

CECIL COUNTY PLANNING COMMISSION
MEETING MINUTES
Wednesday, January 19, 2022
The Elk Room
6:00 p.m.

PRESENT: Wyatt Wallace - Chairman, Peter Kirsh, Bill Miners, Patrick Ulrich, Bill Coutz (Ex-Officio), Aaron Harding, (LUDS / P&Z), Matt Littlejohn, (LUDS / P&Z), Rachel Churn (DEH), Kordell Wilen (LUDS / DPR) and Jennifer Bakeoven (LUDS/P&Z).

ABSENT: Chad Johnston, Chris Bannon, and James Perry – Alternate.

MINUTES: A motion for approval was made by Mr. Ulrich seconded by Mr. Kirsh. Motion carried to approve the December 20, 2021, 6:00 p.m. meeting minutes as mailed. Mr. Miners abstained from the vote.

Mr. Harding announced that the CIP amendment presented at the December 20, 2021, Planning Commission meeting has been withdrawn.

SUBDIVISION:

1. Rock View, Section 3, Lot 9, Preliminary / Final Plat, Rock Church Road, Will Whiteman Land Surveying, Inc, Fourth Election District.

Will Whiteman, Land Surveyor and Matt Hurm, appeared and presented an overview of the project. Mr. Whiteman asked that he be granted a waiver of the Bufferyard requirement due to the existing vegetation. Additional, Mr. Whiteman asked that a 30-ft road easement be required rather than a 30-ft road dedication.

Mr. Littlejohn, LUDS/P&Z, read the comments of the division:

This proposal was found to be in compliance with §3.8 of the Subdivision Regulations regarding public notification. This includes notice by certified mail to all immediately contiguous property owners; erection and maintenance of a clearly visible sign containing a copy of the proposed plat on each of the property's road frontages; and a copy of the plat to be posted on the County's website.

§§4.0.1 and 2.0 of the Subdivision Regulations allows for the elimination of a Concept Plat.

§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 one new lot, thus meeting the criteria for the elimination of a Concept Plat and the submittal of a Preliminary-Final Plat.

The site is within the Northern Agricultural Residential (NAR) zoning district.

The NAR zone allows for a maximum base density of 1 dwelling unit per 10 acres. Sixty (60) percent open space is required, for subdivisions greater than 10 lots. Per Article III, §22.4 a minimum of fifteen (15) percent common open space shall be required for all subdivisions involving ten (10) or more lots. Open space is not required since there are under 10 lots.

Based upon previous subdivision, this is the 9th lot on 245 acres for a proposed density of 1du / 27.2 acres.

This project is situated within the 2010 Comprehensive Plans Resource Conservation District (RCD) land use district.

This project is not located within a Priority Funding Area (PFA)

This project is located within a Priority Preservation Area

The entire tract of which this lot is a part is subject to a Maryland Agricultural Land Preservation Foundation (MALPF) Easement. This is noted in note 13.

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 IV area.

This site is not planned for future water or sewer connection as part of the Cecil County Master Water and Sewer Plan.

The site is located outside the 100-year Floodplain district. This is noted.

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

This site is located within the Singerly Fire District (004) service area. This is noted in note # 11.

Article VI – Schedule of Zone Regulations – NAR zone without Community Facilities

	Lot size (sq. ft.)	Lot width (ft)	Front Setback	Rear Setback	Side Setback	Max Height	Road Frontage
SFD	20,00	80	40	40	10	35	100/25 ¹

There are no perennial, non-perennial, or non-tidal wetlands shown on site.

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 ². 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 from the Wildlife and Heritage Program regarding RTE species on January 5, 2022. The letter stated that no rare, threated or endangered species were found on the property.

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 & Zoning staff reports The Proposed Lot is exempt from the Cecil County Forest Conservation regulations under section 3.2 K. This is noted on the plat.

¹ Road Frontage may be reduced to lower figure for lots on a local roadway as defined on the Official Cecil County Roadway Classification Map.

² 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.”

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, §22.4 provides for a Bufferyard and street tree requirements in the NAR zoning district. Since the project does not propose any new streets, the Street Tree requirement is moot. Bufferyards from collector or arterial roadways shall be Bufferyard C. Existing vegetation may be used to fulfill the Bufferyard C requirement but must be noted and shown on the plat, or a Bufferyard waiver to §22.4 must be granted and noted on the plat.

§4.1.8 of the Subdivision Regulations requires that 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.

