 Annual Report was made by Mr. Doordan.
The motion was seconded by Mr. Wallace

All approve. Motion carried.

With the adoption of the 2019 Annual Report, the report will be filed with the County Council of Cecil County and sent to the Maryland Department of Planning.

TEXT AMENDMENT – FOREST CONSERVATION REGULATIONS

- **Updates in accordance with Natural Resources Article 5-1610 – Fee in Lieu**
- **Updates for Forest Retention Banks**

Matthew Littlejohn, Plans Reviewer with the Division of Planning & Zoning, presented the text amendments through a PowerPoint presentation (See File).

HEALTH DEPARTMENT: None.

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: None.

STAFF RECOMMENDATION:

Staff recommends approval.

A motion of approval was made by Mr. Kirsh.
The motion was seconded by Mr. Wallace.

All approve. Motion carried.

The next meeting for this application will be June 16, 2020 before the County Council.

**The subdivision was moved to the end of the meeting due to technical difficulties.*

SPECIAL EXCEPTION:

FILE: 4001 - APPLICANT: 109-111 Providence Road, c/o Saul Ewing Arnstein & Lehr.

FOR: Special Exception to operate a power generation facility.

PROPERTY LOCATION: 109-111 Providence Road, Elkton, MD 21921, Election District: 4;

Tax Map: 13, Parcel: 349.

PROPERTY OWNER: 109-111 Providence Road, c/o David Fennimore.

PRESENTLY ZONED: Northern Agricultural Residential, (NAR).

Tom Prevas, Esq. and David Fennimore, appeared and presented an overview of the application. Mr. Prevas explained that when they came before the County Council for the rezoning of this property, they had asked to add parcel 360 to the application. He explained that although the rezoning was approved for both parcels 349 and 360, the decision issued by the County Council did not reflect parcel 360 being included.

HEALTH DEPARTMENT: The property is a Superfund site; prior to any Health Department approval, written approval of the proposed use from the Environmental Protection Agency is required.

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: None.

RECOMMENDATION:

Staff recommended approval, for as long as the applicant owns the property and operates the power generation facility.

ACTION: Motion to recommend approval, for as long as the applicant owns the property and operates the power generation facility and the omission of parcel 360 being rectified on the applicant's rezoning decision by the County Council, was made by Mr. Wallace.

Motion seconded by Mrs. Bowsbey.

VOTE: The recommendation of approval, for as long as the applicant owns the property and operates the power generation facility and the omission of parcel 360 being rectified on the applicant's rezoning decision by the County Council, unanimously carried.

The next meeting for this application will be May 26, 2020 before the Board of Appeals.

SUBDIVISION:

1. Part of the Lands of Triumph Industrial Development, LLC, Lots 22-24, Blue Ball Road, Preliminary / Final Plat, McCrone, Inc., Third Election District.

Donny Sutton, McCrone, Inc., appeared and presented an overview of the subdivision proposal. Mr. Sutton requested a setback modification for proposed lot 22 per section 170 of the Zoning Ordinance.

Mr. O'Connor, P&Z, read the comments of the department:

This proposal was found to be in compliance with §3.8 of the Subdivision Regulations regarding public notification.

§6.4.1 of the Subdivision Regulations allows for the elimination of a Concept Plat for commercial and industrial subdivisions per §§4.0.1 and 2.0 of said regulations.

§4.0.1 of the Subdivision Regulations allows for the elimination of a Concept Plat for projects with fewer than 10 lots OR 25 or fewer acres.

§2.0 of the subdivision regulations allows for a combined Preliminary-Final Plat if there are 1 to 5 lots.

This project proposes to create three new lots around existing buildings, thus meeting the criteria for the elimination of a Concept Plat and the submittal of a Preliminary-Final Plat

The site is within the Heavy-Industrial (M2) zoning district.

The M2 zone does not have a maximum base density, rather a Major Site Plan must be approved for any new development in this zone per Article III, Part VI, §39.2 of the Zoning Ordinance.

Since Subdivision Regulations came into effect on April 15, 1976, twenty-one (21) lots have been created through the major subdivision process.¹ A subdivision history is included in the minutes.

This project location is situated within the 2010 Comprehensive Plan's Employment (EMP) land use district.

The project is located within a Priority Funding Area (PFA).

As established by the County's adoption of the Sustainable Growth and Agricultural Preservation Act's tier map, a portion of this site is located within a Tier I² area.

¹ Three other lots were created via Minor Subdivision.

² The County may approve a minor or major subdivision only if all lots will be served by public sewer.

This site is located W1 (existing water service) and S1 (existing sewer service) on the 2019 Master Water & Sewer Plan.

Proposed Lot 24 is located within special flood hazard areas subject to inundation by the one (1)-percent annual chance (100-year) flood; base elevations not determined (Zone A). Proposed Lots 22 & 23 are not located within any special flood hazard areas. This is shown on FEMA firm map 24015C0176E with an effective date of that FEMA Panel of May 4, 2015.

The site is located within the Singerly Fire Company (003) service area. It is noted on the plat.

§4.1.8 of the Subdivision Regulations requires that the TAC and subsequently the Planning Commission, will, in general, be reviewing the Preliminary Plat with regard to the following points:

1. Conformance to the provisions of the Cecil County Comprehensive Plan and Cecil County Zoning Ordinance.
2. Conformance to the approved density and layout and any conditions of Concept Plat approval, including, but not limited to, completion of the boundary line survey, completion and review of any Traffic Impact Study by appropriate State and County departments, approval of the Preliminary Stormwater Management Plan, approval of the Preliminary Forest Conservation Plan and/or Preliminary Environmental Assessment.
3. Conformance to the applicable provisions of the Cecil County Zoning Ordinance and these regulations.
4. Protection of wetlands, streams, area of steep slope and shorelines, including but not limited to, the Cecil County Critical Area program and corresponding sections of the Cecil County Zoning Ordinance.
5. Protection of forested, reforested, or afforested areas as required by the Cecil County Forest Conservation Regulations.
6. Conformance to all requirements of the Cecil County Department of Public Works, including but not limited to, stormwater management requirements.
7. Conformance to all requirements of the Cecil County Department of Environmental Health.; and
8. Conformance to the requirements of other State and County departments, as may be applicable.

Article VI of the Zoning Ordinance is the Schedule of Zoning Regulations. This site is served by sewer thus the “Served by Community Facilities” applies. In the M2 zone the minimum lot size and lot width are “As required” to meet the requirement of the use. The front setback is 75 feet, which can be reduced to 30 feet when access is from an internal street serving a business park. The rear setback is 60 feet, which can be reduced to 30 feet when the use abuts land zoned “business” or “industrial”. The side yard setback(s) are 50 feet, which can be reduced to 30 feet when the use abuts land zoned “business” or “industrial”. The maximum permissible height is 75 feet, and the minimum road frontage is 50 feet.

The rear setback for proposed Lot 22 encroaches into the existing building. Please seek either a setback modification from the Planning Commission per Article VII, §170 of the Zoning Ordinance or a Variance from the Board of Appeals.

A 25’ buffer is required around all non-perennial streams and non-tidal wetlands present per the Zoning Ordinance, Article IX, §174.2 & §174.4 respectively. Permits are required from the (US Army) Corps of Engineers and MDE for all non-tidal wetland and stream impacts prior to recordation. JD’s are required in conjunction with permitting. If no permits are required, and if the proposed project meets the policy standards established on 3/20/1995 and revised on 1/16/1996; or if the FSD/Conceptual Environmental Assessment finds that there are to be no impacts to field-delineated wetlands or stream impacts; or if the FSD/Conceptual Environmental Assessment finds that there are no wetlands or streams and that finding is consistent with the

details of County wetlands maps and USGS quad maps, then no JD is required. If required, then a JD is recommended to be done prior to Final Plat review by the Planning Commission, but required to be completed prior to recordation. This submittal does not meet the conditions of the policies. However, the purpose of this plan is creating lots around existing structures, and any development in the M2 zoning district requires Site Plan approval; staff recommends that the JD be deferred until a Site Plan is submitted.

Article IX, §174.5 of the Zoning Ordinance requires that dwellings or impervious surfaces shall not occur on slopes with a grade of 25% or more covering a contiguous area of 10,000 ft² or more. On slopes between 15 and 25%, good engineering practices shall be used to ensure sediment and erosion control and slope stabilization before, during and after disturbance activities³. No development is proposed on steep slopes for this project.

Article IX, §174.6 of the Zoning Ordinance requires development shall avoid areas of Rare, Threatened, and Endangered (RTE) species as defined by the Maryland DNR, Natural Heritage Program. The Division of Planning & Zoning received a copy of a letter dated April 30, 2020 from the Wildlife and Heritage Program stating that there are not RTE species are on site.

Article IX, §174.7 of the Zoning Ordinance requires that all regulated activities defined by the Cecil County Forest Conservation Regulations shall meet all requirements a prescribed herein. This project is exempt per §3.2N of the Cecil County Forest Conservation Regulations. General Note 17 notes the exemption.

Any tree removal within a public right-of-way requires approval from the Maryland Department of Natural Resources.

Article X, §184 requires that for all Major Subdivisions that all landscaping as provided in Article III shall be required. Article III, §39.3 provides for a Bufferyard and street tree requirements in the M2 zoning district. Since the new lots are not along an arterial or collector road or adjoining a residential district the Bufferyard E requirement is moot. Additionally, since the project does not propose any new streets, the Street Tree requirement is moot.

Article XI, Part III, §230.2(A)(4) of the Zoning Ordinance requires that subdivision proposals of at least 5 lots or 5 acres, whichever is the lesser, that are wholly or partially in a hazard area where base flood elevation (BFE) data is not available shall be supported by determinations of BFE as required in §229.5(A)(5) of these regulations. The applicant has submitted the BFE from the building development from 1982 and requested at deferral to updating the BFE data until the site is further developed rather than at subdivision. The Director of Land Use & Development Services granted this deferral provided that the following note be added to the plan. "If any construction or redevelopment is proposed on Lot 24, the requirements for developing in the floodplain will need to be complied with." This is Note 16 on this Planning Commission submittal.

Article XI, Part III, §230.2(B)(1) of the Zoning Ordinance requires for subdivision proposals in flood hazard areas of the non-tidal waters of the state that are below BFE shall not be used for development and be deed restricted, or otherwise protected to preserve it as open space. This deed restriction and/or other open space protection must be in place prior to approval of the record plats.

MDOT-SHA has not required Traffic Impact Study (TIS) for this project. The project does not have access from a County maintained road.

³ The Cecil County Subdivision Regulations define steep slopes as "15 percent or greater incline." The Cecil County Zoning Ordinance defines steep slopes as consisting of a grade of 25% or more covering a contiguous area of 10,000 ft² or more. The Cecil County Forest Conservation Regulations define steep slopes as "areas with slopes greater than 25 percent slope."

Per §4.1.20(b) of the Subdivision Regulations, the block (grid) is not noted on this submittal. This information must be added to the plat prior to Planning Commission submittal.

In regard to acreage, the latest signed plat for Triumph Industrial Park in 2015 indicated that Parcel 52 was 62.052 acres. This proposal indicates that 54.421 acres is on parcel 52 prior to these proposed lots. Please explain what happened to that other 7.631 acres? Mr. Sutton explained that he took the survey McCrone did in the 1980's and subtracted out the acreage from each of the subdivisions. He stated that the original acreage was 100.332 acres and subtracting out the acreage of the subdivision provide him a new starting acreage of 42.771 on parcel 52 prior to the subdivision of these lots. He explained that the plan will be updated to show the updated acreage. He further stated that the discrepancy may be due to the fact that the owner of the Industrial park has subdivided some properties, but not conveyed them. Thus the assessment record hasn't been updated with the new acreage.

The Record Plats shall contain a statement signed by the Health Department, approving authority, to the effect that use of the community water supply and community sewerage system is in conformance with the Master Water and Sewer Plan. The 2004 MWSP is noted on the plat. This must be updated to the 2019 MWSP on the record plat.

The Record Plats shall also contain a statement, signed by the owner, to the effect that such facilities will be available to all lots offered for sale. This is on the current submittal.

Per §4.2.15 of the Subdivision Regulations, Public Works Agreements and Inspection and Maintenance agreements must be recorded prior to the Chief of DPR signing the record plats.

School information:	<u>Elementary</u>	<u>Middle</u>	<u>High School</u>
9/30/2019	Gilpin Manor ES	Elkton MS	Elkton HS
FTE	404	556	983
Capacity	556	712	1380
% Utilization	73%	78%	71%

Preliminary Plat Requirements:

- (a) The Preliminary Plat shall be submitted by the developer on paper and shall be clear and legible. The scale shall be no smaller than 1" = 100' (1" = 200' where the average lot size is greater than five (5) acres as approved by the Office of Planning and Zoning). When more than one (1) sheet is required, an index sheet of the same size shall be submitted showing the entire subdivision drawn to scale. Each sheet must have the surveyor's seal. Incomplete plats will not be accepted by the Office of Planning and Zoning. For Planning Commission review only, a Preliminary Plat will be not considered complete if the boundary line survey has not been completed, the Traffic Impact Study (if required) has not been completed, the documentation of the completed jurisdictional determination (if applicable) has not submitted, and the Preliminary Forest Conservation Plan has not been approved prior to submittal of said Preliminary Plat (if in the Critical Area, a Preliminary Plat will not be considered complete unless the Preliminary Environmental Assessment has been approved prior to submission of said Preliminary Plat). In addition, for Technical Advisory Committee and Planning Commission review, a Preliminary Plat will be not considered complete if the public notification sign(s) have not been properly installed, if the electronic version of the plat has not been submitted for posting on the County's website, and if the submission fee, established in Appendix A, has not been paid. Incomplete Preliminary Plats will be returned to the subdivider within fifteen (15) days of submission for completion and resubmission by the subdivider at a later date.
- (b) A vicinity map indicating the location of the property with reference to surrounding property, streets, landmarks, streams, etc. (scale shall be no smaller than 1"=2000'), and conforming to Section 2.4.4 on the designation of the remainder. The tax map, block (grid), parcel number(s) shall also be shown.
- (c) The names, liber and folio of all adjoining property. In the event that a recorded subdivision adjoins the land to be developed, the subdivision name, and recording reference shall be indicated. In the event that a historic district or other officially designated historic site adjoins the land to be developed, it shall be identified.
- (d) Title information:
 - 1. Proposed name.
 - 2. Scale of Plat (feet and meters).
 - 3. Location by election district, County and State.
 - 4. Date.
- (e) Name and address of the owner and registered engineer or surveyor licensed in the State of Maryland responsible for the preparation of the plat, signature, and seal of the engineer, surveyor and corporation required.
- (f) Northpoint. Indicate if true north.
- (g) Boundary of proposed subdivision.
- (h) All existing pertinent features either natural or manmade that may influence the design of the subdivision, such as important trees or wooded areas, power transmission towers, existing buildings and structures and water courses.
- (i) Existing topography at 2- or 5-ft contour intervals. Contour lines shall be indicated 100 ft beyond the subdivision boundary. Contours shall be based on government bench marks when available within 2000 ft of property or by estimation from USGS quadrangle maps. Data shall be stated in all cases and a reference or bench mark described on the plat together with elevation. Source of contours shall be stated on plat, such as, field run topo, or aerial topo, etc. Interpolation of contours from USGS quadrangle maps will not be accepted unless previously approved by OPZ.

- (j) Location, width, and names of all streets and/or alleys on or adjoining the subdivision; this should include plats which have preliminary approval as well as those recorded but unimproved and all existing easements (to be indicated with dashed lines).
- (k) Location of existing and proposed utilities on or within 200 ft of the tract with approximate pipe sizes and directions of slope indicated (should include electric and telephone poles or towers).
- (l) The layout of all proposed and existing lots with approximate dimensions and minimum building line should be indicated. All major subdivisions must be provided with coordinates consistent with the geodetic control requirements approved by the Board of County Commissioners on 15 May 2007.
- (m) The preliminary layout of all proposed streets and pedestrian ways, including width of right-of-way, pavements, storm drains, and grades.
- (n) The approximate location, dimensions, and area of all property proposed to be reserved or temporarily reserved for public use, or to be reserved for use of all property owners in the subdivision, and the location, dimensions and purposes of any proposed easements, including drainage easements.
- (o) Zoning district classification of the tract or parcel being subdivided.
- (p) Existing and proposed (schematic) drainage system, including the type(s) of structures, the floodplain, proposed stormwater management facility locations, and any deviations from standards, consistent with Section 7.5.
- (q) Locations of the septic disposal area, proposed wells and percolation information are to be indicated in accordance with the specifications of the Maryland State Department of Health and Mental Hygiene when individual sanitary facilities are to be used. If community sewerage and/or water systems are to be used, such notation shall be made on the Preliminary Plat.
- (r) The total number of lots, area of lots, the density, the total area of any open space, the total area of any common open space, any add-ons, total area and types of right-of-way dedicated, and total area of subdivision shall be indicated in table form. All acreage shall be accounted for, per the boundary line survey, and the Preliminary Plat density shall not exceed the approved Concept Plat density.
- (s) In cases of condominium or multi-family projects (apartments, townhouses, etc.), the following additional items shall be shown:
 1. Approximate location of each building, setbacks from all streets (public or private), property lines and distance between buildings.
 2. Number and types of units in each building.
 3. Total number of Units and sub-totals of each type.
 4. Number of parking spaces in each off-street parking area, and the space to unit ratio.
- (t) Soil types shall be shown.
- (u) Perimeter of the entire parcel as well as the section requiring approval.
- (v) For proposed subdivisions located in the **Critical Area**, the following additional information will be shown on the Preliminary Plat as applicable:
 1. Computation of the total area within the critical Area District, area within each of the land management classifications (i.e., IDA, LDA, RCA), and number of lots in the Critical Area;
 2. Slopes 15% or greater;
 3. Location and area extent of all soils exhibiting the following characteristics as determined by the Soil Survey, such as:
 - (a) Wet soils,
 - (b) Hydric soils and soils with hydric properties, and
 - (c) Highly erodible soils (soils on slopes greater than 15% or on slope greater than 5 % with "K" values greater than 0.35).
 4. Location of all existing or proposed site improvements (including storm drains, culverts, retaining walls, fences, and stormwater management facilities, as well as sediment and erosion control structures);
 5. Location of open space, the Buffer and other buffer areas, forested areas and landscaping (the plan shall show all areas to be maintained as landscaping to be provided and the means by which such landscaping will be permanently maintained shall be specified);
 6. Location of all Habitat Protection Areas on the site;
 7. Location of tidal and non-tidal wetlands on and adjacent to the site and delineation of the watershed thereof;
 8. Location of eroding shoreline reaches, the rates of erosion, areas where shore erosion measures are in place, areas to be protected by installation of proposed erosion abatement approaches;
 9. Areas to be retained in agricultural use;
 10. Areas proposed for reforestation and afforestation;
 11. Total area of the site that will be temporarily disturbed during development and area that will be permanently disturbed (disturbed is defined as any activity occurring on a area which may result in the loss of or damage to existing natural vegetation);
 12. Proposed natural park areas, as appropriate; and
 13. The location of the Critical Area District Boundary, the Mean High Water Line and the landward edge of tidal wetlands.

In addition to the information above, the Preliminary Plan shall be accompanied by the following when the subdivision or development is proposed in the Critical Area, as required:

- (a) A Planting Plan reviewed by and addressing the comments of the Bay Watershed Forester;
- (b) A Habitat Protection Plan, including comments of the Maryland Forest, Park, and Wildlife Service, the Water Resources Administration, and other agencies as appropriate;
- (c) An executed Cooperators Agreement with the Cecil County Soil Conservation District, or a farm plan, as applicable;
- (d) A preliminary Stormwater Management Plan;
- (e) A preliminary Sediment and Erosion Control Plan;
- (f) A Shore Erosion Protection Plan – complete specification for complete shore erosion work;
- (g) Natural Park Management Plan, as appropriate; and
- (h) An Environmental Assessment, which provides a coherent statement of how the proposed development addresses the goals and objectives of the Cecil County Chesapeake Bay Critical Area Program. At a minimum, the Environmental Assessment shall include:
 1. A statement of existing conditions, e.g. amount and type of forest cover, amount and type of wetlands, discussion of existing agricultural activities on the site, soil types, topography, etc.;
 2. A discussion of the proposed development project, including number and type of residential units, amount of impervious surface, proposed sewer treatment and water supply, acreage devoted to development, proposed open space and habitat protection areas;
 3. A discussion of the proposed development's impacts on water quality and Habitat Protection Areas; and
 4. Documentation of all correspondence and findings.

