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**Department of Public Works
Stormwater Management Division**

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CECIL COUNTY, MARYLAND

Department of Public Works
Stormwater Management Division
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MEMO

TO: Builders and Consultants
FROM: Van Funk, Chief
Stormwater Management Division
RE: 2022/2023 Winter Grading Deferral Policy
DATE: November 22, 2022

The Stormwater Management (SWM) Division of the Department of Public Works (DPW) has determined that starting December 5, 2022 (Cutoff Date), due to degrading weather conditions, an "Authorized Deferral of Final Lot Grading and Permanent Stabilization (Letter of Intent)" **will be required** for any project which involves a DPW review and approval to obtain a Certificate of Occupancy (CO). The impending winter weather conditions prevent the satisfactory final grading and permanent stabilization of areas disturbed during project construction.

A Certified Check or Cashier's Check made payable to Cecil County in the amount of \$6,000.00 must accompany the signed Letter of Intent (LOI) even if a stormwater surety been previously provided to obtain plan approval. The check will be held in escrow by the County until the grading permit is finalized and all work is completed to DPW's satisfaction. The escrow amount will be increased to \$10,000 for lots where specific stormwater management facilities (grass channels, level spreaders, drywells, raingardens, etc..) are required as part of the approved stormwater management plan and for which no stormwater management surety was provided. The Department also reserves the right to require the submission of an estimate for the remaining costs of installing stormwater management facilities, completing final site grading, installing structures necessary to convey runoff to the stormwater facilities, estimated cost of maintaining the erosion & sediment control best management practices (including temporary and permanent stabilization) and preparation and submission of an asbuilt plan. The amount to be held in escrow by the County shall be no less than the cost estimate and in no circumstance be less than \$6,000.

Attached is the 2022/2023 Letter of Intent (LOI) which contains the Interim Conditions/Temporary Stabilization Measures and information on what must be completed prior to approval of the LOI. Note that the project will be inspected to ensure conditions for use of the LOI have been met. Also note that the PERMIT APPLICANT & BUYER/OWNER are **REQUIRED** to sign the form. Faxed, Xeroxed, scanned or emailed copies of signatures will not be accepted and inspections will not be conducted until signed LOI's have been submitted to the SWM Division office. Our office can coordinate and will accept a LOI if an electronic signature verification software, such as DocuSign, is used.

Following approval of the LOI, DPW will recommend the issuance of a temporary certificate of occupancy to the Department of Land Use and Development Services Permits & Inspections Division. Final Lot Grading Asbuilt plans or letters **should not be submitted** to the SWM Division until sites have been fine graded and permanently stabilized **in the spring of 2022**. Lots which have been graded, stabilized, have 95% seed germination and the asbuilt surveying completed prior to the Cutoff Date may submit asbuilt plans for review and approval in order to receive a final certificate of occupancy.

In the past, the SWM Division has been asked by builders if they can continue to final grade, permanently stabilize, complete asbuilt lot grading plans and receive full certificates of occupancy through the winter months to avoid submitting a LOI. The SWM Division **WILL** continue to process asbuilt plans for approval as long as the final grade can be established (consistent with the approved lot grading plan) and **ALL** disturbed areas associated with the project are permanently stabilized with **SOD**. Asbuilt plans will not be accepted or approved by the SWM Division if disturbed areas associated with lot construction are not sodded or are only partially sodded.

The SWM Division **will not** recommend issuance of a temporary certificate of occupancy or approve the Letter of Intent for any builder, applicant or owner that has a history of failing to complete LOI requirements in a timely manner, currently has a project with an expired temporary certificate of occupancy or has an outstanding violation.

The SWM Division can be contacted at 410-996-5265 with any questions regarding the deferral policy.