§7.2.12.A2 shall require a 30' dedication along County maintained roads. However, section 3.5 of the Subdivision Regulations allows where the Planning Commission finds because of unusual circumstances they may grant a modification to said regulations. In granting such modifications the Planning Commission may require conditions in it's judgement to secure substantially the standards of the requirements so waived or modified. Because of the MALPF release requirements limiting this lot to one (1) acre staff has no objection to a road widening easement in lieu of the road widening dedication. The applicant is reminded if the modification is granted that a note be placed on the plat about the modification and that the easement is shown on the record plat.

§4.2.14 - Public Improvement Plans:

(a) The subdivider shall obtain final technical design approval of all required street and storm drain plans, water and sewer plans, and Stormwater Management Final Plans prior to submitting for Final Plat review.

(b) Public Improvement Plans shall be signed and sealed by registered professionals licensed in the State of Maryland as designated herein:

1. Professional Engineer – All engineering and grading plans, road, grading and sediment control plans, as well as community sewer and water plans.
2. Land Surveyor – Survey drawings, road, grading and sediment control plans.

3. Landscape Architect – Grading and sediment control plans.

(c) Following approval, the developer shall provide the Public Works Department with three (3) sets of all Public Works Improvement Plans.

(d) Public Improvement Plans shall be prepared in accordance with the applicable regulations relating thereto.

(e) The developer in the Cecil County Critical Area shall prepare and submit a planting plan and/or Forest Management Plan for areas where planting is required and a shoreline protection plan for areas of eroding shore to be stabilized.

(f) The developer shall prepare and submit a Planting Plan, Forest Conservation Plan, or Forest Management Plan as required by the Forest Conservation Regulations.

§4.2.15 - Public Works Agreements - Public Works Agreements or subdivision agreements must be recorded prior to the Chief of the Development Plans Review Division of the Department of Land Use and Development Services signing the record plat. Inspection and Maintenance Agreements must be recorded prior to the Chief of the Development Plans Review Division of the Department of Land Use and Development Services signing the record plat.

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 will not be recommending a TIS be completed due to the project being a single lot.

School information: FY 2021 EFMP	Elementary Kenmore	Middle Cherry Hill	High School Rising Sun
FTE	306	431	1090
Capacity	306	775	924
% Utilization	100%	55%	117%

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

1. The Stormwater Management (SWM) requirements for the proposed development must be addressed. The stormwater analysis and design must be approved prior to the issuance of a grading permit and a building permit.
2. The signature block for the Department of Plans Review should be revised to “Division of Development Plans Review”.
3. 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:
 - 3.1 *The Lot Grading Plan Construction Limits Note.*
 - 3.2 *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. *An Inspection & Maintenance Agreement is required for the private SWM facilities.*

HEALTH DEPARTMENT:

- The proposed subdivision is on a large parcel of land with previous satisfactory percs in multiple locations. Typically the location of all wells, septics and structures are shown on the subdivision plat.
- Our office approved a grading and stormwater plan August 23, 2021, and no further clarification of existing improvements was requested.
- As such, we have no objection to the proposed subdivision plat as show.

COMMENTS IN FAVOR: None.

COMMENTS IN OPPOSITION: None.

Mr. Littlejohn read the staff's recommendation:

Approval, condition on:

1. Health Department requirements being met.
2. DPR requirements being met.
3. MALPF requirements being met.
4. Landscaping requirements being met or a Bufferyard waiver to §22.4 must be granted and noted on the plat, prior to submittal of the record plat.
5. A 30' Road Widening easement being executed, recorded, and shown on the record plat.

A motion for approval per staff's conditions to include the Bufferyard waiver, was made by Mr. Miners. The motion was seconded by Mr. Ulrich.

All approve. Motion carried.

SPECIAL EXCEPTION:

FILE: 4120 - APPLICANT: Mar Del Wholesalers.

FOR: Special Exception renewal to operate a home occupation.

PROPERTY LOCATION: 118 Kirks Mill Lane, North East, MD 21901, Election District: 9;

Tax Map: 18, Parcel: 432, Lot 3B.

PROPERTY OWNER: Mark W. & Deborah L. Miller.

PRESENTLY ZONED: Northern Agricultural Residential, (NAR).

Deborah and Mark Miller appeared and presented an overview of the application. Mrs. Miller explained that they would like to continue operating their home office.

HEALTH DEPARTMENT:

Health Department has no objection

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: None.

RECOMMENDATION

Staff recommended approval for five (5) years.

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

All approve. Motion carried.

The next meeting for this application will be Monday, January 24, 2022, before the Board of Appeals.