FINAL PLAT REQUIREMENTS

Required information: The Final Plat submitted for Planning Commission review and approval shall be on paper and be clear and legible. It shall not be considered complete unless the Stormwater Management Final Plan and Final Forest Conservation Plan and Landscape Plan have been approved, and all conditions of Preliminary Plat approval have been satisfied prior to submission of said Final Plat (if in the Critical Area, a Final Plat will not be considered complete unless the Environmental Assessment has been approved prior to submission of said Final Plat). Incomplete Final Plats will be returned to the subdivider within fifteen (15) days of submission for completion and resubmission by the subdivider at a later date, and the submission fees shall be forfeited. The Final Plat submitted for recordation shall be clearly and legibly drawn in black waterproof ink on a reproducible linen of good

quality or comparable material such as mylar approved by the Cecil County Office of Planning and Zoning. The minimum size of the plat shall be eighteen (18) by twenty-four (24) inches, including a one (1) inch margin along the left hand edge and one-half (1/2) inch margin on all other sides. Where necessary, the Final Plat may be on several sheets accompanied by an index sheet showing the entire subdivision submitted; however, each sheet shall be signed and sealed and include an approval signature block.

- a) Title – The title block shall appear in the lower right hand corner of the plat and shall include the following information:
 1. Name of the subdivision. The name approved by the Planning Department and recorded in the Land Records shall constitute the subdivision's official and only name. No other name may be used for advertising or sales purpose unless an approved and amended plat is recorded bearing the revised name.
 2. Section & lot numbers.
 3. Scale and date of completion. Scale shall be no smaller than one (1) inch equals one hundred (100) feet (one (1) inch = two hundred (200) feet where the average lot size is greater than 5 acres, as approved by the Office of Planning and Zoning).
 4. County, State & Election District.
 5. Name and address of the owner and registered engineer or surveyor licensed in the State of Maryland responsible for the preparation of the plat, signature, and seal of the engineer, surveyor, and corporation required.
- b) Approval blocks in the form required by the Office of Planning and Zoning shall be provided in the lower left hand corner of the plat for signature by the Planning Director, the Public Works Director or Senior Engineer, and the Health Department, approving authority.
- c) Tabulation on Final Plat (above approval block) showing the following:
 1. Total number of lots.
 2. Total area of lots.
 3. Total area of roadways to be recorded.
 4. Total area of subdivision to be recorded and where density restrictions apply, the acreage dedicated to the development, and the total area to be recorded as common open space.
 5. Total area of subdivision or parcels to be recorded in the Critical Area District.
 6. Total number of lots in the Critical Area District.
 7. Residential density in the Critical Area District.
- d) A heavy line indicating the boundary of the Final Plat with the distances of courses to hundredths of a foot and bearings relating to and consistent with the geodetic control requirements approved by the Board of County Commissioners on 15 May 2007.
- e) Exact locations, widths, bearings, and names of all streets, pedestrian ways within the subdivisions or of adjoining subdivision abutting on the outline of the subdivision as well as any common and community grounds.
- f) Bearings & lengths of all arcs, radii, tangents, chords and distances in tabular form.
- g) All easements, reservations, or rights-of-way provided for public service or utilities in the subdivision, and any limitations of such easements. All existing recorded easements, if they are in excess of a five (5) foot drainage and utility easement, shall be indicated with recording references if known.
- h) All lot lines with dimensions in feet and hundredths, and with bearings to a minimum accuracy of one (1) second.
- i) Minimum area of each lot in square feet if under one (1) acre or in acres if lot size is one (1) acre or greater.
- j) Coordinates shown for the outside boundary of the plat.
- k) Lot numbers in numerical order throughout the entire subdivision. In case there is a resubdivision of lots in any block, such resubdivided lots shall have a number and letter to denote their origin and the original lot lines shown dashed and original lot number dotted.
- l) Minimum rear and side building restriction lines, and minimum five (5) foot drainage and utility easements should be given by written note. The front building restriction line and the Critical Area Buffer restriction line shall be drawn graphically with dimensions for each lot.
- m) The names, liber and folio of all adjoining unsubdivided property. In the event that a recorded subdivision adjoins the land to be developed, the subdivision name, and recording reference should be indicated. (To be indicated with dashed lines.)
- n) The plat shall contain a north arrow, which represents and designates either true or magnetic meridian as of a date specified on the plat or shall be referenced to a recognized coordinate system within the County.
- o) Accurate outlines of any areas to be reserved for common use by residents of the subdivision or general public use, with the purposes indicated thereon.
- p) A certification that the owner or equitable owner of the land proposed to be subdivided shall be noted on the Final Plat. Such wording as specified by these regulations and the Planning Department shall be utilized.
- q) A certification and dedication by the owner or owners of property to the effect that the subdivision as shown on the Final Plat is made with his consent and that it is desired to record the same and shall be noted on the Final Plat. Such wording as specified by these regulations and the Planning Department shall be utilized.
- r) When a development is being resubdivided, the owner's certification shall be noted on the plat. Such wording as specified by these regulations and the Planning Department shall be utilized.
- s) References of protective covenants governing the maintenance of undedicated public spaces or reservations.
- t) If a community water supply or community sewerage system is to be used in a subdivision, the record plat shall contain a statement signed by the Health Department approving authority, to the effect that use of such community water supply or community sewerage system is in conformance with the Master Water and Sewer Plan. The Final (record) Plat shall also contain a statement, signed by the owner, that such facilities will be available to all lots offered for sale.
- u) If a community water supply or community sewerage system is to be constructed to serve any new subdivision, the Final (record) Plat shall contain a statement signed by the owner to the effect that plans for such facilities, including any necessary point of discharge, have been approved by the appropriate Federal, State, or County authority.
- v) Location of minimum required septic area and proposed well(s), if applicable.
- w) Reservation of road rights-of-way.
- x) Exact locations, widths and bearings of any common or reserved areas or portions of lots to be maintained by covenant, easement, or similar approved instrument, in permanent forest cover, including existing forested areas, reforested areas and afforested areas to meet the requirements of the Critical Area Program and/or the Forest Conservation Regulations, as applicable. The bearings and the lengths of all arcs, radii, tangents, chords, and distances in tabular form.

- y) Exact locations, widths and bearings of any areas to be maintained as resource protection (e.g., agriculture, natural parks, forest, etc.) to meet the requirements of the Critical Area Program and/or the Forest Conservation Regulations, as applicable. The bearings and the lengths of all arcs, radii, tangents, chords, and distances in tabular form.
- z) Exact locations, widths and bearings of any areas to be maintained as permanent wildlife and plant habitat protection areas to meet the requirements of the Critical Area Program and/or the Forest Conservation Regulations, as applicable. The bearings and the lengths of all arcs, radii, tangents, chords, and distances in tabular form.

Appendix A - Subdivision History of Triumph Industrial Park.

Minor Subdivision #684 – Nov 8, 1979 - Creates one lot. 14.33 acres, Tax Map 305, Grid 22, Parcel 508, Acct-ID 03-068544.

Minor Subdivision #1233 – Nov 3, 1983 - Creates one 2.2235 acre lot from the lands of Trinco Inc. This was superseded by Minor Subdivision #1279 which created 2 Lots.

- Frist Lot - 1.0031 acres, Tax Map 305, Grid 17, Parcel 557, Acct ID 03-080560.
- Second Lot was superseded by PC579/3 (P&Z File T-56) and superseded a second time by PC 809/461 (P&Z File C-133) and is now the 4.017 acres, Tax Map 305, Grid 17, Parcel 555, Acct ID 03-079279.

Major Subdivision of Triumph Industrial Park - NDS 9/35; P&Z file T-15 – May 6, 1985 –Creates Lot 1, 3.044 acres, Tax Map 305, Grid 11, Parcel 561. Acct-ID 03-097773.

Major Subdivision of Triumph Industrial Park - NDS 9/35; P&Z file T-17 – May 6, 1985 –Creates Lot 2, 5.641 acres, Tax Map 305, Grid 11, Parcel 561. Acct-ID 03-081176.

Major Subdivision of Triumph Industrial Park - NDS 9/71; P&Z file T-16 – Aug 13, 1985 – Creates Lot 3, 2.268 acres, Tax Map 305, Grid 23, Parcel 563. Acct ID 03-082016.

Major Subdivision of Triumph Industrial Park - NDS 10/79; P&Z file T-19 – May 16, 1986 – Creates 3 new lots.

- Lot 4, 2.000 acres Tax Map 305, Grid 23, Parcel 572. Acct-ID 03-084140
- Lot 5 was superseded by Resubdivision of Triumph Industrial Development, Lot 5A – PC 1117/67; P&Z File T-79 – January 26, 2015. Lot 5A is now 4.62 acres. Map 309, Grid 5, Parcel 573, Lot 5A Acct-Id 03-084159.
- Lot 6 was superseded by Resubdivision of Triumph Industrial Park, Lots 6, 7A & 8A – PC 363/625 P&Z file T-49 – Feb 8, 1993. Lot 6A - 1.992 acres, Map 309, Grid 5, Parcel 574, Lot 6A. Acct-ID 03-084167.

Major Subdivision of Triumph Industrial Park - NDS 12/25; P&Z file T-25 – Aug 26, 1987 – Creates 11 new lots:

- Lot 7 – Superseded by Resubdivision of Triumph Industrial Park, Lots 7 & 8 – PC 7/9 P&Z file T-38 – Jan 13, 1989 and Resubdivision of Triumph Industrial Park, Lots 6, 7A & 8A – PC 363/625 P&Z file T-49 – Feb 8, 1993. Lot 7B – 2.058 acres, Tax Map 309, Grid 5, Parcel 581, Lot 7B Acct-ID 03-084868.
- Lot 8 – Superseded by Resubdivision of Triumph Industrial Park, Lots 7 & 8 – PC 7/9 P&Z file T-38 – Jan 13, 1989 and Resubdivision of Triumph Industrial Park, Lots 6, 7A & 8A – PC 363/625 P&Z file T-49 – Feb 8, 1993. Lot 8B – 2.105 acres, Tax Map 309, Grid 5, Parcel 582, Lot 8B Acct ID 03-084876.
- Lot 9 - 4.799 acres, Tax Map 309; Grid 4 Parcel 583 Lot 9 Acct-ID 03-084884
- Lot 10 – 6.536 acres, Tax Map 309, Grid 4, Parcel 584, Lot 10 Acct-ID 03-084892
- Lot 11 – 3.978 acres, Tax Map 309, Grid 16, Parcel 585, Lot 11 Acct-ID 03-084906

- Lot 12 – 1.665 acres, Tax Map 309, Grid 16, Parcel 586, Lot 12 Acct-ID 03-084914
- Lot 13 – 2.832 acres –Tax Map 305, Grid 17, Parcel 587, Lot 13 Acct-ID 03-084922
- Lot 14 –Superseded by Resubdivision of Triumph Industrial Park, Lot 14 – PC 579/3 P&Z file T-56 – Jan 31, 1996. 1.877 acres, Tax Map 305, Grid 17, Parcel 588, Lot 14A Acct-ID 03-084930.
- Lot 15 – 1.897 acres – Tax Map 305, Grid 17, Parcel 589, Lot 15 Acct-ID 03-084949.
- Lot 16 – 2.516 acres – Tax Map 305, Grid23, Parcel 590, Lot 16 Acct-ID 03-084957.
- Lot 17 -Superseded by Resubdivision of Triumph Industrial Park, Lot 17 and Add-on Subdivision of James E. Waters II & Colonial Metals Inc. – PC 1106/4 P&Z file T-74 – Apr 27, 2006; Resubdivision of Triumph Industrial Park, Lot 17A and Add-on Subdivision of JB Triumph Enterprises II & Triumph Industrial Development, LLC. – PC 1115/49 P&Z file T-77 – Mar 6, 2012; and Resubdivision of Triumph Industrial Park, Lot 17A and Add-on Subdivision of JB Triumph Enterprises II & Triumph Industrial Development, LLC. – PC 1115/86 P&Z file T-78 – Oct 10 2012. 3.040 acres, Tax Map 305, Grid 23, Parcel 591, Lot 17B. .

Major Subdivision of Triumph Industrial Park - NDS 14/36; P&Z file T-32 – July 29, 1988 – Creates Lot 18. 1.9312 acres, Tax Map 309, Grid 4, Parcel 595, Lot 18 Acct-ID 03-089223.

Major Subdivision of Triumph Industrial Park - PC 1/2; P&Z file T-32 – July 29, 1988 – Creates Lot 19. 0.500 acres, Tax Map 309, Grid 4, Parcel 600, Lot 19 Acct-ID 03-092003.

Major Subdivision of Triumph Industrial Park - PC 411/719; P&Z file T-51 – Aug 20,1993 – Creates Lot 20. 3.176 acres Tax Map 309, Grid 5, Parcel 629, Lot 20 Acct Id 03-099016.

Major Subdivision of James E. Waters II, Triumph Industrial Park - P&Z file T-61 – Dec 1, 1998 – creates Lot 21 (0.505 acres) – Never recorded. Superseded by Major Subdivision of James E. Waters II, Triumph Industrial Park – PC 1035/914; P&Z file W-103 – Sep 6, 2002 – creates Lot 21 0.505 acres, Tax Map 305, Grid 18, Parcel 665, Acct-ID 03-115585 – Had to be reapproved since the 1998 approval was not recorded within 2 years. .

Mr. Wilen, DPR, read the comments of the division:

1. The proposed Preliminary / Final Plat does not require any Stormwater Management or Road Improvements.
2. DPR does not have any comments.

COMMENTS IN FAVOR: None.

COMMENTS IN OPPOSITION: None.

Mr. O'Connor read the recommendation of the staff:

APPROVAL, conditioned on:

- 1) That Health Department requirements be met;
- 2) That DPR requirements be met;
- 3) The Planning Commission granting the setback modification for Lot 22;

- 4) Deed Restrictions for the Flood Areas below Base Flood Elevation are recorded prior to record plat approval;
- 5) The Master Water & Sewer Plan note referencing the Master Water & Sewer Plan currently in effect;
- 6) A note added to the plat to the effect that a JD must be completed prior to any future Site Plan approval.
- 7) The Tax Map Grid (Block) being added to the record plat; and
- 8) The acreage discrepancy being corrected/clarified on the record plat,

A motion for approval per staff's conditions was made by Mr. Wallace.
The motion was seconded by Mr. Kirsh.

All approve, motion carried.

GENERAL DISCUSSION:

None.

The meeting adjourned at 6:50 p.m.

NEXT PLANNING COMMISSION MEETING: The next meeting will be on Monday, June 15, 2020 at 6:00 p.m. The meeting will be held in a virtual format hosted by the Perryville Room.

Respectfully submitted,

Jennifer Bakeoven
Administrative Assistant
Department of Land Use & Development Services
Division of Planning & Zoning

CECIL COUNTY PLANNING COMMISSION
MEETING MINUTES
Monday, June 15, 2020
Virtual meeting hosted by the Perryville Room
6:00 p.m.

PRESENT: Chad Johnston - Vice Chair, Wyatt Wallace, Peter Kirsh, Don Harmer, Joyce Bowlsbey – Alternate, Bill Coutz (Ex-Officio), Deborah Sniadowski, Esq, Stephen O’Connor (LUDS / P&Z), Kordell Wilen (LUDS / DPR), Bryan Lightner (LUDS/P&Z) and Jennifer Bakeoven (LUDS/P&Z).

ABSENT: Pat Doordan – Chairman, Bill Miners, Ed Arellano (DEH).

MINUTES: Motion was made by Mr. Wallace, seconded by Mr. Kirsh and carried to approve the May 18, 2020, 6:00 p.m. meeting minutes as mailed.

Mr. Harmer asked that Mr. O’Connor give an overview of the purposes and responsibilities for the review of the subdivision. Mr. O’Connor explained that the plat was reviewed by the Technical Advisory Committee (TAC). The applicants then submit to the Planning Commission for concept approval. The concept plat focuses on density and layout. He explained that the highly technical requirements are not looked at until the Preliminary stage. Once concept approval is given, it remains valid for three (3) years. The plat will then be brought before the TAC for preliminary plat review and subsequently before the Planning Commission for Preliminary Plat approval. Once granted approval of the preliminary plat and all conditions of the approval is met the applicants would submit their Final plat to the Director of Land Use & Development Services for review. All conditions of previous approvals must be met to receive approval. Discussion ensued regarding the guidelines of concept approval. Mr. Wallace read the regulations from Section 4 Article V to explain all the points that are reviewed at this level in addition to the density and layout cited earlier.

SUBDIVISION:

- 1. Granite Cliffs, Lots 1-524, Concept Plat, Burlin Road & MD Route 276 (Jacob Tome Memorial Hwy), Frederick Ward Associates, Seventh Election District.**

Tom Miner, Frederick Ward Associates appeared and presented an overview of the project. Mr. Miner presented a PowerPoint of the project. See file. A Traffic Impact Study has been reviewed by SHA with some comments. It has also been submitted to the County; comments have not yet been received.

Mr. O’Connor, P&Z, read the comments of the department:

This proposal was found to be in compliance with §3.8 of the Subdivision Regulations regarding public notification.

The site is within the Low Density Residential (LDR) with a Mineral Extraction B (MEB) overlay and a Resource Conservation Area (RCA) Critical Area overlay.

This Concept Plat proposes 524 lots on 427.3533 acres. The 36.8129 acres within the municipal limits of the Town of Port Deposit is noted as “Reserved for Future Development”¹. Given that the area within municipal limits is proposed for future development and must proceed through the Port Deposit land development process, only the 390.5984 acres is considered for density calculation purposes.

¹ The February 2020 TAC submittal proposed 10 lots within or partially within the town limits. This is permissible as §4.0.2 of the Subdivision Regulations states that if there are fewer lots but the same layout, the project does not have to be re-reviewed by the TAC.

The LDR zone permits a maximum base density of 1 du/ 1 ac without community facilities² and 2 du/1ac with community facilities. Density within the RCA overlay district is 1 du / 20 ac. This Concept Plat proposes 524 lots served by community facilities on 390.5404 acres, for a proposed density of 1.34 du /1 ac. The density listed on the concept plat included the acreage within Town limits. This must be corrected to the approved density on all subsequent submittals.

In the MEB overlay zone, mineral extraction activities are permitted per Article II, Part II, §17, Article V, Part II, §67.2, and Article XI, Part II of the Zoning Ordinance. The plan indicates that there is a request to remove the MEB overlay zone. The note requesting the elimination of the ME-B overlay zoning district is unnecessary and should be removed.

A copy of the Concept Plat has been submitted to the Critical Area Commission for their review and comment.³ The 24.99 acre RCA portion of the site is entirely within municipal limits and the plan proposes development within the Town of Port Deposit at a future time.

The R2 zoning designation within the municipal limits has been verified with the Town of Port Deposit.

The applicant states in their cover letter that they have verified the location of the municipal boundary with the Town of Port Deposit with a field run boundary survey. However, General Note #7 still states that it is from the Tax Maps. This note should be corrected.

This project location is situated within the 2010 Comprehensive Plan's Low Density Growth Area (LDGA) land use district. Sheet 1 only states that it is in a Designated Growth Area. This should be corrected.

The project is located within a Priority Funding Area (PFA); and is outside a Priority Preservation Area (PPA).

As established by the County's adoption of the Sustainable Growth and Agricultural Preservation Act's tier map, a portion of this site is located within a Tier I⁴ area within municipal limits and the remainder is located within the Tier II area⁵.

This site is located W1 (existing water service) and S1 (existing sewer service) within municipal limits; W-3 (future service, 2-3 years) and S-3 (future service, 2-3 years) for the portion within the County's jurisdiction on the 2019 Master Water & Sewer Plan.

The property is not located within Floodplain overlay zone or district. This is noted as General Note 5 on Sheet 2.

The site is located within the Water Witch Fire Company (007) service area. As of September 13, 2019, the Division of Planning & Zoning is requesting this information be placed on all subdivisions and site plans for the benefit of the State Department of Assessments and Taxation. This has been added to Sheet 2 as General Note 11.

² Community Facilities is defined as *A public, private, or community water supply and distribution system and/or sewerage disposal system severing three (3) or more dwelling units.*

³ The CAC reviewed this site at the February 2020 TAC and did not have any comments.

⁴ The County may approve a minor or major subdivision only if all lots will be served by public sewer.

⁵ Tier II areas are those planned to be served by public sewerage systems in locally designated growth areas needed to satisfy demand for development at densities consistent with the long term development policy after consideration of the capacity of land available for development including infill and redevelopment within the County. The County may only grant approval if all lots will be served by public sewer or if a minor subdivision is served by on-site sewage disposal systems.

A proposed Planned Unit Development (PUD) was reviewed by TAC on February 4, 2009 and by the Planning Commission on March 16, 2009. The proposal was not reviewed by the Board of Appeals,⁶ and did not receive concept plat approval.

A second proposed PUD was reviewed by TAC on February 2, 2011 and by the Planning Commission on March 21, 2011. This proposal was reviewed by the Board of Appeals,⁷ and subsequently denied on June 2, 2011.

This proposal is a new application which does not propose a PUD and is not subject to the requirements outlined in Article XII of the Cecil County Zoning Ordinance. It was reviewed by the TAC on February 5, 2020.

§4.0.1 of the Subdivision Regulations requires the preparation of a Concept Plat for projects with more than 10 lots or 25 or more acres, whichever is more restrictive.