FILE: 4121 - APPLICANT: Thomas B. Stauffer.

FOR: Special Exception to operate a home occupation.

PROPERTY LOCATION: 34 Locomotive Lane, Colora, MD 21917, Election District: 6; Tax
Map: 10, Parcel: 776, Lot 5.

PROPERTY OWNER: Jonathan & Nicole Stauffer.

PRESENTLY ZONED: Rural Residential, (RR).

Thomas Stauffer and Jonathan Stauffer appeared and presented an overview of the application. Thomas Stauffer explained that he would like to operate his office out of the home for his wholesale car dealership business.

Mr. Ulrich asked if he expects to receive deliveries related to this office. Thomas Stauffer stated that there will not be deliveries of parts as he outsources for parts.

Mr. Kirsh asked if any vehicles would be stored on the property. Thomas Stauffer said that there would be no cars stored on the property.

HEALTH DEPARTMENT:

Submit a written proposal to cchd.ehs@maryland.gov for review. The proposal needs to include which building (attached or detached) the proposed office is going in, whether there is proposed plumbing, square footage to be finished, and whether there are any employees.

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: None.

RECOMMENDATION

Staff recommended approval for two (2) years.

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

All approve. Motion carried.

The next meeting for this application will be Monday, January 24, 2022, before the Board of Appeals.

FILE: 4123 - APPLICANT: Nathanael & Britni Fiscus.

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

PROPERTY LOCATION: 807 Blake Road, Elkton, MD 21921, Election District: 4; Tax Map: 6, Parcels: 1 & 26.

PROPERTY OWNER: CLT Fairview 2021 LLC, c/o Alisa Webb.

PRESENTLY ZONED: Northern Agricultural Residential, (NAR).

Britni Fiscus appeared and presented an overview of the application. Ms. Fiscus explained that she and her husband would like to operate a farmer's market on the property. They would offer vegetables grown on site as well as fruit grown on fruit trees on the property. She stated that they will also sell ice cream from a local vendor as well as arts and crafts.

Ms. Fiscus stated that the parking required is approximately 16 parking spots. They will offer a "pick your own" fruits and vegetables on site. They would like to operate all year round. They will meet all requirements of MALPF and the Health Department. The existing building is 5280 sq. ft., they plan to renovate half of it for a storefront. They are also planning on placing a small patio on the backside.

Discussion ensued regarding the uses of the surrounding farms.

HEALTH DEPARTMENT:

Health Department is unable to fully comment due to Maryland Department of Health technology issues. Please submit a written proposal to cchd.ehs@mayland.gov for review. The proposal needs to include the specific offerings of the farmers market, where the items to be sold originate from, and a diagram of the proposal in relation to any wells and on-site septic systems on the property.

COMMENTS IN SUPPORT: Mr. Harding stated that staff received a letter of support from Maureen O'Shea Fitzgerald, Agricultural Coordinator for Cecil County Office of Economic Development. She feels that the demand for local food far exceeds the supply in our region.

COMMENTS IN OPPOSITION: The following individuals spoke in opposition of the application: Susan Harrell, 788 Blake Road; Richard Harrell, 788 Blake Road; Murray Martin, 719 Blake Road, Lynn Kombach 871 Blake Road; Virginia Smith, Little Elk Creek Road, and Karen Ciarmello, 776 Little Elk Creek Road, all of Elkton. Collectively, they felt that this operation would bring an increase in noise, traffic, possible well contamination, and trash. Several speakers also expressed that they do not feel that this operation is unique in the area as there are other farmer's markets within 10 miles of this property. They also expressed concern that the road can not handle an influx of traffic and that this market may change the rural character of the area.

Discussion ensued regarding an existing business located across the street from this location.

Chairman Wallace asked how far the operation would be back from the road. Ms. Fiscus stated that it is far back off the road; Mr. Harding stated that it looks to be approximately 600-ft from Blake Road.

RECOMMENDATION

Agricultural Preservation Advisory Board recommended approval.

Staff recommended approval for two (2) years.

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

Miners and Kirsh voting in favor of the motion.

Ulrich voting in opposition of the motion. Motion for approval for two (2) years carried.

The next meeting for this application will be Monday, January 24, 2022, before the Board of Appeals.

FILE: 4126 - APPLICANT: Cody Kipe.

FOR: Special Exception to operate a home occupation.

PROPERTY LOCATION: 202 Tonys Road, Elkton, MD 21921, Election District: 3; Tax Map: 19, Parcel: 85.

PROPERTY OWNER: Merlin Tweedy.

PRESENTLY ZONED: Rural Residential, (RR).