§4.0.6 of the Subdivision Regulations requires that the TAC and subsequently the Planning Commission, will, in general, be reviewing the Concept Plat with regard to the following:

- A. Interior street configuration and layout
- B. Proposed density.
- C. Entrance locations (both street and driveway)
- D. Traffic effect on existing and proposed roads.
- E. Water and Sewer facilities.
- F. Feasibility of a subdivision in the area, including:
 - 1. Total number and size of lots
 - 2. Effect on school district and school bus service
 - 3. Approximate lot layout and other reserved areas, if any.
- G. New land development technique(s)
- H. The effect on waterways, shorelines, due to run-off, erosion, etc.
- I. Consistency with the Critical Area Program requirements
- J. Consistency with the Cecil County Forest Conservation Regulations
- K. Stormwater Management requirements.

§4.0.13(a) of the Subdivision Regulations requires that a Concept Plat shall only be reviewed by the Planning Commission if the Forest Stand Delineation (FSD) and Stormwater Management Concept Plan (C-SWM) have been approved prior to submission. A FSD was approved by the Division of Planning & Zoning on February 25, 2020⁸. A C-SWM received technical requirement approval by the Division of Plans Review on May 21, 2020.⁹

Article VI – Schedule of Zone Regulations – LDR zone with Community Facilities

	Lot size (sq. ft.)	Lot width (ft)	Front Setback	Rear Setback	Side Setback	Max Height	Road Frontage
SFD	12,000	65	30	30	10	35	100/25 ¹⁰

⁶ PUD applications must be approved by the Board of Appeals to receive Concept Plat approval. The applicant withdrew this application on April 23, 2009. See BOA File 3449.

⁷ PUD applications must be approved by the Board of Appeals to receive Concept Plat approval. See BOA File #3550

⁸ Note 9 should be updated as it stated that the approval is still pending.

⁹ The C-SWM signatures were not affixed until after the deadline date due to limitations of staff availability due to the COVID-19 restrictions.

¹⁰ Road Frontage may be reduced to lower figure for lots on a local roadway as defined on the Official Cecil County Roadway Classification Map.

The minimum requirements for lot size, width, setbacks, building height, and road frontage in Article VI of the Zoning Ordinance. The typical lot layout on Sheet 2 meets or exceeds the standards set in the Schedule of Zone Regulations.

A 110' perennial stream buffer is required from all perennial streams present. This buffer shall be expanded to include contiguous areas of hydric soils, highly erodible soils, and soils on slopes greater than 15% -- to a maximum distance of 160'. The perennial stream buffers are shown on the Concept Plat.

A 25' buffer is required around all non-tidal wetlands and intermittent streams present. These buffers are shown on the Concept Plat.

Permits are required from the (US Army) Corps of Engineers and MDE for all non-tidal wetland and stream impacts prior to recordation. Note 8 states that a wetland delineation for the site has been completed. However, Jurisdictional Determination's (JD) are required in conjunction with permitting. A JD is recommended to be done prior to Final Plat review but required to be completed prior to recordation.

Dwellings or impervious surfaces shall not occur on slopes with a grade of 25% or more covering a contiguous area of 10,000 ft² or more. On slopes between 15 and 25%, good engineering practices shall be used to ensure sediment and erosion control and slope stabilization before, during and after disturbance activities. ¹¹The steep slopes are shown on the plat and must also be shown on the Preliminary Plat.

The habitats of rare, threatened, and endangered species (RTE) must be avoided. A Wildlife & Heritage Letter dated October 30, 2019 is included in the approved FSD. The letter determined that there are no RTE species on site. Note 39 has the incorrect date listed.

The Soils Survey used on the Concept Plat have been updated to the most recent soil survey.

A minimum 15% Common Open Space (COS) is required¹² for all subdivisions involving 10 or more lots in the LDR zoning district. This project proposes 183.8402 acres or 47.07% of COS.

No more than 40% of the COS¹³ shall consist of areas designated as non-tidal or tidal wetlands¹⁴. The project notes 79.99 acres of COS consist of areas designated as streams, wetlands, and buffers. However, the requirement is the calculation of tidal or non-tidal wetlands. This calculation must be on the preliminary plat.

At a minimum 15% of the required COS¹⁵ shall not consist of perennial or intermittent stream buffers, non-tidal wetlands or buffers, steep slopes or RTE habitats. The project proposes 103.8052 acres or 56.46% of COS is exclusive of those areas.

The developer shall complete the following prior to approval of the record plat:

1. Provide and establish the organization for ownership, maintenance, and preservation of COS prior to recordation of the Plat.
2. Establish an escrow account commensurate to the costs associated with the long-term maintenance, preservation, and improvement of COS.

¹¹ The Cecil County Subdivision Regulations define steep slopes as "15 percent or greater incline." The Cecil County Zoning Ordinance defines steep slopes as consisting of a grade of 25% or more covering a contiguous area of 10,000 ft² or more. The Cecil County Forest Conservation Regulations define steep slopes as "areas with slopes greater than 25 percent slope."

¹² $390.5404 * 15\% = 58.581$ acres

¹³ $58.581 * 40\% = 23.432$ acres

¹⁴ §176.2.c of the Zoning Ordinance.

¹⁵ $58.518 * 15\% = 8.787$

3. Provide covenants or other legal arrangements specifying that each owner in the development is required to participate in the ownership, maintenance responsibilities, fees, and improvements of COS; and
4. Provide deed restrictions and/or covenants to ensure the purpose for which COS is provided.

The Concept Plat proposes hiking trails as a recreational opportunity. The plat also notes that pavilions will be in the COS, but locations are not identified on this plan.

Access to common open space between lots must be marked with concrete monuments.

Prior to recordation of the final plat, there shall be some form of surety acceptable to the County, in an amount specified by the County, or the execution and recordation of a subdivision agreement, which shall be submitted with the final plat which subdivision agreement or surety shall secure an agreement to construct required physical improvement identified on the plan for Open Space Improvements.

Section 183 of the Zoning Ordinance allows for any subdivision or site plan proposing development may grant public access easements to Cecil County Government across the minimum land necessary to accommodate the alignment of a greenway or bikeway. At the TAC meeting staff suggested that the applicant consider coordination with the Lower Susquehanna Heritage Greenway (LSHG) about the proposed trails. An initial meeting did occur with the applicant, LSHG, and County staff about coordination in early March. Staff recommends that these alignment efforts continue in subsequent stages of development. Staff was notified that an agreement for the trail has been done in principle

A minimum of 15% of the development envelope shall be landscaped. The Preliminary Plat should indicate the acreage of the development envelope and this calculation.

Street Trees are required along both sides of all newly created streets so that for every 50 feet of road frontage, there is one deciduous tree that has or will have when fully mature at trunk of at least 12 inches in diameter.

A ten-foot-wide planting easement shall be established on each newly created lot for the purpose of permitting the developer to plant or retain sufficient trees to meet the street tree requirement.

In areas with community facilities, no street trees shall be planted within 20 feet of sewer laterals and cleanouts. This must be noted on the Final Plat.

A Bufferyard meeting the C standard in Appendix B of the Zoning Ordinance must be established along Burlin Rd and MD RTE 276. General Note 13 states that a Bufferyard is to be established along MD RTE 276, but incorrectly states MD RTE 222 rather than Burlin Rd. This should be corrected.

The location of all Bufferyards must be shown graphically on all subsequent submittals.

It appears that in most locations that the proposed Bufferyard would be in the COS. Except for the required Bufferyard along MD RTE 276 with the lots that have frontage on Midnight Sun Drive. Is the plan to have the Bufferyard on private lots in this vicinity? Mr. Miner said they would look into it to see if they can avoid it.

Any tree removal within a public right-of-way requires approval from the Maryland Department of Natural Resources.

Two off street parking spaces are required for each lot. Driveways shall measure not less than 12 feet in width and 18 feet in length. No additional areas for overflow off-street parking is proposed.

The plat notes that additional spaces are provided “On-Street” on one side of the street. Are these spaces going to be marked on the pavement? Mr. Miners said they are not planning to mark the spaces.

Based upon the road code standards provided on sheet 2, any road that has on street parking on one side must be at least a “Minor Collector” to also meet the minimum parallel parking specifications in Article XIV of the Cecil County Zoning Ordinance.

§7.2.12A.2 of the Subdivision Regulations requires that whenever a subdivision abuts a County owned or maintained roads that a dedication for public use is required. This submittal notes that there is an existing 50’ wide right of way (ROW) recorded in land records Liber WAS 108 Folio 17 for Burlin Rd. The applicant is proposing to increase this ROW to 60’ in width with a dedication of land from the subject parcel. The applicant also proposes to add an additional 16’ of paving on Burlin Rd. to have a total of 36’ width paving inside the 60’ ROW. The fee simple dedication recordation must be completed prior to and noted on the record plats.

The access point from MD RTE 276 differs from the TAC submittal with the creation of Igneous Way, which is an approximately 200’ long road that intersects with Granite Cliffs Drive to the west and Midnight Sun Drive to the east. This change has been completed to coordinate with the proposed Bainbridge Development Corporation (BDC) entrance meeting the requirements of §7.2.12E.5.¹⁶

An entrance, identified as Pearl Dr., into Homestead Manufactured Home Park off Burlin Rd. has been added to the plat since TAC review. It does show that the proposed Azul Way is directly opposite of Pearl Drive meeting the requirements of §7.2.12E.5

§7.2.12F.3 of the Subdivision Regulations requires that the access point for Igneous Way on MD 276 must receive MDOT-SHA’s approval prior to Planning Commission review of the Preliminary Plat.

§7.2.12B.6 requires that all street names shall be approved by the Department of Emergency Services and the Department of Land Use and Development Services (LUDS). Road names shall not be duplicate or analogous those used elsewhere in the County. Further all proposed suffixes and prefixes shall not deviate from the standards adopted by the United States Postal Service.

The internal road names must be approved by the County 911 Emergency Center prior to Planning Commission review of the Preliminary Plat.

§7.3.1 of the Subdivision Regulations provides that the maximum block¹⁷ dimension is 1,800 feet. Midnight Sun Drive has a distance of 1,872 ft between Granite Cliffs Drive and Azul Way. The applicant may request a modification to this requirement to the Planning Commission under the provisions of §3.5 of the Subdivision Regulations. Mr. Miner did make that request during his presentation.

§7.3.1 of the Subdivision Regulations also requires that special consideration be given for interior walkways to facilitate pedestrian circulation in block 1,000 feet. The plat shows trails through open space areas and sidewalks along one side of all internal streets, which is required in this zoning district. Sidewalk locations must continue to be shown on the Preliminary Plat.

¹⁶ This is not a significant change to the layout to require a new TAC review per §4.0.2 of the subdivision regulations.

¹⁷ Block is defined in the Subdivision Regulations as *an area of land containing one or more lots and bounded by streets providing access to such lot or lots.*

A Traffic Impact Study has been submitted and is currently under review by the MDOT-SHA and Cecil County. The Traffic Study must be approved prior to Planning Commission submittal of the Preliminary Plat. Mr. O'Connor stated that a revised TIS was submitted to staff but has not yet been reviewed.

General Note 10 states that water service will be provided by Artesian Water. Documentation of water allocation must be provided by the applicant prior to the submittal of the Final Plat.

A franchise area must be granted by the County to Artesian and approved by the Public Service Commission (PSC) prior to Final Plat review.

General Note 10 state that sewer service will be provide by Cecil County DPW. Documentation of sewer allocation/capacity must be provided by the applicant prior to the submittal of the Final Plat.

The applicant was asked to consider providing stubs and/or connections of public utilities for adjoining property owners. Particularly for the ones that have frontage on MD RTE 276 and the Homestead Manufactured Home Park. The applicant has stated in their response letter that that will look for those opportunities working through the DPW/DPR utility design process.

General Note 25 states that the Existing U.S. Government Easement and Pipe shall remain except for those portions that will be relocated to avoid structures. The locations of the relocation must be shown on the Preliminary Plat; A draft copy of the agreements must be submitted and reviewed prior to approval of the Final Plat; and agreements must be recorded prior to recordation the Final Plat.

The Bainbridge Development Corporation (BDC) is the custodian of aforementioned easement. The applicant has notified the Division of Planning & Zoning discussions with the BDC at this early stage to effectuate the relocation of the easement have begun.

The number of lots on the phasing table adds up to 525 lots, yet only 524 are proposed. Which phase has the extra lot? Mr. Miner said it is a miscount; he does not know which phase has the extra lot.

Please correct the wording in Note 23. All public improvement plans must receive final technical design approval prior to submittal of the Final Plat per §4.2.16 of the subdivision regulations, not recordation of those plats.

The following items must be completed prior to submittal of a Preliminary Plat to the Planning Commission:

1. All Concept Plat conditions are satisfied.
2. Preliminary Forest Conservation Plan (PFCP) must be approved.
3. SWM Preliminary Plan must be approved.
4. A boundary line survey must be done in conjunction with the preparation of the Preliminary Plat for density calculation purposes.
5. Completion and approval of the TIS

School information:	Elementary	Middle	High School
9/30/2019	Bainbridge ES	Perryville MS	Perryville HS
FTE	284	590	789
Capacity	449	860	944
% Utilization	63%	68%	85%

Mr. Wilen, DPR, read the comments of the division:

1. Development Plans Review has received and approved the submittal of the Concept Environmental Site (ESD) Plans. The Stormwater Management (SWM) must satisfy the current Stormwater Management Code. Therefore, the Preliminary ESD Plans must be submitted and approved prior to the Preliminary Plat being submitted for review by the Planning Commission.
2. Adequate access for inspection and maintenance must be provided from County ROW to all SWM facilities and shown on the Preliminary Plat.
3. As stated in the General Notes, #29, if stormwater discharge is directed off of the site on to adjacent property it is the responsibility of the Developer to obtain necessary and appropriate easements from the affected property owners per Sections 325-16.D of the Cecil County SWM Code.
4. The location of the proposed force main and location of public sewer collection system must be shown on the Preliminary Environmental Site Design Plans.
5. As stated in the General Note, #26, a Protocol Two Road Condition Survey of Burlin Road extending from Rock Run Road to MD Route 276 must be completed. The completed survey and an improvements plan for Burlin Road must be approved by the DPR prior to submitting the Preliminary Plat for Planning Commission review. The minimum improvements required will be those associated with Section 3.07.15 of the Road Code, which nominally requires that Burlin Road be reconstructed for a minimum of 100' either side of the point of intersection to current standards for the appropriate road classification. If the road already meets current standards, no road improvements are required. However with the number of lots and the condition of the existing road additional offsite improvements may very well be required. The road survey and improvements plan will reviewed by DPR with the Department of Public Works (DPW). DPR, DPW and the Applicant must agree to the detail and extent of the offsite improvements required prior to submitting the Preliminary Plat for Planning Commission review.
6. As stated in the General Notes, #243, the Developer must provide an intersection & stopping sight distance submittal for the proposed Burlin Road access point. This submittal must be approved by the Department prior to presenting the Preliminary Plat to the TAC for review. Mark the proposed entrance locations in the field by flagging or stake on the roadside bank
7. All applicable Road Construction Plans and Road Code variances must be submitted prior to submitting the Preliminary Plat for Planning Commission review.
8. All MDE permitting required for the Midnight Sun Drive stream crossings must be obtained prior to the DPW approving the Road & Storm Drain plans
9. As stated in the General Notes, #28, All sanitary sewer lines which are outside of County ROW must be located in utility easements with a minimum width of 20'. They may need to be wider depending on the size and/or depth of the utilities. The final/record plat must reflect the actual easement widths and alignments therefore if during construction width or alignment changes occur the record plat must be amended.
10. All sanitary sewer lines which are outside of County ROW must provide adequate access for inspection and maintenance.
11. All Sanitary Sewer Pump Stations proposed must be located on a lot/parcel of property dedicated to Cecil County and must be identified on the Preliminary Plat submitted for TAC review. Adequate access for inspection and maintenance must be provided to the sewer pump stations.
12. The sanitary sewer allocation must be requested prior to submitting the Preliminary Plat for review by the Planning Commission. The projected sewer flow of 144,450 gpd shown General Note 19 is incorrect. The actual allocation request should be 535 Equivalent Living Units (ELUs) at 220 gpd per ELU or total daily flow of 117,700.
13. The location of the proposed force main and location of public sewer collection system must be shown on the Preliminary Environmental Site Design Plans.

Mr. Kirsh read the comments of the Health Department:

Water and sewer allocations must be obtained from the appropriate utility providers prior to final plat approval. The allocation letter must contain the following information:

1. The amount of flow allocated. Since development is being proposed in phases, identify the phase of the project the current allocation is for.
2. Identify if the allocation expires if it is not put into use by a given date.
3. Identify if any water or sewer upgrades are needed to provide this allocation (pump stations, new mains, additional treatment) and if any Maryland Department of the Environment permits are required for these upgrades.

Phases cannot obtain final plat approval until Maryland Department of the Environment, permits any utility upgrades required to provide service to it have been approved.

Final and record plats are required to have the following statements:

1. Public water and sewerage will be available to all lots offered for sale (by owner's signature block).
2. Use of public water and sewerage is in conformance with the Cecil County Master Water and Sewerage Plan (by Health Department signature).

COMMENTS IN FAVOR: Brigitte Carty, Lower Susquehanna Heritage Greenway, 1015 Morrison Blvd., Havre de Grace, Maryland spoke in favor of this project as well as provided the commission with written testimony. See file.

COMMENTS IN OPPOSITION: Bill Bruchey, 509 Jacob Tome Hwy, Port Deposit, Chris Bannon, 52 Rock Run Road, Port Deposit; Christina Perreta, 232 Old Zion Road, North East; Cindel Berlin, 33 Granite Avenue, Port Deposit; Dan Berlin, 33 Granite Avenue, Port Deposit; Elizabeth Lynch, 278 N. Main Street, Port Deposit; Ellie Horrah, 72 N. Main Street, and 33 Rolling Hill Ranch Lane, Port Deposit; Janet Candy, 190 Rock Run Road, Port Deposit; Justin McCardell, 823 Doctor Jack Road, Port Deposit; Louis Merryman, 158 Anchor Hope Lane, Port Deposit; Paula McWhorter, 251 Liberty Grove Road, Port Deposit; Rachel Brewer, 832 Lombard Road, Rising Sun, MD; Sandra Taylor, 110 Arthur Avenue, Port Deposit; Tony Jones, 104 Fox Fire Drive, Port Deposit; Victoria Shores, 154 Honeysuckle Drive, Port Deposit; Anna Cifaldo, 10 Burlin Road, Port Deposit; Chris Bannon, Sr., 52 Rock Run Road, Port Deposit spoke in opposition of this project. Collectively they feel that the roads surrounding the area are inadequate for an increase in traffic, schools will be overcrowded, stormwater run-off will increase and be detrimental to the town of Port Deposit as well as the surrounding areas, negative effects to the wildlife in the area, crime may increase and the rural character of the area will disappear with the increase in homes.

Mr. O'Connor explained that written comments were received from the following: Town of Port Deposit, Ralph and Marie Jackson, John Armstrong, Jr., Brian Bannon, George & Frances Mary Woll, Janet Candy, Christine Perratta, Mr. & Mrs. Horah, Chris Bannon, Diana & Ronald Andrulonis, Neil Flamer, Elizabeth Armstrong, Louis Merryman and Diane & Paul Johnson. The comments received echoed the comments heard at the meeting. A petition with over 1500 signatures were received as well as pictures and a PowerPoint. See file.

Discussion ensued regarding the previous submittals for this property, the details of the TIS, the communication with the Town of Port Deposit and the concerns with the stormwater management of this property.

Mr. O'Connor read the recommendation of the staff:

Approval, conditioned on:

- 1) The Health Department requirements be met;
- 2) The DPR requirements be met;

- 3) The Planning Commission granting the modification of the maximum block dimension for Midnight Sun Dr. between Igneous Way and Azul Drive;
- 4) The Traffic Impact Study (TIS) being approved and agreed upon improvements by the applicant, MDOT-SHA and Cecil County prior to submittal of the Preliminary Plat for TAC review;
- 5) The relocation of the "Existing U.S. Government Easement and Pipe" determined and shown on TAC's review of the Preliminary Plat;
- 6) The density noted on all subsequent submittals is the density approved by the Planning Commission;
- 7) The note requesting the removal the ME-B overlay zoning district not being on any subsequent submittals;
- 8) The location of all Bufferyards must be shown graphically on all subsequent submittals;
- 9) The correction of General Note 13 to state a Bufferyard meeting the C standard shall be established along the frontage of Burlin Rd. on all subsequent submittals;
- 10) The correction of the Land Use District on Sheet 1 on all subsequent submittals;
- 11) The correction of General Note 7 to state that the municipal limits have been located by boundary survey on all subsequent submittals;
- 12) The correction of the wording in Note 23 on all subsequent submittals;
- 13) The correction of the WHS letter date in Note 39 on all subsequent submittals;
- 14) The alignment of the proposed Lower Susquehanna Heritage Greenway Trail being shown on TAC's review of the Preliminary Plat.