Merlin Tweedy appeared and presented an overview of the application. Mr. Tweedy stated that Mr. Kipe would like to store his tree climbing / cutting equipment on the property in a large pole barn.

HEALTH DEPARTMENT:

Health Department is unable to fully comment due to Maryland Department of Health technology issues.

Please submit a diagram to cchd.ehs@maryland.gov of the proposed building location in relation to the existing well and on-site septic system on the property.

COMMENTS IN SUPPORT: Brian Debusk, 198 Tonys Road, Elkton, Maryland spoke in favor of the operation. Mr. Debusk explained that he is a relative of Mr. Kipe and the next door neighbor to this property.

COMMENTS IN OPPOSITION: None.

RECOMMENDATION

Staff recommended disapproval due to the operation changing the rural character of the neighborhood.

A motion for approval for two (2) years conditioned on all equipment being stored in an enclosed space or screened by a fence or vegetation was made by Mr. Miners.

The motion was seconded by Mr. Kirsh

All approve. Motion carried.

The next meeting for this application will be Monday, January 24, 2022, before the Board of Appeals.

GENERAL DISCUSSION

None.

The meeting adjourned at 7:08 p.m.

NEXT PLANNING COMMISSION MEETING: The next meeting will be on Wednesday, February 23, 2022, at 6:00 p.m. The meeting will be held in the Elk Room at the County Administration Building.

Respectfully submitted,



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

CECIL COUNTY PLANNING COMMISSION
MEETING MINUTES
Wednesday, February 23, 2022
The Elk Room
6:00 p.m.

PRESENT: Wyatt Wallace - Chairman, Chad Johnston, Peter Kirsh, Patrick Ulrich, Chris Bannon, James Perry – Alternate, Bill Coutz (Ex-Officio), Steve O’Connor (LUDS), Aaron Harding, (LUDS / P&Z), and Jennifer Bakeoven (LUDS/P&Z).

ABSENT: Bill Miners, Debbie Sniadowski, Esq., Matthew Littlejohn, (LUDS / P&Z), Rachel Churn (DEH), and Kordell Wilen (LUDS / DPR).

MINUTES: Mr. Johnson made a motion to amend the January 19, 2022, minutes to reflect that he, Mr. Bannon, and Mr. Perry were absent. The motion was seconded by Mr. Kirsh. Motion carried to approve the amendment and remainder of the January 19, 2022, meeting minutes.

SUBDIVISION:

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

AGRICULTURAL PRESERVATION DISTRICT:

FILE CE-22-01 -APPLICANT: Marybeth & William Preston.

FOR: Preservation District Establishment.

PROPERTY LOCATION: 160 Spence Road, North East, MD 21901, Election District: 5, Tax Map; 36, Grid: 24, Parcels: 153 & 577.

ACREAGE: 46.004.

PROPERTY OWNERS: Marybeth & William Preston.

PRESENTLY ZONED: Northern Agricultural Residential, (NAR).

Mary Preston appeared and presented an overview of the application. She began with thanking Mr. O’Connor for his assistance with this process. Ms. Preston explained that her and her husband purchased this property in 2015 with the intention of putting it into preservation. She and Mr. Preston would like to preserve their land to ensure that the beauty of the land remains. They have built a log cabin with no intention of building anything else on the property. Ms. Preston explained that she raises pigs on her farm and did some harvesting to save her forest.

HEALTH DEPARTMENT: Health Department has no objection.

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: None.

Mr. O’Connor read the following comments from staff:

The proposed district is located at 160 Spence Drive in North East, MD 21901; and is further identified as Tax Map 36, Grid 24, Parcels 153 & 577. The property is located within the fifth (5) Election District and is zoned the Northern Agricultural Residential (NAR).

The proposed district contains 46.004 acres with no acres withheld, at the owners’ request. Additionally, the site is located within a Priority Preservation Area (PPA).

The proposed district adjoins an additional 59.492 acres of protected lands. Thus, the addition of the proposed district would create a total of 105.5 contiguous acres.

The proposed district is located outside a current or future water and sewer service area.

The Code of Cecil County requires that all preservation districts consist of a minimum of 50% USDA Soil Capability Classes I, II, III; and Woodland Groups 1 and 2. The proposed district contains a total of 23.65 acres of Class I, II, & III soils, and an additional 11.29 acres of Woodland Group 1 and 2 soils. Therefore, 34.94 acres or 75.94% of the proposed district consists of the required soil types.