A motion to disapprove due to the density of 524 units that will create run-off issues was made by Mr. Wallace. Motion died for a lack of a second.

A motion for approval, with staff's conditions was made by Mr. Kirsh. Motion died for a lack of a second.

Ms. Sniadowski explained to the Commission that a motion must receive a second to continue with discussion on the project.

A motion was made by Mr. Wallace to disapprove due to the number of homes above Port Deposit and the stormwater management issues. The motion was seconded by Ms. Bowsbey.

Discussion ensued regarding reducing the number of lots on the project, and how it will affect the Town of Port Deposit as presented.

Mr. Wallace withdrew his motion.

A motion for approval with staff's conditions and with the addition of a 15th condition (see below for full list of conditions) was made by Mr. Kirsh:

Approval, conditioned on:

- 1) The Health Department requirements be met;
- 2) The DPR requirements be met;
- 3) The Planning Commission granting the modification of the maximum block dimension for Midnight Sun Dr. between Igneous Way and Azul Drive;
- 4) The Traffic Impact Study (TIS) being approved and agreed upon improvements by the applicant, MDOT-SHA and Cecil County prior to submittal of the Preliminary Plat for TAC review;
- 5) The relocation of the "Existing U.S. Government Easement and Pipe" determined and shown on TAC's review of the Preliminary Plat;
- 6) The density noted on all subsequent submittals is the density approved by the Planning Commission;
- 7) The note requesting the removal the ME-B overlay zoning district not being on any subsequent submittals;

- 8) The location of all Bufferyards must be shown graphically on all subsequent submittals;
- 9) The correction of General Note 13 to state a Bufferyard meeting the C standard shall be established along the frontage of Burlin Rd. on all subsequent submittals;
- 10) The correction of the Land Use District on Sheet 1 on all subsequent submittals;
- 11) The correction of General Note 7 to state that the municipal limits have been located by boundary survey on all subsequent submittals;
- 12) The correction of the wording in Note 23 on all subsequent submittals;
- 13) The correction of the WHS letter date in Note 39 on all subsequent submittals;
- 14) The alignment of the proposed Lower Susquehanna Heritage Greenway Trail being shown on TAC's review of the Preliminary Plat; and
- 15) The Stormwater Management Plan be designed to retain current run-off levels during a 100 year storm.

The motion was seconded by Ms. Bowsbey.

Members in favor of motion include: Kirsh, Bowsbey, and Harmer.

Member in opposition of motion include: Wallace.

Motion for approval with fifteen (15) conditions carried.

SPECIAL EXCEPTION:

FILE: 4002 - APPLICANT: Rachel Brewer, Brewers Hideaway Farm LLC.

FOR: Special Exception to operate a farmer's market.

PROPERTY LOCATION: 832 Lombard Road, Rising Sun, MD 21911, Election District: 9; Tax Map: 5, Parcel: 83.

PROPERTY OWNER: Rodney S. & Rebecca K. Brewer.

PRESENTLY ZONED: Northern Agricultural Residential, (NAR).

Rachel Brewer appeared and presented an overview of the application. Ms. Brewer explained that she would like to open a farmer's market with all local produce as well as produce from their own farm.

Ms. Bowsbey expressed that she likes to see local produce being sold to County citizens.

HEALTH DEPARTMENT:

A written description of the plan for processing waste, handling of produce and whether the produce will be whole or cut is needed. Depending on response additional permits may be necessary. Please contact the Health Department to discuss further.

COMMENTS IN SUPPORT: Christopher Bannon, 52 Rock Run Road, Port Deposit, spoke in favor of this application. He feels this would be a good resource for county citizens to purchase local produce. Rodney and Rebecca Brewer, 215 Nellies Corner Road, stated that they are excited for this farmer's market to be established, therefore they are in favor of this application.

COMMENTS IN OPPOSITION: None.

STAFF RECOMMENDATION:

Recommendation is for approval for as long as the applicant operates the market and the property owners own the property, the provisions of section 63 of the Zoning Ordinance are followed and all MALPF requirements are followed.

A motion for approval, conditioned on Rachel Brewer or an immediate family member of Rachel Brewer retaining ownership of the property and the provisions of Section 63 of the Zoning Ordinance and all MALPF requirements being followed was made by Mr. Kirsh.

The motion was seconded by Mr. Harmer.

All approve. Motion carried.

The next meeting for this application will be June 23, 2020 before the Board of Appeals.

FILE: 4003 - APPLICANT: Jean & Andrew Johnson, A&J Fine Cars, LLC.
FOR: Special Exception Renewal to operate a home occupation.
PROPERTY LOCATION: 18 Linton Run Road, Port Deposit, MD 21914, Election District: 7;
Tax Map: 23, Parcel: 663, Lot 2.
PROPERTY OWNER: Jean & Andrew Johnson.
PRESENTLY ZONED: Northern Agricultural Residential, (NAR).

Jean and Andrew Johnson appeared and presented an overview of the application. They expressed that they are seeking an approval for as long as they own the property.

Mr. Kirsh asked if staff had received any complaints regarding this operation since the original approval. Mr. Lightner said that no complaints have been received.

HEALTH DEPARTMENT:

The Health Department has no objection.

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: None.

STAFF RECOMMENDATION:

Approval for as long as the applicants own the property.

A motion for approval per staff's recommendation was made by Mr. Harmer.

The motion was seconded by Mr. Kirsh.

All approve. Motion for approval for as long as the applicants own the property, carried.

The next meeting for this application will be June 23, 2020 before the Board of Appeals.

FILE: 4005 - APPLICANT: Amos F. Kauffman.
FOR: Special Exception to operate a slaughter house.
PROPERTY LOCATION: 1118 England Creamery Road, Rising Sun, MD 21911, Election District: 9; Tax Map: 11, Parcel: 256.
PROPERTY OWNER: Amos F. & Sadie K. Kauffman.
PRESENTLY ZONED: Northern Agricultural Residential, (NAR).

Amos Kauffman appeared and presented an overview of the application. Mr. Kauffman stated that his clients would bring the animals to his facility. Mr. Kauffman explained that he recently placed a new building on the property to conduct this operation.

HEALTH DEPARTMENT:

A detailed written proposal is needed describing the proposed amount of processing, proposed methods of waste disposal and whether all operators reside at 1118 England Creamer Road. Additional soil evaluations or perc tests may be necessary.

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: None.

STAFF RECOMMENDATION:

Recommendation for approval for as long as the applicant owns the property and all provisions of section 59 of the Zoning Ordinance are followed.

A motion for approval per staff's conditions was made by Mr. Kirsh.
The motion was seconded by Mr. Wallace.

All approve. Motion for approval for as long as the applicant owns the property and all provision of section 59 of the Zoning Ordinance are followed, carried.

The next meeting for this application will be June 23, 2020 before the Board of Appeals.

FILE: 4009 - APPLICANT: Elaina Kazmaier.

FOR: Special Exception to operate a home occupation.

PROPERTY LOCATION: 15 Trailwood Court, North East, MD 21901, Election District: 5; Tax Map: 31, Parcel: 1277, Lot 8.

PROPERTY OWNER: Matthew T. & Elaina L. Kazmaier.

PRESENTLY ZONED: Urbanized Residential, (UR).

Elaina Kazmaier appeared and presented an overview of the application. Ms. Kazmaier is looking to operate a grooming business with no more than three (3) animals in the home at one time. She believes that she has ample parking for this use and will operate by appointment only. Ms. Kazmaier stated that she may place signage on the property to advertise the business.

Discussion ensued regarding any possible deed restrictions for this operation and minimal impact on neighboring properties.

HEALTH DEPARTMENT: The Health Department has no objection.

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: None.

STAFF RECOMMENDATION:

Recommendation for approval for two (2) years.

A motion for approval per staff's recommendations was made by Mr. Wallace.
The motion was seconded by Mr. Harmer.

All approve. Motion carried.

The next meeting for this application will be June 23, 2020 before the Board of Appeals.

FILE: 4010 - APPLICANT: Maryanne Gustafson.

FOR: Special Exception to operate a home occupation.

PROPERTY LOCATION: 217 Cherry Hill Road, Elkton, MD 21921, Election District: 3; Tax Map: 20, Parcel: 690.

PROPERTY OWNER: Maryanne Gustafson & Timothy Myers.

PRESENTLY ZONED: Village Residential, (VR).

Maryanne Gustafson appeared and presented an overview of the application. Ms. Gustafson stated that she would like to operate a grooming business. She would operate by appointment only with only one dog being serviced at a time. She believes she has ample parking. She may place signage on the property to advertise the operation.

HEALTH DEPARTMENT:

Adequate water and sewer allocations must be approved and received from the utility for any projected increase in flows, prior to approval of any building permit.

Mr. Wilen stated that Ms. Gustafson can contact him for any information regarding additional entrances and additional sanitary sewer flow.

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: None.

Discussion ensued regarding any possible deed restrictions for this operation and minimal impact on neighboring properties.

STAFF RECOMMENDATION:

Recommendation of approval for two (2) years.

A motion for approval per staff's conditions was made by Mr. Wallace.

The motion was seconded by Mr. Harmer.

All approve. Motion for approval for two (2) years carried.

The next meeting for this application will be June 23, 2020 before the Board of Appeals.

FILE: 4011 - APPLICANT: SolHarvest Energy c/o John Forgash.

FOR: Special Exception to operate a power generation facility.

PROPERTY LOCATION: 2745 Telegraph Road, North East, MD 21901, Election District: 9; Tax Map: 12, Parcel: 90.

PROPERTY OWNER: Donald T. & Deborah Moore.

PRESENTLY ZONED: Northern Agricultural Residential, (NAR).

John Forgash, Cameron Brown, Esq., Daniel Speakman and Steve Hazel appeared and gave an overview of the application. Mr. Forgash presented a PowerPoint of the project (see file).

HEALTH DEPARTMENT:

The Health Department has no objection.

Discussion ensued regarding who can buy into the energy once installed.

COMMENTS IN SUPPORT: None.

Mr. Lightner explained that staff received a letter of support from Al & Karen Miller, 2545 Telegraph Road, North East, MD (See file).

COMMENTS IN OPPOSITION: Sue Shinton, 52 Buckwheat Run Road, North East, MD spoke in opposition citing concerns with panels being placed on the south side of Telegraph Road in the future. Mr. Forgash stated that if they choose to place panels on that area of the property, a new plan would need to be submitted for review. He explained that as of now, it is not feasible to place panels there.

STAFF RECOMMENDATION:

Recommendation for approval for as long as the applicant operates the facility and the property owners own the property.

A motion for approval so long as the facility is operated and the lease is in effect, made by Mr. Kirsh. The motion was seconded by Mr. Harmer.

All approve. Motion for approval so long as the facility is operated and the lease is in effect, carried.

The next meeting for this application will be June 23, 2020 before the Board of Appeals.

GENERAL DISCUSSION:

None.

The meeting adjourned at 11:04 p.m.

NEXT PLANNING COMMISSION MEETING: The next meeting will be on Monday, July 20, 2020 at 6:00 p.m. The meeting will be held in a virtual format hosted by the Perryville Room.

Respectfully submitted,

Jennifer Bakeoven
Administrative Assistant
Department of Land Use & Development Services
Division of Planning & Zoning

CECIL COUNTY PLANNING COMMISSION
MEETING MINUTES
Monday, July 20, 2020
Virtual meeting hosted by the Perryville Room
6:00 p.m.

PRESENT: Chad Johnston - Vice Chair, Wyatt Wallace, Peter Kirsh, Don Harmer, Joyce Bowlsbey – Alternate, Deborah Sniadowski, Esq, Stephen O’Connor (LUDS / P&Z), Kordell Wilen (LUDS / DPR), Bryan Lightner (LUDS/P&Z) and Jennifer Bakeoven (LUDS/P&Z).

ABSENT: Pat Doordan – Chairman, Bill Miners, Bill Coutz (Ex-Officio), Ed Arellano (DEH).

MINUTES: Motion was made by Mr. Wallace, seconded by Mr. Kirsh and carried to approve the June 15, 2020, 6:00 p.m. meeting minutes as mailed.

SUBDIVISION:

1. Barksdale Crossing, Lots 1-73, Concept Plat, Barksdale Road, McCrone, Inc., Fourth Election District.

David Strouss, McCrone, Inc. appeared and presented an overview of the project.

Mr. O’Connor, P&Z, read the comments of the department:

This proposal was found to be in compliance with §3.8 of the Subdivision Regulations regarding public notification.

The site is within the Suburban Transitional Residential (ST) zoning district.

The ST zone permits a maximum base density of 1 du/ 1 ac without community facilities¹ and 4 du/1ac with community facilities. This Concept Plat proposes 73 lots served by community facilities on 37.4 acres, for a proposed density of 1.95 du /1 ac.

This project location is situated within the 2010 Comprehensive Plan’s Employment (EMP) land use district.

The project is neither located within a Priority Funding Area (PFA) or a Priority Preservation Area (PPA).

As established by the County’s adoption of the Sustainable Growth and Agricultural Preservation Act’s tier map, this site is located within a Tier II² area.

This site is located W3³ and S2⁴ & S-3⁵ on the 2019 Master Water & Sewer Plan.

The site is not located within a Critical Area overlay district.

¹ Community Facilities is defined as *A public, private, or community water supply and distribution system and/or sewerage disposal system severing three (3) or more dwelling units.*

² Tier II areas are those planned to be served by public sewerage systems in locally designated growth areas needed to satisfy demand for development at densities consistent with the long term development policy after consideration of the capacity of land available for development including infill and redevelopment within the County. The County may only grant approval if all lots will be served by public sewer or if a minor subdivision is served by on-site sewage disposal systems.

³ Future Service, 0-2 years

⁴ Parcel 47 (Future Service, 0-2 years)

⁵ Parcels 109 & 600 (Future Service, 2-3 years)

The property is not located within a Floodplain overlay zone or district. This is noted correctly in General Note 16.

The site is located within the Singerly Fire Company (004) service area. As of September 13, 2019, the Division of Planning & Zoning is requesting this information be placed on all subdivisions and site plans for the benefit of the State Department of Assessments and Taxation. This is on the plat at General Note 17.

This is a new application with no previous minor or major subdivision applications on record.

§4.0.1 of the Subdivision Regulations requires the preparation of a Concept Plat for projects with more than 10 lots or 25 or more acres, whichever is more restrictive.

§4.0.6 of the Subdivision Regulations requires that the TAC and subsequently the Planning Commission, will, in general, be reviewing the Concept Plat with regard to the following:

- A. Interior street configuration and layout
- B. Proposed density.
- C. Entrance locations (both street and driveway)
- D. Traffic effect on existing and proposed roads.
- E. Water and Sewer facilities.
- F. Feasibility of a subdivision in the area, including:
 - 1. Total number and size of lots
 - 2. Effect on school district and school bus service
 - 3. Approximate lot layout and other reserved areas, if any.
- G. New land development technique(s)
- H. The effect on waterways, shorelines, due to run-off, erosion, etc.
- I. Consistency with the Critical Area Program requirements
- J. Consistency with the Cecil County Forest Conservation Regulations
- K. Stormwater Management requirements.

§4.0.13(a) of the Subdivision Regulations requires that a Concept Plat shall only be reviewed by the Planning Commission if the Forest Stand Delineation (FSD) and Stormwater Management Concept Plan (C-SWM) have been approved prior to submission. The FSD received technical requirement approval by the Division of Planning & Zoning on June 12, 2020⁶. A C-SWM received technical requirement approval by the Division of Plans Review.

Article VI – Schedule of Zone Regulations – ST zone with Community Facilities

	Lot size (sq. ft.)	Lot width (ft)	Front Setback	Rear Setback	Side Setback	Max Height	Road Frontage
SFD	6,500	65	20	20	10	35	100/25 ⁷

The minimum requirements for lot size, width, setbacks, building height, and road frontage in Article VI of the Zoning Ordinance.

⁶ The FSD signatures were not affixed until after the deadline date due to limitations of staff availability due to the COVID-19 restrictions.

⁷ Road Frontage may be reduced to lower figure for lots on a local roadway as defined on the Official Cecil County Roadway Classification Map.

A 110' perennial stream buffer is required from all perennial streams present. This buffer shall be expanded to include contiguous areas of hydric soils, highly erodible soils, and soils on slopes greater than 15% -- to a maximum distance of 160'. The perennial stream buffers are shown on the plat.

A 25' buffer is required around all non-tidal wetlands and intermittent streams present. Permits are required from the (US Army) Corps of Engineers and MDE for all non-tidal wetland and stream impacts prior to recordation. JD's are required in conjunction with permitting. If no permits are required, and if the proposed project meets the policy standards established on 3/20/1995 and revised on 1/16/1996; or if the FSD/Conceptual Environmental Assessment finds that there are to be no impacts to field-delineated wetlands or stream impacts; or if the FSD/Conceptual Environmental Assessment finds that there are no wetlands or streams and that finding is consistent with the details of County wetlands maps and USGS quad maps, then no JD is required. If required, then a JD is recommended to be done prior to Final Plat review by the Planning Commission but required to be completed prior to recordation.

This project does not meet the criteria of the Planning Commission's policy of 3/20/1995 (revised 1/16/1996); The FSD does have field delineated wetlands, but part of the Wetland Buffer is on Lots 27, 28, & 29. Staff recommends that the applicant determine if the wetlands and associated buffers on Lots 27-29 will be part of the Forest Retention Area (FRA) prior to Planning Commission submittal of the Preliminary Plat. If these areas are not part of the FRAs, it is assumed that the area will be disturbed by the development or a subsequent lot owner.

Dwellings or impervious surfaces shall not occur on slopes with a grade of 25% or more covering a contiguous area of 10,000 ft² or more. On slopes between 15 and 25%, good engineering practices shall be used to ensure sediment and erosion control and slope stabilization before, during and after disturbance activities.⁸

Slopes greater than 25% must be shown on the Preliminary Plat.

The habitats of rare, threatened, and endangered species (RTE) must be avoided. The Wildlife & Heritage Service has determined that no RTE species are located on site per a letter dated May 28, 2020.

Article IX, §174.7 of the Zoning Ordinance requires that all regulated activities defined by the Cecil County Forest Conservation Regulations shall meet all requirements as prescribed herein. Note 13 states that the FSD was completed on March 18, 2020. However, the approval date was July 13, 2020. The applicant is notified that subsequent plan submittals should have either the approval date or no date listed on this type of note.

The Soil Survey used on the concept plat is current.

A minimum 15% Common Open Space (COS)⁹ is required for all subdivisions involving 10 or more lots in the ST zoning district. This project proposes 20.9 acres or 55.88% of COS.

No more than 40% of required COS¹⁰ shall consist of areas designated as non-tidal or tidal wetlands. The project proposes 1.9 acres or 33% of the required COS consist of areas designated as non-tidal or tidal wetlands.

At a minimum 15% of the required COS¹¹ shall not consist of perennial or intermittent stream buffers, non-tidal wetlands or buffers, steep slopes or RTE habitats. The project proposes 9.7 acres exclusive of those areas exceeding the requirement.

⁸ The Cecil County Subdivision Regulations define steep slopes as "15 percent or greater incline." The Cecil County Zoning Ordinance defines steep slopes as consisting of a grade of 25% or more covering a contiguous area of 10,000 ft² or more. The Cecil County Forest Conservation Regulations define steep slopes as "areas with slopes greater than 25 percent slope."

⁹ 37.4 acres *0.15 = 5.60 acres

¹⁰ 5.6 acres *0.40 = 2.24 acres

¹¹ 5.6 acres *0.15 = 0.84 acres

The developer shall complete the following prior to approval of the record plat:

1. Provide and establish the organization for ownership, maintenance, and preservation of COS prior to recordation of the Plat.
2. Establish an escrow account commensurate to the costs associated with the long-term maintenance, preservation, and improvement of COS.
3. Provide covenants or other legal arrangements specifying that each owner in the development is required to participate in the ownership, maintenance responsibilities, fees, and improvements of COS; and
4. Provide deed restrictions and/or covenants to ensure the purpose for which COS is provided.

Access to common open space between lots must be marked with concrete monuments.

Prior to recordation of the final plat, there shall be some form of surety acceptable to the County, in an amount specified by the County, or the execution and recordation of a subdivision agreement, which shall be submitted with the final plat which subdivision agreement or surety shall secure an agreement to construct required physical improvement identified on the plan for Open Space Improvements.

Section 183 of the Zoning Ordinance allows for any subdivision or site plan proposing development may grant public access easements to Cecil County Government across the minimum land necessary to accommodate the alignment of a greenway or bikeway. Barksdale Rd. from east of Appleton Rd to the Delaware State line is one of those identified areas in the 2012 Cecil County Master Bicycle Plan¹².

At TAC, Mr. Sutton explained that the developer has discussed a placement of a tot lot near lots 49 and 50 as well as a bike path along Barksdale Road. Staff recommends that the location of these recreational opportunities be included on the TAC submittal of the Preliminary Plat.

A minimum of 15% of the development envelope shall be landscaped. This Concept Plat indicates 12.0 acres in lots and 4.5 acres in Right-of-Ways for a total of 16.5 acres within the development envelope. The 15% calculation for the landscaping must be on the Preliminary Plat.

Street Trees are required along both sides of all newly created streets so that for every 50 feet of road frontage, there is one deciduous tree that has or will have, when fully matured, a trunk of at least 12 inches in diameter.

A ten-foot-wide planting easement shall be established on each newly created lot for the purpose of permitting the developer to plant or retain sufficient trees to meet the street tree requirement.

In areas with community facilities, no street trees shall be planted within 20 feet of sewer laterals and cleanouts. This must be noted on the Final Plat.

A Bufferyard meeting the B standard in Appendix B of the Zoning Ordinance must be established along Barksdale Rd. It has been shown on this submittal.

DLUDS or the Planning Commission shall require Bufferyards to separate different zoning districts. The property to the east is in the Light Industrial (M1) zoning district, and it appears that there are existing environmental constraints on that side of the site. At TAC, Mr. Sutton said those environmentally constrained areas it would be made part of the Forest Conservation easement for the property to effectively meet the Bufferyard requirement.

¹² Corridor #14 on Page 32 of the [Cecil County Master Bicycle Plan](#)

Any tree removal within a public right-of-way requires approval from the Maryland Department of Natural Resources.

Two off street parking spaces are required for each lot. Driveways shall measure not less than 12 feet in width and 18 feet in length.

§7.2.12A.2 of the Subdivision Regulations requires that whenever a subdivision abuts a County owned or maintained roads that a dedication for public use is required. The land dedication for Barksdale Rd is clearly shown or noted on the plat.

§7.2.12B.6 requires that all street names shall be approved by the Department of Emergency Services and the Department of Land Use and Development Services (LUDS). Road names shall not be duplicate or analogous those used elsewhere in the County. Further all proposed suffixes and prefixes shall not deviate from the standards adopted by the United States Postal Service. The proposed road names Country Living Road and Buttercup Circle have been APPROVED by DES.

The TAC's concerns regarding a curve on Buttercup Circle¹³ have been addressed on this submittal corrections meeting DPW/DPR concerns. This change in the road has cause the shifting of some lots and the creation of 2 panhandle lots. This is not a significant change to the layout to require a new TAC review per §4.0.2 of the subdivision regulations.

The Planning Commission adopted a policy on November 21, 1989 that at Traffic Impact Study (TIS) is required when 100 or more dwelling units are proposed or where the Planning Commission feels special circumstances would warrant a study. This Concept Plat TAC submittal doesn't meet the 100 dwelling units' threshold. Considering that other proposed developments along Barksdale Road do not have validity¹⁴, and there hasn't been significant development since the last TIS study in this area ¹⁵ staff views that this project does not rise to the special circumstances provision to require a TIS.

§7.2.12F.1 stipulates that the Planning Commission shall have the right to approve or disapprove any point of ingress or egress to any lot, tract, parcel ore development from any street or highway. This submittal proposes a monumental style entrance rather than multiple entrances to the site.

Sidewalks along one side of all internal streets is required per Article III, Part II, §26.5 of the Cecil County Zoning Ordinance. Sidewalk locations are shown on this submittal.

The Division of Planning of Zoning has asked, and the applicant has added, a sidewalk maintenance note to the plat. This note should appear on all subsequent plats, where sidewalks are shown.

General Note 12 states that water service will be provided by Artesian Water. Documentation of water allocation must be provided by the applicant prior to the submittal of the Final Plat.

General Note 9 states that sewer service will be provided by Cecil County DPW through the Meadowview Wastewater Treatment Plan (WWTP). Documentation of sewer allocation/capacity must be provided by the applicant prior to the submittal of the Final Plat.

¹³ Identified as Cherry Circle on the TAC submittal, but the road name changed due to disapproval of Cherry Circle by DES.

¹⁴ Estates at Barksdale/Barksdale Village never presented their PUD sketch to the Board of Appeal this have no standing & Sun Valley Estates concept plat expired on 9/30/2016.

¹⁵ 2005 – See Aston Pointe file

The Final Plat shall contain a statement signed by the Health Department, approving authority, to the effect that use of the community water supply and community sewerage system is in conformance with the Master Water and Sewer Plan.

The Final Plat shall also contain a statement, signed by the owner, to the effect that such facilities will be available to all lots/homes offered for sale.

The following items must be completed prior to submittal of a Preliminary Plat to the Planning Commission:

1. All Concept Plat conditions are satisfied.
2. Preliminary Forest Conservation Plan (PFCP) must be approved.
3. SWM Preliminary Plan must be approved.
4. A boundary line survey must be done in conjunction with the preparation of the Preliminary Plat for density calculation purposes.
5. If required, completion and approval of a TIS

A Landscape Agreement must be executed prior to recordation.

Deed restrictions for the long-term protection of the street trees and Forest Retention/ Afforestation Areas (FRAs) must be recorded and noted on the plat prior to recordation, with the metes and bounds description of the FRA being shown on the Final and Record Plats.

All proposed lots shall not exceed the 3:1 length to width ratio established in §7.4.2.

A Homeowners' Association for maintenance of common open space must be established with \$50 per recorded lot placed in escrow for improvements prior to recordation.

Mr. Wilen, DPR, read the comments of the division:

1. The Concept Stormwater Management (SWM) has been reviewed and approval has been granted. This plan must satisfy the current Stormwater Management Code. Therefore, the Preliminary SWM Plans must be approved prior to the Preliminary Plat being submitted for review by the Planning Commission.
2. Revise note 7 as needed to reflect the purpose of the Common Open Space. On the Concept Stormwater Management Plan reviewed, this area was not being used to satisfy the Cecil County Stormwater Management Code.
3. If stormwater discharge is directed off of the site on to adjacent property, it is the responsibility of the Developer to obtain necessary and appropriate easements from the affected property owners per Sections 325-16.D of the Cecil County SWM Code.
4. Identify all SWM easements on the Preliminary & Final plats.
5. Since structural stormwater management practices are proposed, add the following note to the Owners Certificate on the Final Plat; "*OWNERS hereby grant unto the Cecil County Department of Public Works ("DEPARTMENT") or its agent and contractor for the right of entry at reasonable times and in a reasonable manner for the purpose of inspecting, operating, installing, constructing, reconstructing, maintaining, or repairing the facility*".
6. All applicable Road Construction plans must be submitted for review prior to Preliminary Record Plat being submitted for review by the Planning Commission.
7. Unless granted the necessary variances, the entrance improvements and road construction plans must be designed in accordance with the current Road Code, Standards and Specifications. All Road Code variances must be requested prior to the Preliminary Record Plat being submitted for review by the Planning Commission.
8. A sight distance submittal is required for the proposed access point on to Barksdale Road. Mark the centerline location in the field to facilitate review of your submittal.

9. The minimum entrance improvements required will be those associated with Section 3.07.15 of the Road Code, which nominally requires that Barksdale Road be reconstructed for a minimum of 100' either side of the point of intersection to current standards for the appropriate road classification. If the road already meets current standards, no road improvements are required. However, with the number of lots and the condition of the existing road additional offsite improvements may very well be required. A Protocol Two Road Condition survey and improvements plan will reviewed by DPR with the Department of Public Works (DPW). DPR, DPW and the Applicant must agree to the detail and extent of the offsite improvements required prior to submitting the Preliminary Record Plat for Planning Commission review.
10. The sanitary sewer must be designed in accordance with the current 'Standard Specifications and Details for Water Mains and Sewer Mains'.
11. Every effort must be taken to keep sewer lateral cleanouts outside of driveways and sidewalks.
12. All sanitary sewer lines which are outside of County ROW must be located in utility easements with a minimum width of 20'. They may need to be wider depending on the size and/or depth of the utilities. The final/record plat must reflect the actual easement widths and alignments therefore if during construction width or alignment changes occur the record plat must be amended.
13. All sanitary sewer lines which are outside of County ROW must provide adequate access for inspection and maintenance.
14. Sanitary sewer allocation must be requested prior to submitting the Preliminary Record Plat for Planning Commission review.
15. All MDE or Army Corps of Engineers permitting required for the impacts to the non-tidal wetlands or non-tidal wetland buffers must be approved prior to Final Stormwater Management Plan approval.
16. The following standard notes and requirements apply to this plat and project: The details of these notes and requirements will be identified in the record but will not be read at this time:
 - 16.1 *The Lot Grading Plan Construction Limits Note.*
 - 16.2 *Requirements for Public Works Agreements.*
 - 16.3 *Requirements for Stormwater Inspection and Maintenance Agreements.*

Notes and requirements identified for record:

1. *The Lot Grading Plan must include the standard construction limits note.*
2. *Grading Plan: "No clearing or grading is permitted beyond the limits of disturbance show here on. Any expanded clearing and/or grading in the absence of an approved revised lot grading plan may be considered non-compliance with Chapter 325 of the Cecil County Code and either or both the developer and/or Builder may be subject to the enforcement of the penalty provisions therein."*
3. *A Public Works Agreement is required for the road & associated storm drainage construction and the public sanitary sewer collection system.*
4. *An Inspection & Maintenance Agreement is required for the private SWM facilities.*

Mr. Kirsh read the comments of the Health Department:

1. Written confirmation of adequate water and sewer allocation must be received prior to final plat approval.
2. If an upgrade to the water system or sewer plant is required to serve this development, approval for the upgrade must be approved by the Cecil County Department of Public Works and Maryland Department of the Environment prior to Final Plat approval.
3. Design of the water and sewer lines should include a capacity for the parcel.
4. The Master Water and Sewer Plan must be amended to include this project as an area served by Public Water and Sewer prior to final plat approval.

5. A licensed well driller would need to abandon and seal the existing drilled well. The abandonment report must be submitted to our office before final plat approval.
6. Any existing septic systems on the parcels would need to be abandoned before final plat approval.

Final and Record Plats are required to have the following statements:

1. Public water and sewerage will be available to all lots offered for sale (by owner's signature block).
2. Use of public water and sewerage is in conformance with the Cecil County Master Water & Sewer Plan (by Health Department's signature block).

COMMENTS IN FAVOR: None.

COMMENTS IN OPPOSITION: Mr. O'Connor read a letter of opposition from Julie Parrack, Elkton, Maryland into the record.

Discussion ensued regarding the monumental entrance.

Mr. O'Connor read the recommendation of the staff:

APPROVAL, conditioned on:

- 1) The Health Department requirements being met;
- 2) The DPR requirements being met;
- 3) The density noted on all subsequent submittals being the density approved by the Planning Commission;
- 4) Correction or removal of the FSD approval date on subsequent submittals;
- 5) Locations of recreational amenities included on the Preliminary Plat;
- 6) Acreage of the development envelope being included on the Preliminary Plat for landscape calculation purposes;
- 7) Environmentally constrained areas on the east side of the development shall be part of the Forest Retention Area; and
- 8) The applicant's determination of the wetlands and associated buffers on Lots 27-29 being part of the Forest Retention Area prior to Planning Commission submittal of the Preliminary Plat.

A motion for approval with staff's conditions made by Mr. Wallace.

The motion was seconded by Mr. Harmer.

Motion for approval with conditions unanimously carried.

REZONING:

FILE: 2020-03 APPLICANT: 109-111 Providence Road, LLC c/o Saul Ewing Arnstein & Lehr.

REQUEST: Request to rezone 0.7 acres from Rural Residential, (RR) to Northern Agricultural Residential, (NAR).

PROPERTY LOCATION: 109-111 Providence Road, Elkton, MD 21921, Election District: 4, Tax Map: 13, Parcel: 360.

PROPERTY OWNER: 109-111 Providence Road, LLC (Dave Fennimore).

PRESENTLY ZONED: Rural Residential, (RR).

Tom Prevas, Esq. and David Fennimore, owner, appeared and presented an overview of the application. Mr. Prevas explained that this parcel was meant to be included in the previous approval of the rezoning of Parcel 349 when it came before County Council in February 2020.

HEALTH DEPARTMENT: Health Department has no objection.

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: None.

STAFF RECOMMENDATION:

Recommendation is for approval due to a demonstrated mistake in the 2011 Comprehensive Rezoning.

A motion for approval, per staff's recommendation was made by Mr. Kirsh.

The motion was seconded by Mr. Wallace.

All approve. Motion for recommendation of approval due to a demonstrated mistake in the 2011 Comprehensive Rezoning carried.

The next meeting for this application will be August 4, 2020 before the County Council.

SPECIAL EXCEPTION:

FILE: 4012 - APPLICANT: Jessica Eden Sonntag.

FOR: Special Exception to operate a home occupation.

PROPERTY LOCATION: 676 Ragan Road, Conowingo, MD 21918, Election District: 8; Tax Map: 9, Parcel: 61.

PROPERTY OWNER: Chad & Jessica (Jagodzinski) Sonntag.

PRESENTLY ZONED: Northern Agricultural Residential, (NAR).

Jessica Sonntag appeared and presented an overview of the application. Ms. Sonntag explained that she would like to operate a hair salon in her home. She would like to operate 2 days per week with approximately 4 to 6 customers per week.

HEALTH DEPARTMENT: New sewage flow in detached garage requires a second 10,000 sq. ft. sewage area or room for 3 full septic systems/areas. Additional perc testing is required. Contact the Health Department to discuss fees and testing. Additional discussion of removal of waste from the salon is needed as the waste is of a different characteristic than normal residential waste.

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: None.

STAFF RECOMMENDATION:

Recommendation is for approval for two (2) years and all Health Department requirements being met.

A motion for approval, per staff's recommendation was made by Mr. Wallace.

The motion was seconded by Mr. Harmer.

All approve. Motion for recommendation of approval for two (2) years and all Health Department requirements being met, carried.

The next meeting for this application will be July 28, 2020 before the Board of Appeals.

FILE: 4013 - APPLICANT: Einstein Properties, LLC, d/b/a Rosewood Farms.
FOR: Special Exception Renewal to operate a conference center.
PROPERTY LOCATION: 1316 Singerly Road, Elkton, MD 21921, Election District: 3; Tax Map: 302, Parcel: 10.
PROPERTY OWNER: Einstein Properties, LLC c/o Rick Biddle, Managing Member.
PRESENTLY ZONED: Urbanized Residential, (UR).

Rick Biddle, owner and Ronnie Carpenter, P.E. appeared and presented an overview of the application. Mr. Biddle explained that he has been successful in operating his business and has had no issued since receiving approval.

HEALTH DEPARTMENT: Health Department has no objection.

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: None.

STAFF RECOMMENDATION:

Recommendation is for approval for as long as the applicant operates the business and the property owner owns the property.

A motion for approval, per staff's recommendation was made by Mr. Harmer.
The motion was seconded by Ms. Bowsbey.

All approve. Motion for recommendation of approval for as long as the applicant operates the business and the property carried.

The next meeting for this application will be July 28, 2020 before the Board of Appeals.

FILE: 4014 - APPLICANT: Derek Hibberd.
FOR: Special Exception to operate a home occupation.
PROPERTY LOCATION: 162 Fineburg Road, North East, MD 21901, Election District: 5; Tax Map: 25, Parcel: 608.
PROPERTY OWNER: Derek Hibberd and Stephen Hibberd.
PRESENTLY ZONED: Suburban Transition, (ST).

Derek Hibberd appeared and presented an overview of the application. Mr. Hibberd explained that he would like to operate a dog grooming business at this home. He is looking to service 40-50 dogs per week with approximately 2 cars making drop offs at a time.

HEALTH DEPARTMENT: A written proposal of intended use of dog grooming center is necessary. Existing sewage area is not adequate for proposed use. Additional perc testing may be necessary.

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: None.

STAFF RECOMMENDATION:

Recommendation is for approval for two (2) years and all Health Department requirements being met.

A motion for approval, per staff's recommendation was made by Mr. Kirsh.
The motion was seconded by Mr. Harmer.

All approve. Motion for the recommendation of approval for two (2) years and all Health Department requirements being met, carried.

The next meeting for this application will be July 28, 2020 before the Board of Appeals.

FILE: 4018 - APPLICANT: Brent Coleman.

FOR: Special Exception to operate a home occupation.

PROPERTY LOCATION: 140 Finnegan's Place, Conowingo, MD 21918, Election District: 6;

Tax Map: 16, Parcel: 9.

PROPERTY OWNER: Brent & Autumn Coleman.

PRESENTLY ZONED: Northern Agricultural Residential, (NAR).

Brent Coleman appeared and presented an overview of the application. Mr. Coleman stated that he would like to operate a wholesale (vehicles) business from his home. He explained that he will only be operating a home office for the business as no vehicles will be brought to or stored on the property.

HEALTH DEPARTMENT: Health Department has no objection.

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: None.

STAFF RECOMMENDATION:

Recommendation is for approval, for two (2) years.

A motion for approval, for two (2) years conditioned on no commercial vehicles being stored on the property with the exception of Mr. Coleman's personal vehicles was made by Mr. Harmer.

The motion was seconded by Ms. Bowsbey.

All approve. Motion for the recommendation of approval for two (2) years conditioned on no commercial vehicles being stored on the property with the exception of Mr. Coleman's personal vehicles, carried.

The next meeting for this application will be July 28, 2020 before the Board of Appeals.

GENERAL DISCUSSION:

None.

The meeting adjourned at 7:20 p.m.

NEXT PLANNING COMMISSION MEETING: The next meeting will be on Monday, August 17, 2020 at 6:00 p.m. The meeting will be held in a virtual format hosted by the Perryville Room.

Respectfully submitted,

Jennifer Bakeoven
Administrative Assistant

CECIL COUNTY PLANNING COMMISSION
MEETING MINUTES
Monday, August 17, 2020
Virtual meeting hosted by the Perryville Room
6:00 p.m.

PRESENT: Pat Doordan – Chairman; Chad Johnston - Vice Chair, Wyatt Wallace, Bill Miners, , Joyce Bowlsbey – Alternate, Bill Coutz (Ex-Officio); Deborah Sniadowski, Esq, Stephen O’Connor (LUDS / P&Z), Bryan Lightner (LUDS/P&Z), Devyn King (LUDS/ P&Z) and Jennifer Bakeoven (LUDS/P&Z).

ABSENT: Peter Kirsh, Don Harmer, Ed Arellano (DEH), Kordell Wilen (LUDS / DPR).

MINUTES: Motion was made by Mr. Wallace, seconded by Ms. Bowlsbey and carried to approve the July 20, 2020, 6:00 p.m. meeting minutes as mailed. Approved with Mr. Miners abstaining.

Mr. O’Connor explained that an email was sent out from the Maryland Department of Planning regarding the 37th Annual Planning Commissioners Conference has been scheduled for November 9, 2020 from 9:00 a.m. – 4:00 p.m., presented through a webinar format. This conference is open to Planning Commission members among other planning groups. The topics of discussion will be open meeting acts training, housing element, models and guidelines, virtual planning during a pandemic, planning after the pandemic and continuity for planning boards. Any members interested in receiving the information contained in the email should contact Mr. O’Connor.

SUBDIVISION:

No subdivision submittals were received for review by the Planning Commission.

DRAFT – Cecil County Nuisance Flood Plan

Steve O’Connor, Chief – Planning & Zoning appeared and presented an overview of the draft plan. Mr. O’Connor explained that the definition of nuisance flooding as defined by the Maryland Annotated Code Natural Resources Article, section 3-1001, high tide flooding is flooding that leads to public inconveniences such as road closures, etc. Per House Bill 1427 in 2019 states that on or before October 1, 2020 local jurisdictions that experience flooding shall develop a plan. The first draft was developed and shared with stakeholders on July 13, 2020. The document was revised between July 13, 2020 and July 27, 2020 based on stakeholders’ comments which included our municipalities. See file for text of plan.

This plan will go before the County Council seeking approval. Subsequent to the approval by the County Council, the plan must be filed with the Maryland Department of Planning by October 1.

Discussion ensued regarding the latest flooding caused by Tropical Storm Isaisas and the ability to communicate flood risk information to people looking to buy property in these areas.

HEALTH DEPARTMENT: Health Department has no comment.

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: None.

STAFF RECOMMENDATION:
Recommendation is for approval.

A motion for approval, per staff's recommendation was made by Mr. Wallace.
The motion was seconded by Mr. Miners.

All approve. Motion for recommendation of approval of the draft Nuisance Flooding Plan carried.

The next meeting for this application will be September 1, 2020 before the County Council.

AGRICULTURAL PRESERVATION DISTRICT:

FILE CE-21-01 -APPLICANT: Darrell & Eva Byerly.

FOR: Preservation District Establishment.

PROPERTY LOCATION: 1285 Cecilton-Warwick Road, Warwick, MD 21912, Election District: 1, Tax Map; 58, Grids: 22 & 16, Parcels: 13, 73, 62.

ACREAGE: 302.34.

PROPERTY OWNERS: Darrell & Eva Byerly.