The Code of Cecil County requires that all Districts consist of a minimum of 50 contiguous acres. The County Council may include parcels less than 50 acres if it is of exceptional value and contiguous to existing protected lands.

The Agricultural Preservation Advisory Board recommended approval at their January 13, 2022, meeting.

Tonight's request is to send a recommendation to the County Council.

Mr. Wallace also noted that he received the recommendation letter from the Agricultural Preservation Advisory Board stating approval.

RECOMMENDATION

Staff recommended approval.

A motion for approval was made by Mr. Johnston.

The motion was seconded by Mr. Ulrich.

All approve. Motion carried.

The next meeting for this application will be Tuesday, March 1, 2022, before the County Council.

REZONING:

FILE: 2022-01- APPLICANT: PLL Corporation.

REQUEST: Request to rezone 1.36 acres from Suburban Transition, (ST) to Business General, (BG).

PROPERTY LOCATION: 10 Lums Road, North East, MD 21901, Election District: 5, Tax Map: 25E, Parcel: 393.

PROPERTY OWNER: PLL Corporation.

PRESENTLY ZONED: Suburban Transition, (ST).

Lynn Howard, owner, Tom Amrein, owner, Dwight Thomey, Esq., and Adam Taylor, Esq. appeared and presented an overview of the application. Mr. Thomey stated that Ms. Howard and Mr. Amrein are the owners of both 10 and 30 Lums Road. He explained that 30 Lums Road is zoned BG (Business General) but due to its size it is not adequate to operate a BG use. Due to some properties to the south and east of this property being zoned BG and the other properties to the south and west, specifically, the industrial park being zoned M1 (Light Industrial) as well as the traffic associated with those uses, he feels a mistake was made in the Comprehensive Rezoning when zoning 10 Lums Road with a ST (Suburban Transition) zoning designation. Additionally, Mr. Thomey explained that due to the same parcels and uses stated above, the character of the neighborhood has changed since the Comprehensive Rezoning.

Mr. Bannon asked if the intention is to deed both parcels together. Mr. Thomey said yes.

Mr. Kirsh asked for further explanation from Mr. Thomey as to why he feels it was a mistake. Mr. Wallace added that he feels that all the homes across Marysville Road were meant to be residential and all the properties along MD Route 272 are all meant to be commercial. He feels there is more of an argument for a change in the character of the neighborhood than a mistake in the Comprehensive Rezoning. Mr. Thomey believes that the corner that includes 10 Lums Road, and 102 and 96 Marysville Road should have been zoned BG during the Comprehensive Rezoning. Discussion ensued regarding the property located at 80 Marysville Road.

Mr. Bannon believes that the intention of the Comprehensive Rezoning was to keep the properties located along Marysville Road were meant to be residential with the parcels that are on MD Route 272 were intended to be commercially zoned. This would create the buffer between commercial and residential zoning. Mr. Wallace agreed.

HEALTH DEPARTMENT: Health Department has no objection.

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: The following individuals spoke in opposition of this application:

- Nils England, 111 Marysville Road, North East, Maryland
- Andrew Johanson, 102 Marysville Road, North East, Maryland
- Patricia Jones, 101 Marysville Road, North East, Maryland
- Earl Letts, 71 Marysville Road, North East, Maryland
- Brandon Brackin, 95 Marysville Road, North East, Maryland
- Cindy Brackin, 95 Marysville Road, North East, Maryland

Collectively, they felt that parcel 393 was zoned correctly. They would like this area to stay as a residential zoning. They feel that there is already an increase in traffic in the area, specifically tractor trailers, on Marysville Road. Another commercial business would only contribute to the traffic problem. Additionally, they worry about an increase in flooding from adding impervious surfaces, unnecessary increase in retail stores in the area and general safety issues that may come from an increase of traffic / people.

Mr. Harding stated that staff received letters from the following individuals:

- Amy England, 111 Marysville Road, concerns with noise, light, litter, foot traffic, vehicle traffic and the removal of woods.

Written comments were received from Earl Letts, Nils England, Andrew Johanson, and Cindy Brackin. Due to those individuals speaking at this hearing, their letters were not read.

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

Standard for granting a rezoning due to a mistake

The applicant must present strong evidence that the underlying assumptions relied upon the legislative body were an incorrect mistake in fact, or law. There is a strong presumption of correctness of the last comprehensive rezoning, including that, at the time of adoption, the legislative body did consider all the relevant facts and circumstances existing at that time. Therefore, the applicant's burden of proof is heavy and onerous. To overcome the presumption of validity and establish mistake, there must be evidence to show that the assumptions and premises relied upon by the legislative body at the time of the comprehensive rezoning were invalid. This includes demonstrating that the then existing facts and conditions made the comprehensive rezoning incorrect; and the literal failure of the council to have considered those facts and conditions.