PRESENTLY ZONED: Parcels 13 & 62 - Southern Agricultural Residential, (SAR) & Parcel 73 – Rural Residential, (RR).

Devyn King, Agricultural Preservation Administrator gave the following overview of the request. The proposed district property is located off of Cecilton-Warwick Road in Warwick, MD 21912; and further identified as Tax Map 58, Grids 22 and 16, Parcels 13, 73, and 62.

Southern Agricultural Residential (SAR) for Parcels 13 and 62, and Rural Residential (RR) for Parcel 73. The property is located in the 1st Election District, and contains 302.34 acres. The entire property will be placed into an Agricultural Preservation District.

The proposed district is located outside of current and planned Master Water & Sewer Plan service areas.

Chapter A385-3 of the Code of Cecil County set the regulatory Criteria for the establishment of an Agricultural Preservation District.

Subsection C of Chapter A385-3 requires that all Districts consist of a minimum of 50 contiguous acres. This proposed District contains 302.34 acres and does meet this requirement.

Subsection D of Chapter A385-3 requires that all districts consist of "a minimum of 50% of USDA soil capability classes I, II, & III; and if the property is wooded than at least 50% of the soils shall be woodland groups 1 and 2. This proposed district contains a total of 229 (75.7%) acres of class I, II, and III soils, and the proposed district contains a total of 43.4 (14.3%) acres of woodland groups 1 and 2 soils. Thus 272.4 acres or 89.99% of the proposed district consists of the required soil types.

The application received a favorable recommendation from the Agricultural Preservation Advisory Board at their August 13, 2020 meeting. Tonight's action is to make a recommendation to the County Council. The bill to establish the District will be introduced to County Council on September 17, with Public Hearing scheduled for October 6, and Final Consideration on October 20.

HEALTH DEPARTMENT: Health Department has no objection.

COMMENTS IN SUPPORT: Maureen O’Shea, 111 Maple Avenue, Newark, DE spoke in favor of this application.

COMMENTS IN OPPOSITION: None.

STAFF RECOMMENDATION:
Recommendation is for approval.

A motion for approval, per staff’s recommendation was made by Ms. Bowsbey.
The motion was seconded by Mr. Wallace.

All approve. Motion for recommendation of approval carried.

The next meeting for this application will be September 17, 2020 before the County Council.

REZONING:

FILE: 2020-04 APPLICANT: 929 West Pulaski Hwy, LLC.
REQUEST: Request to rezone .626 acres from Residential Mixed Use, (RMU) to Heavy Industrial, (M2).
PROPERTY LOCATION: 927 West Pulaski Hwy., Elkton, MD 21921, Election District: 3, Tax Map: 26, Parcel: 55.
PROPERTY OWNER: 929 West Pulaski Hwy, LLC c/o Charmie Polansky.
PRESENTLY ZONED: Residential Mixed Use, (RMU).

Karl Fockler, Esq. and Charmie Polansky, owner appeared and presented an overview of the application. Mr. Fockler explained that this parcel is sandwiched between parcels that are currently zoned M2 – Heavy Industrial and BG – Business General, respectively. They feel that due to the current use of the property as well as the zoning designation of the surrounding properties, a mistake was made in the zoning of this parcel during the 2011 Comprehensive Rezoning.

HEALTH DEPARTMENT: Health Department has no objection.

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: None.

STAFF RECOMMENDATION:
Recommendation is for approval, due to a demonstrated mistake in the 2011 Comprehensive Rezoning.

A motion for approval, per staff’s recommendation was made by Mr. Wallace.
The motion was seconded by Mr. Miners.

All approve. Motion for recommendation of approval due to a demonstrated mistake in the 2011 Comprehensive Rezoning carried.

The next meeting for this application will be September 15, 2020 before the County Council.

SPECIAL EXCEPTIONS:

FILE: 4019 - APPLICANT: Sinking Springs Farm, LLC, Ann Stubbs.
FOR: Special Exception to hold festivals or events.
PROPERTY LOCATION: 843 Elk Forest Road, Elkton, MD 21921, Election District: 2; Tax Map: 38, Parcel: 21 & 613.
PROPERTY OWNER: Ann Stubbs.
PRESENTLY ZONED: Northern Agricultural Residential, (NAR).

WITHDRAWN, by the applicant.

FILE: 4020 - APPLICANT: Amos F. Kauffman.
FOR: Special Exception to operate a slaughterhouse.
PROPERTY LOCATION: 1118 England Creamery Road, Rising Sun, MD 21911, Election District: 9; Tax Map: 11, Parcel: 256.
PROPERTY OWNER: Amos F. & Sadie K. Kauffman.
PRESENTLY ZONED: Northern Agricultural Residential, (NAR).

Amos Kauffman gave an overview of the application. Mr. Kauffman stated that he would like to operate a butcher shop. There would be no retail on the property, all items would be custom orders.

HEALTH DEPARTMENT: Health Department has no objection, if all items from the sanitary construction permit 202039307 are completed.

COMMENTS IN SUPPORT: Maureen O'Shea, 111 Maple Avenue, Newark, DE, spoke in favor of this application.

COMMENTS IN OPPOSITION: None.

STAFF RECOMMENDATION:

Recommendation is for approval for as long as the applicant owns the property, all requirements of Section 59 of the Zoning Ordinance are followed and an Industrial Waste Permit is acquired from MDE for the holding tank.

A motion for approval, per staff's recommendation was made by Mr. Doordan.
The motion was seconded by Mr. Miners.

All approve. Motion for recommendation of approval for as long as the applicant owns the property, all requirements of Section 59 of the Zoning Ordinance are followed and an Industrial Waste Permit is acquired from MDE for the holding tank, carried.

The next meeting for this application will be August 25, 2020 before the Board of Appeals.

FILE: 4023 - APPLICANT: Robert Valliant Jones.

FOR: Special Exception to operate a home occupation.

PROPERTY LOCATION: 76 & 80 Old Hilltop Road, Conowingo, MD 21918, Election District: 6; Tax Map: 16, Parcels: 312 & 332.

PROPERTY OWNER: Randall & Susan Strock.

PRESENTLY ZONED: Northern Agricultural Residential, (NAR).

Robert Jones, Esq. and Randall Strock, owner appeared and presented an overview of the application. Mr. Jones provided the Commission with a picture of the product that Mr. Strock produces, maps of Mr. Strock's land and the surrounding properties and two letters of support from neighboring property owners. Mr. Strock is an engineer. The home occupation is the engineering and assembly of odor control units. See file for documents.

Discussion ensued regarding the safety of the proposed occupation.

HEALTH DEPARTMENT: Health Department has no objection.

COMMENTS IN SUPPORT: Mr. Lightner explained that letters of support were received by Thomas H., III and Dorothy J. Short, 104 Old Hill Top Road, Conowingo and Verman L. & Tracy A. Wyant.

COMMENTS IN OPPOSITION: None.

STAFF RECOMMENDATION:

Recommendation is for approval, for two (2) years.

A motion for approval, per staff's recommendation was made by Mr. Wallace. The motion was seconded by Mr. Miners.

All approve with Mr. Doordan abstaining. Motion for recommendation for two (2) years, carried.

The next meeting for this application will be August 25, 2020 before the Board of Appeals.

GENERAL DISCUSSION:

None.

The meeting adjourned at 7:16 p.m.

NEXT PLANNING COMMISSION MEETING: The next meeting will be on Monday, September 21, 2020 at 6:00 p.m. The meeting will be held in a virtual format hosted by the Perryville Room.

Respectfully submitted,

Jennifer Bakeoven
Administrative Assistant
Department of Land Use & Development Services
Division of Planning & Zoning

CECIL COUNTY PLANNING COMMISSION
MEETING MINUTES
Monday, September 21, 2020
Virtual meeting hosted by the Perryville Room
6:00 p.m.

PRESENT: Pat Doordan – Chairman; Chad Johnston - Vice Chair, Wyatt Wallace, Peter Kirsh, Don Harmer, Joyce Bowsbey – Alternate, Bill Coutz (Ex-Officio); Bryan Lightner (LUDS/P&Z) and Jennifer Bakeoven (LUDS/P&Z).

ABSENT: Bill Miners, Ed Arellano (DEH), Deborah Sniadowski, Esq, Stephen O’Connor (LUDS / P&Z), Kordell Wilen (LUDS / DPR).

MINUTES: Motion was made by Mr. Wallace, seconded by Ms. Bowsbey and carried to approve the August 17, 2020, 6:00 p.m. meeting minutes as mailed.

SUBDIVISION:

No subdivision submittals were received for review by the Planning Commission.

REZONING:

FILE: 2020-05 APPLICANT: York Building Products.

REQUEST: Request to rezone 83.4 +/- acres from Suburban Transition, (ST) to Heavy Industrial, (M2).

PROPERTY LOCATION:

2040 W. Old Philadelphia Road, Perryville, MD 21903, Election District: 5, Tax Map: 30, Parcel: 18.

Mountain Hill Road, Perryville, MD 21903, Election District: 5, Tax Map: 301, Parcel: p/o 116.

W. Old Philadelphia Road, Perryville, MD 21903, Election District: 5, Tax Map: 30, Par: 85.

1931 W. Old Philadelphia Road, North East, MD 21901, Election District: 5, Tax Map: 30, Par: 125.

1919 W. Old Philadelphia Road, North East, MD 21901, Election District: 5, Tax Map: 30, Par: 13.

1909 W. Old Philadelphia Road, North East, MD 21901, Election District: 5, Tax Map: 30, Par: 14.

1875 W. Old Philadelphia Road, North East, MD 21901, Election District: 5, Tax Map: 30, Par: 53.

1825 W. Old Philadelphia Road, North East, MD 21901, Election District: 5, Tax Map: 30, Par: 15.

PROPERTY OWNER: York Building Prod. Co., Inc., Principio Iron Co. and Mason Dixon Sand & Gravel Co. of PA.

PRESENTLY ZONED: Suburban Transition, (ST).

Sean Davis and Amy DiPietro, Morris & Ritchie Associates, Charles Schaller, Esq. and Ryan Woerner, York Building Products, appeared and presented an overview of the application. Mr. Schaller stated that the reason for this rezoning request is due to a mistake that was made in the 2011 Comprehensive Rezoning as well as a substantial changes in the character of the neighborhood, both due largely to the current use of the adjacent parcels. Mr. Davis presented a PowerPoint presentation to the Commission (see file).

Discussion ensued regarding Parcel 116.

HEALTH DEPARTMENT: Health Department has no objection.

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: Barbara Payne, 1721 West Old Philadelphia Road, North East, MD spoke in opposition of this rezoning request. Ms. Payne is concerned with what the owners plan on doing with the parcels. She is concerned with how the new zoning will affect her property values and her well. Karl Fockler, President, Town of Charlestown Commissioners, 208 Caroline Street, Charlestown, MD, believes that by the applicant's own admission, there isn't a basis for rezoning based on a mistake or a change in the character of the neighborhood. Mr. Fockler also believes this would have a negative impact on the Town of Charlestown.

STAFF RECOMMENDATION:

Recommendation is for approval, due to a demonstrated mistake in the 2011 Comprehensive Rezoning.

A motion for approval, per staff's recommendation was made by Mr. Kirsh. The motion was seconded by Mr. Harmer.

Doordan, Kirsh, Bowlsbey and Harmer voted in favor of the motion. Wallace voted against the motion.

Motion for recommendation of approval due to a demonstrated mistake in the 2011 Comprehensive Rezoning, carried.

The next meeting for this application will be October 6, 2020 before the County Council.

FILE: 2020-06 APPLICANT: Samuel Stanley.

REQUEST: Request to rezone 7.5 acres from High Density Residential, (RM) to Business General, (BG).

PROPERTY LOCATION: 1436 Pulaski Hwy, Elkton, MD 21921, Election District: 5, Tax Map: 26G, Parcel: 517.

PROPERTY OWNER: Stanley Properties, LLC c/o Samuel Stanley.

PRESENTLY ZONED: High Density Residential, (RM).

Samuel Stanley appeared and presented an overview of the rezoning request. Mr. Stanley stated that his property was rezoned in 2011 during the Comprehensive Rezoning. He feels that the zoning of his property should not have been given the High Density Residential (RM) zoning classification at that time and should have been designated with a commercial zoning designation.

Discussion ensued regarding other zoning designation options for this property.

HEALTH DEPARTMENT: Health Department has no objection.

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: None.

STAFF RECOMMENDATION:

Recommendation is for approval, due to a demonstrated mistake in the 2011 Comprehensive Rezoning.

A motion for approval, per staff's recommendation was made by Mr. Doordan. The motion was seconded by Mr. Kirsh.

All approve. Motion for recommendation of approval due to a demonstrated mistake in the 2011 Comprehensive Rezoning carried.

The next meeting for this application will be October 6, 2020 before the County Council.

SPECIAL EXCEPTIONS:

FILE: 4026 - APPLICANT: Jerome & Vivian Lipka.

FOR: Special Exception Renewal to operate a home occupation.

PROPERTY LOCATION: 2095 Oldfield Point Road, Elkton, MD 21921, Election District: 3;

Tax Map: 322, Parcel: 223.

PROPERTY OWNER: Jerome & Vivan Lipka.

PRESENTLY ZONED: Low Density Residential, (LDR).

POSTPONED, until the October 19, 2020 Planning Commission meeting.

FILE: 4028 - APPLICANT: Kathleen LeClaire.

FOR: Special Exception to operate a home occupation.

PROPERTY LOCATION: 26 Ridge Run Road, North East, MD 21901, Election District: 5; Tax

Map: 31, Parcel: 1326, Lot: 5.

PROPERTY OWNER: Gerard & Kathleen LeClaire.

PRESENTLY ZONED: High Density Residential, (RM).

Kathleen LeClaire appeared and presented an overview of the application. She stated that she sells her paintings to Etsy, an online shopping site. She testified that customers would not come to her home and no signage would be placed on the exterior of her home.

HEALTH DEPARTMENT: Health Department has no objection.

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: None.

STAFF RECOMMENDATION:

Recommendation is for approval for two (2) years.

A motion for approval, per staff's recommendation was made by Mr. Doordan.

The motion was seconded by Mr. Harmer.

All approve. Motion for recommendation of approval for two (2) years, carried.

The next meeting for this application will be September 29, 2020 before the Board of Appeals.

FILE: 4029 - APPLICANT: David K. Miller.

FOR: Special Exception to operate a commercial kennel.

PROPERTY LOCATION: 308 Theodore Road, Port Deposit, MD 21904, Election District: 7;

Tax Map: 23, Parcel: 10.

PROPERTY OWNER: Aaron S. & Lydia S. Miller.

PRESENTLY ZONED: Northern Agricultural Residential, (NAR).

David Miller, owner and Erin Grauer, appeared and presented an overview of the application. Mr. Miller stated that he would like to operate a commercial kennel and breed dogs from his property.

HEALTH DEPARTMENT: A solution to the waste from the dog kennel that is compliant with regulatory requirements needs to be conveyed to the health department. This would include a written proposal with the number of proposed runs in the kennel.

COMMENTS IN SUPPORT: Donald Lidy, 134 Adams Road, Port Deposit, MD spoke in favor of this application.

COMMENTS IN OPPOSITION: None.

Mr. Kirsh asked staff if any complaints have been received regarding this operation. Mr. Lightner said no complaints have been received.

STAFF RECOMMENDATION:

Recommendation is for approval for as long as the applicant owns the property and operates the kennel.

Discussion ensued regarding staff's recommendation.

A motion for approval, per staff's recommendation was made by Mr. Kirsh. The motion was seconded by Mr. Harmer.

All approve. Motion for recommendation of approval for as long as the applicant owns the property and operates the kennel, carried.

The next meeting for this application will be September 29, 2020 before the Board of Appeals.

FILE: 4031 - APPLICANT: Elkton Nottingham Solar, LLC c/o Greg Werner Nexamp, Inc.
FOR: Special Exception to operate a power generation facility.
PROPERTY LOCATION: 119 Nottingham Road, Elkton, MD 21921, Election District: 3; Tax Map: 26, Parcel: 10.
PROPERTY OWNER: Roger & Glendora Dvorak.
PRESENTLY ZONED: Northern Agricultural Residential, (NAR).

Dwight Thomey, Esq., Greg Werner, Nexamp and Daniel Speakman, McCrone, Inc appeared and presented an overview of the application.

HEALTH DEPARTMENT: Health Department has no objection.

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: None.

Discussion ensued regarding the screening of the panels to all the surrounding properties as well as the maintenance schedule for maintaining the area around the panels.

STAFF RECOMMENDATION:

Recommendation is for approval, for as long as the applicants operate the facility.

A motion for approval, per staff's recommendation was made by Mr. Wallace.
The motion was seconded by Mr. Kirsh.

All approve. Motion for recommendation of approval for as long as the applicants operate the facility, carried.

The next meeting for this application will be September 29, 2020 before the Board of Appeals.

GENERAL DISCUSSION:

None.

The meeting adjourned at 7:39 p.m.

NEXT PLANNING COMMISSION MEETING: The next meeting will be on Monday, October 19, 2020 at 6:00 p.m. The meeting will be held in a virtual format hosted by the Perryville Room.

Respectfully submitted,

Jennifer Bakeoven
Administrative Assistant
Department of Land Use & Development Services
Division of Planning & Zoning

CECIL COUNTY PLANNING COMMISSION
MEETING MINUTES
Monday, October 19, 2020
Virtual meeting hosted by the Perryville Room
6:00 p.m.

PRESENT: Pat Doordan – Chairman; Chad Johnston - Vice Chair, Wyatt Wallace, Peter Kirsh, Don Harmer, Joyce Bowsbey – Alternate, Bill Coutz (Ex-Officio); Bryan Lightner (LUDS/P&Z) and Jennifer Bakeoven (LUDS/P&Z).

ABSENT: Bill Miners, Ed Arellano (DEH), Deborah Sniadowski, Esq, Stephen O’Connor (LUDS / P&Z), Kordell Wilen (LUDS / DPR).

MINUTES: Motion was made by Mr. Wallace, seconded by Mr. Kirsh and carried to approve the September 21, 2020, 6:00 p.m. meeting minutes as mailed.

SUBDIVISION:

No subdivision submittals were received for review by the Planning Commission.

SPECIAL EXCEPTIONS:

FILE: 4026 - APPLICANT: Jerome & Vivian Lipka.

FOR: Special Exception Renewal to operate a home occupation.

PROPERTY LOCATION: 2095 Oldfield Point Road, Elkton, MD 21921, Election District: 3;
Tax Map: 322, Parcel: 223.

PROPERTY OWNER: Jerome & Vivian Lipka.

PRESENTLY ZONED: Low Density Residential, (LDR).

Vivian Lipka appeared and presented an overview of the application. Ms. Lipka is seeking a renewal of her special exception to operate a service based garage door business.

Per staff, no complaints have been received in the two years since the original special exception approval.

HEALTH DEPARTMENT: Health Department has no objection.

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: None.

STAFF RECOMMENDATION:

Recommendation is for approval for as long as the applicants own the property and operate the business.

A motion for approval, per staff’s recommendation was made by Mr. Kirsh.
The motion was seconded by Mr. Harmer.

All approve. Motion for recommendation of approval for as long as the applicants own the property and operate the business, carried.

The next meeting for this application will be October 27, 2020 before the Board of Appeals.

Don Harmer announced that he recused himself from the review and recommendation of file #4035.

FILE: 4035 - APPLICANT: Robert V. Jones.

FOR: Special Exception to operate a liquor store.

PROPERTY LOCATION: 712 Craigtown Road, Port Deposit, MD 21904, Election District: 7;
Tax Map: 23E, Parcel: 92.

PROPERTY OWNER: Yug Patel, LLC, c/o K.K. Patel.

PRESENTLY ZONED: Business Local, (BL).

Robert Jones, Esq., George Wooden, Dev Patel and Riken Patel appeared and presented an overview of the application. Mr. R. Patel testified that he is seeking the ability to sell alcoholic beverages in addition to the other goods and services he currently provides at his convenience store. Mr. Jones stated a petition in favor of this application was submitted. See file for petition.

Discussion ensued regarding whether there were any surrounding properties within approximately one mile from this location that also sells alcohol.

HEALTH DEPARTMENT: Health Department has no objection.

COMMENTS IN SUPPORT: Betty Iroku, 90 Azalea Court, Elkton, MD spoke in favor of this application.

COMMENTS IN OPPOSITION: Step Mika, Co-Chair of the Maryland Strategic Prevention Framework, 124 Ballantrea Drive, Elkton, Maryland; Will Riddle, Esq., 204 East Main Street, Elkton, Maryland representing Richard Kelso and Adam Kelso from 1197 Jacob Tome Highway, ADHYA Investments, LLC from 1203, 1205, 1207 Jacob Tome Highway and Richard A. Kelso Investment Properties from 1197 Jacob Tome Highway all within Port Deposit, Maryland; Virginia Barton, 551 Principio Road, Port Deposit, Maryland and Kristen Perry 1201 Jacob Tome Highway, Port Deposit, Maryland, spoke in opposition of this application. Collectively, they believe this will be detrimental to the character of the neighborhood. They feel there are too many other stores that hold a liquor license and sell liquor in close proximity to this store's location. There are also concerns with increased traffic and Craigtown Road being inadequate for the increase this use may bring. A concern regarding a potential for an increase in crime and trash in the area was also discussed.

Kimberly Osman, 381 Jackson Park Road, Port Deposit, Maryland, stated that she is neither in favor nor in opposition of this application. She was looking to see that this store isn't going to change into an actual liquor store.

Mr. Lightner read an email that was received by Dr. Harold Phillips, Senior Pastor of Pleasant View Baptist Church in Port Deposit. See file for email. Mr. Riddle also stated during his testimony that a petition was submitted for the file. See file for petition.

STAFF RECOMMENDATION:

Recommendation is for approval for as long as Yug Patel, LLC owns the property, operates the business and a liquor license is obtained from the Liquor Board.

A motion for disapproval, was made by Mr. Doordan.

The motion was seconded by Mr. Kirsh.

Members in favor of the recommendation of disapproval include, Mr. Doordan, Mr. Kirsh and Ms. Bowlsbey.

Mr. Wallace voted in opposition of the recommendation of disapproval.

Motion for recommendation of disapproval, carried.

The next meeting for this application will be October 27, 2020 before the Board of Appeals.

Discussion ensued regarding the matter of Commission members recusing themselves at appropriate times.

FILE: 4036 - APPLICANT: Amos Miller.

FOR: Special Exception to operate a slaughter house.

PROPERTY LOCATION: 1029 Union Church Road, Elkton, MD 21921, Election District: 3;

Tax Map: 20, Parcel: 787.

PROPERTY OWNER: Amos & Emma Miller.

PRESENTLY ZONED: Northern Agricultural Residential, (NAR).

Amos Miller appeared and presented an overview of the application. Mr. Miller explained that he would like to process chickens on a smaller scale.

HEALTH DEPARTMENT: A detailed written proposal is needed describing the proposed amount of processing, proposed methods of waste disposal, and whether all operators reside at 1029 Union Church Road. Additional seasonal evaluations or perc test may be necessary. Due to the characteristics of waste, Maryland Department of the Environment will be included.

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: Betty Iroku, 90 Azalea Court, Elkton, Maryland and Kimberly A. Osman, 381 Jackson Park Road, Port Deposit, Maryland spoke with concern of the waste produced by this operation and how it is handled as well as why this operation has continued without the proper approvals in place.

Discussion ensued regarding what poultry uses are allowed in the Northern Agricultural Residential, (NAR) zoning by right.

Mr. Lightner gave a brief overview of normal practices for removing waste from operations such as slaughter houses.

STAFF RECOMMENDATION:

Recommendation is for approval for as long as the applicant owns the property, all requirements of Section 59 of the Zoning Ordinance are followed and all Health Department requirements are met.

A motion for approval, per staff's recommendation was made by Ms. Bowsbey.

The motion was seconded by Mr. Kirsh

All approve. Motion for recommendation of approval for as long as the applicant owns the property, all requirements of Section 59 of the Zoning Ordinance are followed and all requirements of the Health Department are met, carried.

The next meeting for this application will be October 27, 2020 before the Board of Appeals.

FILE: 4037 - APPLICANT: Elkton Leeds Solar, LLC, c/o Greg S. Werner.
FOR: Special Exception to operate a power generation facility.
PROPERTY LOCATION: 433 Leeds Road, Elkton, MD 21921, Election District: 3; Tax Map:
20, Parcels: 644,878, 893.
PROPERTY OWNER: Charles F. Birney.
PRESENTLY ZONED: Northern Agricultural Residential, (NAR).

Dwight Thomey, Esq., Greg Werner, Nexamp and Daniel Speakman, McCrone, Inc. appeared and presented an overview of the application.

HEALTH DEPARTMENT: Health Department has no objection.

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: Heather Hill, 563 Leeds Road, Mark Nunley, 393 Leeds Road, Betty Iroku, 90 Azalea Circle, Chris Jennings, 389 Leeds Road, all of Elkton, Maryland spoke in opposition. Collectively, they had concerns with the facility posing a health risk to the surrounding neighbors, decreased home values, stormwater management issues increasing, water table and well contamination, no buffer being proposed and the facility not being maintained.

Discussion ensued regarding the issues brought forth by the public's comments.

STAFF RECOMMENDATION:

Recommendation is for approval for as long as the applicant operates the facility.

A motion for approval, per staff's recommendation was made by Mr. Wallace.
The motion was seconded by Mr. Kirsh.

All approve. Motion for recommendation of approval for as long as the applicant operates the facility, carried.

The next meeting for this application will be October 27, 2020 before the Board of Appeals.

GENERAL DISCUSSION:

The Commission discussed having a future discussion regarding rules, regulations and procedures for the Planning Commission and clarity on how to proceed with the public comment portions of future meetings.

The meeting adjourned at 7:42 p.m.

NEXT PLANNING COMMISSION MEETING: The next meeting will be on Monday, November 16, 2020 at 6:00 p.m. The meeting will be held in a virtual format hosted by the Perryville Room.

Respectfully submitted,

Jennifer Bakeoven
Administrative Assistant
Department of Land Use & Development Services
Division of Planning & Zoning

CECIL COUNTY PLANNING COMMISSION
MEETING MINUTES
Monday, November 16, 2020
Virtual meeting hosted by the Perryville Room
6:00 p.m.

PRESENT: Pat Doordan – Chairman; Chad Johnston - Vice Chair, Wyatt Wallace, Peter Kirsh, Don Harmer, Joyce Bowsbey – Alternate, Bill Coutz (Ex-Officio); Deborah Sniadowski, Esq.,; Bryan Lightner (LUDS/P&Z) and Jennifer Bakeoven (LUDS/P&Z).

ABSENT: Bill Miners, Ed Arellano (DEH), Stephen O’Connor (LUDS / P&Z), Kordell Wilen (LUDS / DPR).

MINUTES: Motion was made by Mr. Doordan, seconded by Mr. Harmer and carried to approve the October 19, 2020, 6:00 p.m. meeting minutes as mailed.

SUBDIVISION:

No subdivision submittals were received for review by the Planning Commission.

SPECIAL EXCEPTIONS:

FILE: 4040 - APPLICANT: Shane Mantegna.

FOR: Special Exception to place a single wide manufactured home for hardship purposes.

PROPERTY LOCATION: 280 McKinneytown Road, North East, MD 21901, Election District: 5; Tax Map: 36, Parcel: 155.

PROPERTY OWNER: Paul & Gail Mantegna.

PRESENTLY ZONED: Rural Residential, (RR).

Shane Mantegna appeared and presented an overview of the application. Mr. Mantegna stated that he would like to place a single wide manufactured home (SWMH) on his parent’s property to help care for their property. He explained that once his parents are ready to move, he plans on purchasing the property from them and have the SWMH removed as it will no longer be needed on this property.

HEALTH DEPARTMENT: A second 10,000 sq.-ft. sewage reserve area is required. Additional seasonal percolation tests are required to establish a sewage area. Contact the Health Department in January of 2021 to discuss seasonal testing.

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: None.

Mr. Lightner stated that staff received comments in opposition from Don Diefendorf and Joan Harrop, 208 McKinneytown Road, and Michael & Patricia Morgan, 338 McKinneytown Road, both of North East. Mr. Diefendorf and Ms. Harrop has concerns with the junk cars and trailers on the property as well as the appearance of the property and the possibility of this SWMH being placed for a long term. Mr. & Mrs. Morgan spoke of concerns that this does not fit under a hardship definition and the high traffic around this area that is currently occurring.

Discussion ensued regarding the previous Special Exception that was approved for this property.

STAFF RECOMMENDATION:

Recommendation is for approval for two (2) years.

A motion for approval, as long as the applicant owns the property was made by Mr. Doordan.
The motion died for lack of second.

A motion for approval for two (2) years was made by Mr. Doordan.
The motion was seconded by Mr. Kirsh.

All approve. Motion for recommendation of approval for two (2) years, carried.

The next meeting for this application will be November 24, 2020 before the Board of Appeals.

FILE: 4042 - APPLICANT: Sebastiano Sorbello.

FOR: Special Exception to operate a home occupation.

PROPERTY LOCATION: 100 Brookview Loop, Elkton, MD 21921, Election District: 2; Tax Map: 38, Parcel: 601, Lot: 6.

PROPERTY OWNER: Sebastiano & Kortni Sorbell.

PRESENTLY ZONED: Low Density Residential, (LDR).

Sebastiano Sorbello appeared and presented an overview of the application. Mr. Sorbello explained that he is in the process of applying for his Federal Firearms License (FFL). He is looking to conduct firearm sales from his home, most being online sales but will have local sales available as well. He discussed the safety procedures that are in place for storage and exchange of firearms should he be approved.

HEALTH DEPARTMENT: Health Department has no objection.

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: None.

STAFF RECOMMENDATION:

Recommendation is for approval for two (2) years.

A motion for approval for two (2) years was made by Mr. Wallace.
The motion was seconded by Mr. Harmer.

All approve. Motion for recommendation of approval for two (2) years, carried.

The next meeting for this application will be November 24, 2020 before the Board of Appeals.

FILE: 4043 - APPLICANT: Joseph F. Kauffman.

FOR: Special Exception to operate a home occupation.

PROPERTY LOCATION: 245 Middle Road, Elkton, MD 21921, Election District: 4; Tax Map: 13, Parcel: 495.

PROPERTY OWNER: Mary Walton, Trustee.

PRESENTLY ZONED: Northern Agricultural Residential, (NAR).

Joseph Kauffman appeared and presented an overview of his application. Mr. Kauffman explained that he would like to build sheds in the existing building. He would be storing a few of the finished sheds on the property in preparation of moving them to his commercial site to sell.

Discussion ensued regarding access being off of Middle Road.

HEALTH DEPARTMENT: Care should be taken when transporting the sheds to not damage the existing well and septic system.

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: John Talley, 2676 Blue Ball Road, Elkton, Maryland spoke in opposition. Mr. Talley had concerns that Mr. Kauffman was looking to also place a manufactured home on the property due to the information he included on the Special Exception application.

Mr. Lightner explained that Mr. Kauffman erroneously filled out a section on the application that did not actually pertain to his request. Mr. Kauffman confirmed that he is only asking for a special exception for a home occupation to build sheds.

STAFF RECOMMENDATION:

Recommendation is for approval for two (2) years.

A motion for approval for two (2) years was made by Mr. Harmer.

The motion was seconded by Mr. Doordan

All approve. Motion for recommendation of approval for two (2) years, carried.

The next meeting for this application will be November 24, 2020 before the Board of Appeals.

GENERAL DISCUSSION:

Vice Chair Johnston explained that he would like to have a future discussion regarding last month's meeting in a closed session. Vice Chair Johnston will contact Ms. Sniadowski to go over the legalities of holding the closed session.

The meeting adjourned at 6:35 p.m.

NEXT PLANNING COMMISSION MEETING: The next meeting will be on Monday, December 21, 2020 at 6:00 p.m. The meeting will be held in a virtual format hosted by the Perryville Room.

Respectfully submitted,

Jennifer Bakeoven
Administrative Assistant
Department of Land Use & Development Services
Division of Planning & Zoning

CECIL COUNTY PLANNING COMMISSION
MEETING MINUTES
Monday, December 21, 2020
Virtual meeting hosted by the Perryville Room
6:00 p.m.

PRESENT: Pat Doordan – Chairman; Chad Johnston - Vice Chair, Bill Miners, Wyatt Wallace, Peter Kirsh, Don Harmer, Joyce Bowlsbey – Alternate, Bill Coutz (Ex-Officio); Deborah Sniadowski, Esq., Kordell Wilen (LUDS / DPR), Stephen O’Connor (LUDS / P&Z), Bryan Lightner (LUDS/P&Z) and Jennifer Bakeoven (LUDS/P&Z).

ABSENT: Ed Arellano (DEH).

MINUTES: Motion was made by Mr. Kirsh, seconded by Mr. Doordan, and carried to approve the November 16, 2020, 6:00 p.m. meeting minutes as mailed with Mr. Miners abstaining.

Statement from Legal Counsel – Roberts Rules

Debbie Sniadowski, Legal Counsel gave a review of sections of Roberts Rules and the Planning Commission bylaws. Ms. Sniadowski reminded the public that during virtual meetings, it is helpful to have their name displayed rather than a phone number when logging in to speak during zoom meetings. All questions should be asked to the Commission, not the applicant. At that point, a Commission member can ask the applicant those questions. Staff will poll the participants to see who wants to speak on each item. When making a motion, Commission members can second a motion for discussion prior to voting. Commissioners may second without discussion as well. The chairperson may also initiate discussion after a motion and second. In discussion or debate, members need to stay on task and avoid any personal commentary. The chairperson has the responsibility of keeping everyone on task. Should the discussion get off topic the chairman should bring the meeting back to order. The staff may be asked to provide testimony or recommendation as it pertains to the application. Legal counsel and staff may provide support to the Commission.

Comprehensive Plan - Land Use District Change

- **Low Density Growth Area to Mineral Extraction, Map 23E Parcel 684, 730 Craigtown Road, Port Deposit, Maryland.**

Steve O’Connor, Acting Director of Land Use & Development Services gave an overview of the proposed amendment. The Land Use Article of the Annotated Code of Maryland, Division 1, Title 3 provides the regulatory requirements for Comprehensive Plan amendments for Single Jurisdictions. Subtitle 1 sets out the twelve elements required in a Comprehensive Plan. Subtitle 2 details the procedural requirements in adoption of the Comprehensive Plan, whether it be whole, or in part. Furthermore, Article XVI, Part I, Section 295 of the Zoning Ordinance enumerates review and recommendation of proposed changes or amendments to the Cecil County Comprehensive Plan in the Planning Commission’s powers and duties.

Section 107 of Subtitle 1 of Title 3 requires a Mineral Resources element in the Comprehensive Plan that shall identify undeveloped land that should be kept in its undeveloped state until the land can be used to assist in providing a continuous supply of minerals and appropriate post-excavation uses for the land that are consistent with the County’s land planning process. A Mineral Resources element shall incorporate land use policies and recommendations for regulations to balance mineral resource extraction with other land uses; to the extent feasible, to prevent the preemption of mineral resources extraction by other uses. Finally, the Department of the Environment shall review the Mineral Resources element to determine whether the proposed plan is consistent with the programs and goals of the Department. In the 2010 Comprehensive Plan Chapter 10 provides for the

Mineral Resources element which discusses that mining shall only take place in designated areas so that the County can protect economically important mineral resources for future use, prevent incompatible development until a mineral resource has been determined economically unrecoverable, and protect adjacent land uses from the negative impacts of mineral extraction activities. The Mineral Resources element of the Comprehensive Plan also expands upon Cecil County's two-tiered approach in the Zoning Ordinance that allows mining uses in certain areas by right, and mining uses in other areas special exception to implement these objectives of this use which by its nature has inherit conflicts.

Section 111 of Subtitle 1 of Title 3 requires a Land Use element that provides a schedule that extends as far into the future as is reasonable. The Land Use element shall propose the most appropriate and desirable patterns for the general location, character, extent, and interrelationship of the uses of public and private land. The Land Use Element, Chapter 3 of the Comprehensive Plan, further adds that Mineral Extraction areas consist of land with known mineral deposits primarily owned or otherwise controlled by the mineral extraction industry. Mining activities may occur only in the Mineral Extraction area. The designation of an area as a Mineral Extraction is an interim designation¹. After mineral extraction is complete, a special study and possible plan amendment will determine the future use of the land, taking into consideration the type and intensity of adjacent land uses, the availability of infrastructure and services, the impact on water quality and Resource Protection areas aimed to preserve agricultural land and environmentally sensitive areas. The ultimate land use of mineral extraction areas will be decided in the context of the Comprehensive Plan in effect when a change is requested.

Staff has requested that Mr. Pugh and his associate, Jim Gawthrop on the call this evening to provide their expertise regarding the technical requirements the discovery of mineral deposits for this site.

Mike Pugh explained that this parcel under consideration is contiguous to a parcel currently being mined. This will make for convenience on moving the material. At the time of the last comprehensive rezoning, this parcel did not meet the two conditions required for mineral extraction. Those conditions are 1) A demonstrated presence of material and 2) The control of the property is in the hands of someone who is capable of the extraction and is economically feasible. Mr. Pugh stated that they are seeking to amend and include this parcel because the conditions are now present. At this time, Mr. Gawthrop gave a presentation of the boring results (see file). Also provided was an exhibit showing the purchase agreement for this parcel (see file). Mr. Pugh explained that if they are successful with obtaining approval for this amendment, their next step would be to come before the board for a rezoning, followed by a Special Exception.

Mr. O'Connor gave an overview of the steps taken for Planning Commission:

Section 203 of Subtitle 2 of Title 3 requires that the Planning Commission shall hold at least one Public Hearing for any amendment to the Comprehensive Plan and that the time and place of said Public Hearing have at least one public notice in a newspaper of General Circulation. The Planning Commission is holding the hearing on December 21, 2020 at 6PM and the time and place of the hearing was advertised in the Cecil Whig on December 2, 2020 & December 9, 2020. At least 60 days prior to the Planning Commission before the Public Hearing copies of the amendment shall be provided to adjoining jurisdictions, state units, regional units, and local jurisdictions responsible for financing or constructing public improvements to implement the plan. Copies of this amendment were provided to Chester County, PA; Lancaster County, PA; New Castle County, DE; Harford County, MD; Kent County, MD; Town of Perryville, MD; Town of Rising Sun, MD; Town of Chesapeake City, MD; Town of Cecilton, MD; Town of Elkton, MD; Town of North East, MD; Town of Charlestown, MD; Town of Port Deposit, MD; and the Maryland Department of Planning State Clearinghouse on September 3, 2020 with a requested response date of November 6, 2020. For this plan to proceed to the County Council of Cecil County, a majority of the Planning Commission members must approve, by resolution, this amendment request.

¹ The interim period could go beyond the Comprehensive Plan's horizon year of 2030.

Therefore, the procedural elements required for this Planning Commission hearing have been satisfied. Staff will need to coordinate with the Chairman to acquire the required signature on a resolution if the application is recommended for approval.

Discussion ensued regarding why this parcel was not given the MEB overlay in the previous Comprehensive Plan.

HEALTH DEPARTMENT: Health Department has no comments.

COMMENTS IN FAVOR: None.

COMMENTS IN OPPOSITION: None.

Mr. O'Connor stated that staff received written responses, none of which was in opposition of this amendment. Comments were received from the Maryland Department of Planning. They are as follows:

- Table 3.5, Proposed Land Use, page 3-7; reduce the amount of the total acres in the Growth Area row and the Low Density Residential category row, by 60 acres. A corresponding increase, by 60 acres, is needed in the Other Areas row and in Mineral Extraction category.
- Map 3.3, Future Lane Use, page 3-8, and Map 3.4, Growth and Rural Areas, page 3-10; expand the Mineral Extraction area boundary, while reducing the Low Density Growth Area and Designated Growth Area boundary for the amendment parcel.

STAFF RECOMMENDATION:

Approval, conditioned on:

Completion of the technical edits in Chapter 3 suggested by the Maryland Department of Planning.

A motion for approval per staff's conditions was made by Mr. Miners.

The motion was seconded by Mr. Doordan.

All approve. Motion carried.

SUBDIVISION:

- 1. Stonebridge, Lots 1-47, Concept Plat, Bethel Church Road, Northern Bay Land Planning, Engineering & Surveying Corp., Fifth Election District.**

Faron Pyles, Northern Bay Land Planning, Engineering & Surveying, Corp. appeared and presented an overview of the project.

Mr. O'Connor, P&Z, read the comments of the department:

This proposal was found to be in compliance with §3.8 of the Subdivision Regulations regarding public notification.

The site is within the Suburban Transitional Residential (ST) zoning district.

The ST zone permits a maximum base density of 1 du/ 1 ac without community facilities² and 4 du/1ac with community facilities. This Concept Plat proposes 47 lots to be served by community facilities on 33.225 acres, for a proposed density of 1.41 du /1 ac.

This project location is situated within the 2010 Comprehensive Plan's Medium Density Growth Area (MDGA) land use district.

The project is located within an Other Communities a Priority Funding Area (PFA).

The project is not located within Priority Preservation Area (PPA).

As established by the County's adoption of the Sustainable Growth and Agricultural Preservation Act's tier map, this site is located within a Tier II³ area.

This site is located within the W2⁴ and S2⁵ future districts on the 2019 Master Water & Sewer Plan.

The site is not located within a Critical Area overlay district.

A portion⁶ of the site is located within Floodplain overlay zone or district, and the location is shown on this Concept Plat.

The site is located within the North East Fire Company (005) service area. This is noted on the plat.