The application contends that the legislative body made a mistake because to some of the adjacent and nearby properties are zoned commercial and contain commercial uses. The properties immediately to the south, west, and, north of the subject property are zoned Suburban Transitional Residential (ST) consistent with the medium density/village designation¹ for this area. The ST zoning designation also applies to the properties that have frontage and access Marysville Road. The Business General (BG)zoned sites immediately to the east of this site all have road frontage along MD RTE 272.The application also contends that this property must be rezoned because the adjacent BG zoned site is too small for a BG uses. The adjacent site is 1.37 acres which is well beyond the minimum size for BG zoned property and could meet the bulk requirements for a BG use as configured.

Standard for granting a rezoning due to a substantial change in the neighborhood

The applicant must provide strong evidence of significant change in a reasonably defined area surrounding the property since the 2011 comprehensive rezoning. There is a strong presumption of correctness of the last comprehensive rezoning, including that at the time of adoption, the then legislative body did consider all the relevant facts and circumstances then existing. Therefore, applicant’s burden of proof is heavy and onerous. To establish a substantial change in the neighborhood the applicant must demonstrate what area reasonably constitutes the “neighborhood” of the subject property; the changes which have occurred in that neighborhood since the last comprehensive rezoning; and how these changes resulted in a change in the character of the neighborhood which would justify the zoning reclassification.

The application contends the development of a substantial warehouse facility at the intersection of Nazarene Camp Rd. and MD RTE 272 is the substantial change. That site was annexed in 2009 by the Town of North East, which through that process, the County’s legislative body was required to contemplate a substantially different land use classification. In 2009, the legislative body granted their consent for the site to be classified in the Town’s Highway Commercial (HC) zoning district and it has remained unchanged.² Therefore, the development of a site based upon the land use designation that was in existence during the 2011 comprehensive rezoning is an erroneous matter to deliberate in considering if there has been a substantial change in the neighborhood.

RECOMMENDATION

Staff recommended disapproval due to the applicant’s failure to demonstrate a mistake in the 2011 Comprehensive Rezoning or failure to provide evidence of a substantial change in the character of the neighborhood since the last Comprehensive Rezoning.

A motion for disapproval per staff’s recommendation was made by Mr. Bannon.
The motion was seconded by Mr. Kirsh.

Members in favor of disapproval included Mr. Kirsh, Mr. Bannon and Mr. Ulrich.
Members in opposition of disapproval included Mr. Perry and Mr. Johnston.

Motion for disapproval carried.

The next meeting for this application will be Tuesday, April 19, 2022, before the County Council.

¹ Leslie/Marysville crossroad village

² Verified Zoning District with Town of North East on 2/22/22.

SPECIAL EXCEPTION:

FILE: 4127 - APPLICANT: Lynne D. Robinson.

FOR: Special Exception Renewal to operate a home occupation.

PROPERTY LOCATION: 14 South Parkway, Elkton, MD 21921, Election District: 4; Tax Map: 14, Parcel: 203, Lot 41.

PROPERTY OWNER: Lynne D. Robinson.

PRESENTLY ZONED: Low Density Residential, (LDR).

Winston Robinson, spouse of Lynne Robinson, appeared and presented an overview of application. Mr. Robinson stated that Ms. Robinson would like to renew her special exception approval for a home occupation. Ms. Robinson practices alcohol ink artistry. Mr. Robinson explained that this began as a hobby for Ms. Robinson but has since transformed into selling at craft shows.

Mr. Kirsh asked staff if any complaints have been received since the granting of the special exception. Mr. Harding stated that no complaints have been received.

Mr. O'Connor stated that the application states that there will be small tutoring classes held several times per month and it did not include any information on parking or signage for the business. Staff's records do not show that information from the last application heard for this property. Mr. Robinson stated that they have space for nine cars in the driveway. In the last two years only three or four classes have been held. Ms. Robinson has also moved to having some classes via Zoom. There are usually one to two people at each session. Mr. Robinson stated that Ms. Robinson held an open house once and had a small sign on the lawn just for that event.

HEALTH DEPARTMENT: Health Department has no objection.

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: None.

RECOMMENDATION

Staff recommended approval for five (5) years.

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

All approve. Motion carried.

The next meeting for this application will be Tuesday, February 28, 2022, before the Board of Appeals.

GENERAL DISCUSSION

Mr. Bannon asked about revising the January Planning Commission minutes to reflect his absence. It was explained that Mr. Johnston had motioned to make the amendment in the beginning of the meeting.

The meeting adjourned at 7:00 p.m.

NEXT PLANNING COMMISSION MEETING: The next meeting will be on Monday, March 21, 2022, at 6:00 p.m. The meeting will be held in the Elk Room at the County Administration Building.

Respectfully submitted,



Jennifer Bakeoven

Administrative Assistant

Department of Land Use & Development Services

Division of Planning & Zoning

CECIL COUNTY PLANNING COMMISSION
MEETING MINUTES
Monday, March 21, 2022
The Elk Room
6:00 p.m.

PRESENT: Wyatt Wallace - Chairman, Chad Johnston, Peter Kirsh, Chris Bannon, Bill Miners, Debbie Sniadowski, Esq., Bill Coutz (Ex-Officio), Steve O'Connor (LUDS), and Jennifer Bakeoven (LUDS/P&Z).

ABSENT: Patrick Ulrich, James Perry – Alternate, Aaron Harding, (LUDS / P&Z), Matthew Littlejohn, (LUDS / P&Z), Rachel Churn (DEH), and Kordell Wilen (LUDS / DPR).

MINUTES: A motion for approval was made by Mr. Johnston seconded by Mr. Kirsh. Motion carried to approve the February 23, 2022, 6:00 p.m. meeting minutes as mailed.

SUBDIVISION:

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

AGRICULTURAL PRESERVATION DISTRICT:

FILE CE-22-02 -APPLICANT: Jeffery S. & Stacey A. Coale.

FOR: Preservation District Establishment.

PROPERTY LOCATION: 145 Christie Hill Road, Conowingo, MD 21918, Election District: 8, Tax Map; 9, Grid: 1, Parcel: 521.

ACREAGE: 42.5.

PROPERTY OWNERS: Jeffery S. & Stacey A. Coale.

PRESENTLY ZONED: Northern Agricultural Residential, (NAR).

Stephen O'Connor, Director of Land Use & Development Services gave an overview of the application. The proposed district is located at 145 Christie Hill Road, Conowingo, Maryland 21918; and is further identified as Tax Map 9, Grid 1, Parcel 521. The property is located within the eighth (8) Election District and is zoned Northern Agricultural Residential. (NAR).

The proposed district contains 42.5 acres with 0 acres withheld, at the owners' request. Additionally, the site is located within a Priority Preservation (PPA) area.

The proposed district adjoins an additional 17.72 acres of protected lands. Thus, the addition of the proposed district would create a total of 60.22 contiguous acres.

The proposed district is located outside a current or future water and sewer service area on the Master Water and Sewer Plan.

The Code of Cecil County requires that all districts consist of a minimum of 50 % USDA Soil Capability Classes I, II, III; and Woodland Groups 1 and 2. The proposed district contains a total of 36.4 acres of Class I, II, & III soils, and an additional 4.7 acres of Woodland Group 1 and 2 soils. Thus 41.1 acres or 96.25% of the proposed district consists of the required soil types.

The Code of Cecil County requires that all Districts consist of a minimum of 50 contiguous acres. The County Council may include parcels less than 50 acres if it is of exception value and contiguous to existing protected lands.

Staff has recommended approval of the application.

The Agricultural Preservation Advisory Board recommended approval at their February 10, 2022, meeting.

HEALTH DEPARTMENT: Health Department has no objection.

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: None.

Mr. Wallace also noted that he received the recommendation letter from the Agricultural Preservation Advisory Board stating approval.

RECOMMENDATION

Staff recommended approval.

A motion for approval was made by Mr. Johnston.
The motion was seconded by Mr. Kirsh.

All approve. Motion carried.

The next meeting for this application will be Tuesday, April 5, 2022, before the County Council.

SPECIAL EXCEPTION:

FILE: 4129 - APPLICANT: Paul Felty.

FOR: Special Exception Renewal to operate a home occupation.

PROPERTY LOCATION: 490 Hopewell Road, Rising Sun, MD 21911, Election District: 6; Tax Map: 10, Parcel: 494, Lot 1A.

PROPERTY OWNER: Paul Felty.

PRESENTLY ZONED: Northern Agricultural Residential, (NAR).

Paul Felty appeared and presented an overview of the application.

HEALTH DEPARTMENT: Health Department has no objection.

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: None.

RECOMMENDATION

Staff recommended approval, for five (5) years.