- A Concept Plat, proposing 33 lots was approved by the Planning Commission on 3/15/2004, conditioned on:
- 1) The sensitive areas threshold figures being calculated and shown on the Preliminary Plat submitted for TAC review;
 - 2) A boundary line survey being completed;
 - 3) A JD being complete prior to Preliminary Plat approval;
 - 4) The PFCP being approved prior to Preliminary Plat approval.

That Concept Plat had expired on 3/15/2006. However, the Concept Plat, which did not have any modifications from the previous approval, was re-approved by the Planning Commission on 4/17/2006, conditioned on:

- 1) The sensitive areas threshold figures being calculated and shown on the preliminary plat submitted for TAC review;
- 2) A boundary line survey being completed;
- 3) A jurisdictional determination being complete prior to Preliminary Plat review by the Planning Commission;
- 4) The preliminary forest conservation plat being approved prior to Planning Commission review of the preliminary plat.

A Preliminary Plat for Lots 1-33 was approved by the Planning Commission on 7/17/2006, conditioned on:

- 1) Health Department requirements being met;
- 2) DPW requirements being met;

² Community Facilities is defined as *A public, private, or community water supply and distribution system and/or sewerage disposal system severing three (3) or more dwelling units.*

³ Tier II areas are those planned to be served by public sewerage systems in locally designated growth areas needed to satisfy demand for development at densities consistent with the long term development policy after consideration of the capacity of land available for development including infill and redevelopment within the County. The County may only grant approval if all lots will be served by public sewer or if a minor subdivision is served by on-site sewage disposal systems.

⁴ Future Service, 0-2 years

⁵ Future Service, 0-2 years

⁶ The western portions of the property where it adjoins Stony Run creek.

- 3) The final Forest Conservation Plan (FCP) and Landscape Plan being approved prior to Planning Commission review of the Final Plat;
- 4) The details of the Final Plat and FCP matching up;
- 5) The adjacent agricultural operation notice appearing on the Final and Record Plats;
- 6) Deed restrictions for the long-term protection of the Forest Retention/Afforestation Areas (FRAs) being recorded and noted on the plat prior to recordation, with the metes and bounds description of the FRA being shown on the Final and Record Plats;
- 7) Sidewalks or the 5' striped pedestrian walkway being required on all internal roads;
- 8) The Final and Record Plats' containing a statement signed by the Health Department, approving authority, to the effect that the community sewerage system is in conformance with the Master Water and Sewer Plan;
- 9) The Final and Record Plats' containing a statement, signed by the owner, to the effect that such facilities will be available to all lots/homes offered for sale;
- 10) The Cecil County DPW verifying sewer capacity prior to the review of the Final Plat by the Planning Commission; and
- 11) A Bufferyard Standard A being placed on the common open space access panhandle on the near-side to the rear lot lines of proposed Lots 4-12, with the waiver of the 100' setback requirement.

A Final Plat for Lots 1-33 was approved by the Planning Commission on 2/20/2008, conditioned on:

- 1) Health Department requirements being met;
- 2) DPW requirements being met;
- 3) The Record Plat's being signed and sealed;
- 4) The adjacent agricultural operation notice appear on the Record Plat;
- 5) Deed restrictions for the long-term protection of the Forest Retention/Afforestation Areas (FRAs) being recorded and noted on the plat prior to recordation, with metes and bounds description of the FRA being shown on the Record Plat;
- 6) Sidewalks or the 5' stripped pedestrian walkway being required on all internal roads;
- 7) The Record Plats' containing a statement, signed by the owner, to the effect that such facilities will be made available to all lots /homes offered for sale;
- 8) The Landscape Agreement's being executed prior to recordation; and
- 9) The Homeowners Association for the maintenance of common open space being established with \$50 per recorded lot placed in escrow for improvements prior to recordation.

This submittal is a new Concept Plat proposing 47 lots served by community facilities on 33.225 acres. The applicant is reminded and notified that if a Final Plat⁷ for these 47 lots is approved it would supersede the 2008 approved Final Plat proposing 33 lots.

§4.0.1 of the Subdivision Regulations requires the preparation of a Concept Plat for projects with more than 10 lots or 25 or more acres, whichever is more restrictive.

§4.0.6 of the Subdivision Regulations requires that the TAC and subsequently the Planning Commission, will, in general, be reviewing the Concept Plat with regard to the following:

- A. Interior street configuration and layout
- B. Proposed density.
- C. Entrance locations (both street and driveway)
- D. Traffic effect on existing and proposed roads.
- E. Water and Sewer facilities.
- F. Feasibility of a subdivision in the area, including:

⁷ This was erroneously noted as a Concept Plat in the Nov 2020 TAC meeting and minutes.

1. Total number and size of lots
 2. Effect on school district and school bus service
 3. Approximate lot layout and other reserved areas, if any.
- G. New land development technique(s)
- H. The effect on waterways, shorelines, due to run-off, erosion, etc.
- I. Consistency with the Critical Area Program requirements
- J. Consistency with the Cecil County Forest Conservation Regulations
- K. Stormwater Management requirements.

§4.0.13(a) of the Subdivision Regulations requires that a Concept Plat shall only be reviewed by the Planning Commission if the Forest Stand Delineation (FSD) and Stormwater Management Concept Plan (C-SWM) have been approved prior to submission. The FSD has been approved by the Division of Planning & Zoning and is valid until October 5, 2025. The Division of Plans Review on the reports the C-SWM has been revised and approved to satisfy the current stormwater code for Lots 1-47.

Article VI – Schedule of Zoning Regulations – ST zone with Community Facilities

	Lot size (sq. ft.)	Lot width (ft)	Front Setback	Rear Setback	Side Setback	Max Height	Road Frontage
SFD	6,500	65	20	20	10	35	100/25 ⁸

The required front setback lines are shown, and the rear yard and side yard setback notes are not required until Final Plat review.

A 110’ perennial stream buffer is required from all perennial streams present. This buffer shall be expanded to include contiguous areas of hydric soils, highly erodible soils, and soils on slopes greater than 15% -- to a maximum distance of 160’. The perennial stream buffers are shown on the plat.

A 25’ buffer is required around all non-tidal wetlands and intermittent streams present. Permits are required from the (US Army) Corps of Engineers and MDE for all non-tidal wetland and stream impacts prior to recordation. JD’s are required in conjunction with permitting. If no permits are required, and if the proposed project meets the policy standards established on 3/20/1995 and revised on 1/16/1996; or if the FSD/Conceptual Environmental Assessment finds that there are to be no impacts to field-delineated wetlands or stream impacts; or if the FSD/Conceptual Environmental Assessment finds that there are no wetlands or streams and that finding is consistent with the details of County wetlands maps and USGS quad maps, then no JD is required. If required, then a JD is recommended to be done prior to Final Plat review but required to be completed prior to recordation. A JD was received by the Office of Planning & Zoning on June 3, 2005. Staff received an email from the Army Corp of Engineers stating technical approval but would like an additional 30 days to issue an approval letter.

Dwellings or impervious surfaces shall not occur on slopes with a grade of 25% or more covering a contiguous area of 10,000 ft² or more. On slopes between 15 and 25%, good engineering practices shall be used to ensure sediment and erosion control and slope stabilization before, during and after disturbance activities.⁹

Slopes greater than 25% must be shown on the Preliminary Plat.

⁸ Road Frontage may be reduced to lower figure for lots on a local roadway as defined on the Official Cecil County Roadway Classification Map.

⁹ The Cecil County Subdivision Regulations define steep slopes as “15 percent or greater incline.” The Cecil County Zoning Ordinance defines steep slopes as consisting of a grade of 25% or more covering a contiguous area of 10,000 ft² or more. The Cecil County Forest Conservation Regulations define steep slopes as “areas with slopes greater than 25 percent slope.”

The habitats of rare, threatened, and endangered species (RTE) must be avoided. A Wildlife & Heritage Letter was received on May 28, 2002. An updated letter was received by the Division of Planning & Zoning on December 21, 2020.

Article IX, §174.7 of the Zoning Ordinance requires that all regulated activities defined by the Cecil County Forest Conservation Regulations shall meet all requirements a prescribed herein. A revised Preliminary Forest Conservation Plan (PFCP) must be approved prior to submittal of the Preliminary Plat to the Planning Commission and a revised Final Forest Conservation Plan (FFCP) is require prior to submittal of the Final Plat to the Department of Land Use and Development Services. Even if the Forest Conservation Areas (FCA) are not changing, these plans should reflect the proposed 47 lots rather than the approved 33 lots. Additionally, the metes and bounds of the forest retention line must be on the Preliminary and Final plats.

The Soil Survey is not required to be on the concept plat.

A minimum 15% Common Open Space (COS) is required for all subdivisions involving 10 or more lots in the ST zoning district¹⁰. This project proposes 11.637 acres or 35.02% of COS.

No more than 40% of required COS¹¹ shall consist of areas designated as non-tidal or tidal wetlands. The project proposes 1.9 acres or 9% of COS consist of areas designated as non-tidal or tidal wetlands.

At a minimum (15%) of the required COS¹² shall not consist of perennial or intermittent stream buffers, non-tidal wetlands or buffers, steep slopes or RTE habitats. The project proposes 9.9 acres or 46.92% of COS is exclusive of those areas.

The aforementioned COS thresholds must be on the Preliminary Plat submittal for TAC review.

The developer shall complete the following prior to approval of the record plat:

1. Provide and establish the organization for ownership, maintenance, and preservation of COS prior to recordation of the Plat.
2. Establish an escrow account commensurate to the costs associated with the long-term maintenance, preservation, and improvement of COS.
3. Provide covenants or other legal arrangements specifying that each owner in the development is required to participate in the ownership, maintenance responsibilities, fees, and improvements of COS; and
4. Provide deed restrictions and/or covenants to ensure the purpose for which COS is provided.

Access to common open space between lots must be marked with concrete monuments.

Prior to recordation of the final plat, there shall be some form of surety acceptable to the County, in an amount specified by the County, or the execution and recordation of a subdivision agreement, which shall be submitted with the final plat which subdivision agreement or surety shall secure an agreement to construct required physical improvement identified on the plan for Open Space Improvements.

A minimum of 15% of the development envelope shall be landscaped. The Preliminary Plat should indicate the acreage of the development envelope and this calculation.

Street Trees are required along both sides of all newly created streets so that for every 50 feet of road frontage, there is one deciduous tree that has or will have when fully mature at trunk of at least 12 inches in diameter.

¹⁰ 4.984 acres is the minimum required.

¹¹ 1.994 acres

¹² 0.748 acres

A ten-foot-wide planting easement shall be established on each newly created lot for the purpose of permitting the developer to plant or retain sufficient trees to meet the street tree requirement.

In areas with community facilities, no street trees shall be planted within 20 feet of sewer laterals and cleanouts. This must be noted on the Final Plat.

Typically, a Bufferyard meeting the B standard in Appendix B of the Zoning Ordinance must be established along a collector or arterial road. However, the entire frontage along Bethel Church Rd. is encumbered by the Falling Water Dr. entrance.

Any tree removal within a public right-of-way requires approval from the Maryland Department of Natural Resources.

Two off street parking spaces are required for each lot. Driveways shall measure not less than 12 feet in width and 18 feet in length.

§7.2.12A.2 of the Subdivision Regulations requires that whenever a subdivision abuts a County owned or maintained roads that a dedication for public use is required. The land dedication for Bethel Church Road is incorporated into the new Right of Way for the proposed Falling Water Drive, therefore no additional dedication is required.

§7.2.12B.6 requires that all street names shall be approved by the Department of Emergency Services and the Department of Land Use and Development Services (LUDS). Road names shall not be duplicate or analogous those used elsewhere in the County. Further all proposed suffixes and prefixes shall not deviate from the standards adopted by the United States Postal Service. The proposed road names Falling Water Drive and Cascade Court were previously APPROVED by the Office of Planning & Zoning¹³ and Department of Emergency Services.

§7.2.12F.1 stipulates that the Planning Commission shall have the right to approve or disapprove any point of ingress or egress to any lot, tract, parcel or development from any street or highway.

The Planning Commission adopted a policy on November 21, 1989 that a Traffic Impact Study (TIS) is required when 100 or more dwelling units are proposed or where the Planning Commission feels special circumstances would warrant a study. Staff does not recommend a TIS in the case due to the limited area of where the applicant could feasibly make improvements.

Sidewalks along one side of all internal streets is required per Article III, Part II, §26.5 of the Cecil County Zoning Ordinance. In the previous version of this proposal the applicant was given the choice to either install sidewalks or a 5' wide pedestrian walkway, by striping, on the internal streets. This would need to be reapproved by the Planning Commission if there is a revised Preliminary Plat.

The Division of Planning of Zoning is asking the following note be placed on plats for the benefit of potential owners of lots that adjoin sidewalks: Maintenance of the sidewalks shall be the responsibility of the Homeowner, Property Owner, and/or Homeowners Association on whose property the sidewalk fronts.

General Note 8 states that water service will be provided by the Town of North East. Documentation of water allocation must be provided by the applicant prior to the submittal of the Final Plat.

¹³ Now the Division of Planning & Zoning within the Department of Land Use & Development Services.

General Note 8 states that sewer service will be provided by Cecil County Public Sewer. Documentation of sewer allocation/capacity must be provided by the applicant prior to the submittal of the Final Plat.

The Final Plat shall contain a statement signed by the Health Department, approving authority, to the effect that use of the community water supply and community sewerage system is in conformance with the Master Water and Sewer Plan.

The Final Plat shall also contain a statement, signed by the owner, to the effect that such facilities will be available to all lots/homes offered for sale.

Public Improvement Plans must meet technical design approval prior to submittal of the Final Plat and associated Public Works Agreements must be recorded prior to plat recordation.

A Landscape Agreement with financial surety must be executed prior to recordation.

Deed restrictions for the long-term protection of the street trees and Forest Retention/ Afforestation Areas (FRAs) must be recorded and noted on the plat prior to recordation, with the metes and bounds description of the FRA being shown on the Final and Record Plats.

A Homeowners' Association for maintenance of common open space must be established with \$50 per recorded lot placed in escrow for improvements prior to recordation.

School information:	Elementary	Middle	High School
TAC Report	Bayview ES	North East MS	North East HS
FTE	417	797	1051
Capacity	608	712	1009
% Utilization	69%	112%	104%

Mr. Wilen, DPR, read the comments of the division:

1. The Concept Stormwater Management Plans (SWM) have been revised and approved to satisfy the current Stormwater Management Code for Lots 1-47.
2. Development Plans Review will require resubmittal of the revised Road & Utility Plans for review prior to Preliminary Record Plat being submitted for review by the Planning Commission.
3. The sanitary sewer plans must be designed in accordance with the current 'Standard Specifications and Details for Water Mains and Sewer Mains'.
4. Every effort must be taken to keep sewer lateral cleanouts outside of driveways and sidewalks.
5. All sanitary sewer lines which are outside of County ROW must be located in utility easements with a minimum width of 20'. They may need to be wider depending on the size and/or depth of the utilities. The final/record plat must reflect the actual easement widths and alignments therefore if during construction width or alignment changes occur the record plat must be amended.
6. All sanitary sewer lines which are outside of County ROW must provide adequate access for inspection and maintenance.
7. Sanitary sewer allocation must be requested prior to submitting the Preliminary Record Plat for Planning Commission review.
8. The following standard notes and requirements apply to this plat and project: The details of these notes and requirements will be identified in the record but will not be read at this time:
 - 8.1 *The Lot Grading Plan Construction Limits Note.*
 - 8.2 *Requirements for Public Works Agreements.*
 - 8.3 *Requirements for Stormwater Inspection and Maintenance Agreements.*

Notes and requirements identified for record:

1. *The Lot Grading Plan must include the standard construction limits note.*
2. *Grading Plan: “No clearing or grading is permitted beyond the limits of disturbance show here on. Any expanded clearing and/or grading in the absence of an approved revised lot grading plan may be considered non-compliance with Chapter 325 of the Cecil County Code and either or both the developer and/or Builder may be subject to the enforcement of the penalty provisions therein.”*
3. *A Public Works Agreement is required for the road & associated storm drainage construction and the public sanitary sewer collection system.*
4. *An Inspection & Maintenance Agreement is required for the private SWM facilities.*

Mr. Kirsh read the comments of the Health Department:

Water and sewer allocations must be obtained from the appropriate utility providers prior to final plat approval. The allocation letter must contain the following information:

1. The amount of flow allocated. Since development is being proposed in phases, identify the phase of the project the current allocation is for.
2. Identify if the allocation expires if it is not put into use by a given date.
3. Identify if any water or sewer upgrades are needed to provide this allocation (pump stations, new mains, additional treatment) and if any Maryland Department of the Environment permits are required for these upgrades.

Phases cannot obtain final plat approval until Maryland Department of the Environment, permits and utility upgrades required to provide service to it have been approved.

Final and record plats are required to have the following statements:

1. Public water and sewerage will be available to all lots offered for sale (by owner’s signature block).
2. Use of public water and sewerage is in conformance with the Cecil County Master Water and Sewerage Plan (by Health Department’s signature).

COMMENTS IN FAVOR: None.

COMMENTS IN OPPOSITION: William Roten, 582 Bethel Church Road and Don Kennedy, 546 Bethel Church Road, both of North East, Maryland spoke in opposition. Collectively, both speakers had concerns with increased traffic, unsafe traffic patterns, wildlife impacts, flooding and stormwater run-off issues being increased, erosion, concerns with the current intermittent streams and impacts to wells and septic systems in the area.

Mr. O’Connor read the recommendation of the staff:

APPROVAL with CONDITIONS:

- 1) The Health Department requirements being met;
- 2) The DPR requirements being met; and
- 3) The density noted on all subsequent submittals is the density approved by the Planning Commission.

A motion for approval with staff’s conditions made by Mr. Wallace.
The motion was seconded by Mr. Harmer.

Motion for approval with conditions unanimously carried.

SPECIAL EXCEPTION:

FILE: 4045 - APPLICANT: Old Apostolic Lutheran Church of Newark, Delaware.
FOR: Special Exception to operate a cemetery not on church grounds.
PROPERTY LOCATION: 390 Cherry Hill Road, Elkton, MD 21921, Election District: 4; Tax Map: 20, Parcel: 414.
PROPERTY OWNER: Old Apostolic Lutheran Church of Newark, Delaware, c/o Jeff Pettitt.
PRESENTLY ZONED: Northern Agricultural Residential, (NAR).

Mr. Kirsh explained that his law firm handled the settlement of the purchase of this property by the church. He believes that will have no impact on his ability to remain unbiased while voting on this application.

William Denny gave an overview of the application. Mr. Denny explained that the Old Apostolic Lutheran Church is currently located in Newark, Delaware. The church bought Parcel 414 and the adjoining parcel 306. The church expects to build a new church on parcel 306 within the next year. The need for this special exception comes from the church’s desire to place the cemetery prior to building the church.

HEALTH DEPARTMENT:

According to the submitted diagram with 202041781, parcel 414 may currently have a drilled well. This is an area that appears to have a proposed use as a cemetery. Proper abandonment of the well may be necessary. Speak with the water section at 410-996-5160 to discuss. Any proposed rebuild/expansion should be reviewed with the Health Department. Submit a written proposal; included anticipated congregation size, provided (school services, classrooms, etc.) and whether a kitchen will be onsite, for review.

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: Allison Kuronya, 305 Cherry Hill Road, Steven Swift, 365 Cherry Hill Road, and Chad & Lisa Zigler, 366 Cherry Hill Road, all of Elkton, Maryland spoke in opposition of this application. Collectively, they have concerns with what they believe is excessive stormwater run-off from this parcel, increased traffic on Cherry Hill Road, standing water after rain events and excessive lighting coming from the cemetery.

Discussion ensued regarding the concerns of the citizens that spoke in opposition. Mr. Denny explained that the concerns of the neighbors will be looked at and addressed.

STAFF RECOMMENDATION:

Recommendation is for approval so long as a landscaping plan is submitted in accordance with Section 93 of the Zoning Ordinance and all Health Department requirements being met.

A motion for approval, per staff’s recommendation was made by Mr. Wallace. The motion was seconded by Mr. Harmer.

All approve. Motion for recommendation of approval so long as a landscape plan is submitted in accordance with Section 93 of the Zoning Ordinance and all Health Department requirements being met, carried.

The next meeting for this application will be December 29, 2020 before the Board of Appeals.

GENERAL DISCUSSION:

Mr. Wallace suggested that edits be made to some of the information that was shared by Ms. Sniadowski as it pertained to the Planning Commission bylaws. Mr. O'Connor stated that staff will look into making edits to the bylaws to update any information contained within.

Mr. Wallace asked that the Planning Commission vote on the Chair / Vice Chair position for the Commission at an upcoming meeting.

The meeting adjourned at 7:38 p.m.

NEXT PLANNING COMMISSION MEETING: The next meeting will be on Tuesday, January 19, 2021 at 6:00 p.m. The meeting will be held in a virtual format hosted by the Perryville Room.

Respectfully submitted,

Jennifer Bakeoven
Administrative Assistant
Department of Land Use & Development Services
Division of Planning & Zoning