A motion for approval for as long as the applicant owns the property and operates the business was made by Mr. Johnston.

The motion was seconded by Mr. Miners.

All approve. Motion carried.

The next meeting for this application will be Monday, March 28, 2022, before the Board of Appeals.

GENERAL DISCUSSION

The meeting adjourned at 6:08 p.m.

NEXT PLANNING COMMISSION MEETING: The next meeting will be on Monday, April 18, 2022, at 6:00 p.m. The meeting will be held in the Elk Room at the County Administration Building.

Respectfully submitted,



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

CECIL COUNTY PLANNING COMMISSION
MEETING MINUTES
Monday, April 18, 2022
The Elk Room
6:00 p.m.

PRESENT: Wyatt Wallace - Chairman, Chad Johnston, Peter Kirsh, Chris Bannon, Bill Miners, James Perry – Alternate, Debbie Sniadowski, Esq., Steve O’Connor (LUDS), Aaron Harding, (LUDS / P&Z), and Jennifer Bakeoven (LUDS/P&Z).

ABSENT: Patrick Ulrich, Bill Coutz (Ex-Officio), Matthew Littlejohn, (LUDS / P&Z), Rachel Churn (DEH), and Kordell Wilen (LUDS / DPR).

MINUTES: A motion for approval was made by Mr. Johnston seconded by Mr. Kirsh. Motion carried to approve the March 21, 2022, 6:00 p.m. meeting minutes as mailed.

SUBDIVISION:

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

2021 ANNUAL REPORT

Stephen O’Connor, Director of Land Use & Development Services gave an overview of the document. 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. To summarize the content of this report includes various data concerning Major / Minor Subdivisions, Site Plans, Historic District applications, Rezoning, Agricultural Preservation activity, Special Exceptions, Variances, Appeals, Building Permits and Zoning Violations. The 2021 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, Ag. Preservation Advisory Board, Historic District Commission, Ag. Reconciliation Committee and the staff of the Department of Land Use and Development Services. The next section contains the Appendixes which includes maps highlighting each Election District, and the development activity that occurred within those districts.

Additional appendices provide greater specificity regarding as to Major / Minor subdivision activity, Land Preservation, building permit activity regarding residential within the Critical Area, Site Plans for Commercial/ Industrial/ Institutional uses, Zoning compliance and enforcement, Special Exception / Variance / Appeals activities that have occurred within the county. The report concludes the annual report on smart growth-related changes and several maps of how some of the project relate to prior funding areas, rezonings and preservation uses.

HEALTH DEPARTMENT: No comments.

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: None.

RECOMMENDATION

Staff recommended the adoption of the 2021 Annual Report.

A motion for adoption of the 2021 Annual Report was made by Mr. Johnston.

The motion was seconded by Mr. Kirsh.

All approve. Motion carried.

Mr. Johnston thanked the staff for their work on the document.

REZONING:

FILE: 2022-02 APPLICANT: Yug Patel, LLC.

REQUEST: Request to rezone .42 & .23 acres from Business Local, (BL) to Business General, (BG).

PROPERTY LOCATION: 712 Craigtown Road, Port Deposit, MD 21904, Election District: 7, Tax Map: 23E, Parcels: 92 & 471.

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

PRESENTLY ZONED: Business Local, (BL).

Karl Fockler, Esq., Kashmira Patel and Mehul Patel appeared and presented an overview of the application. Mr. Fockler provided the Commission with a document packet outlining their argument for the rezoning request. *See file for packet.* Mr. Fockler argued that a mistake was made during the 2011 Comprehensive Rezoning as well as a change in the character of the neighborhood since the 2011 Comprehensive Rezoning.

Mr. O'Connor read the staff report:

Current Conditions: The site is improved with a convenience store which includes a motor vehicle fueling station

Standard for granting a rezoning due to a mistake

The applicant must present strong evidence that the underlying assumptions relied upon the legislative body were an incorrect mistake in fact, or law. There is a strong presumption of correctness of the last comprehensive rezoning, including that, at the time of adoption, the legislative body did consider all the relevant facts and circumstances existing at that time. Therefore, the applicant's burden of proof is heavy and onerous. To overcome the presumption of validity and establish mistake, there must be evidence to show that the assumptions and premises relied upon by the legislative body at the time of the comprehensive rezoning were invalid. This includes demonstrating that the then existing facts and conditions made the comprehensive rezoning incorrect; and the literal failure of the council to have considered those facts and conditions.

The application contends that the legislative body made a mistake because some of the adjacent and nearby properties are zoned Business General (BG), the property is located in a residentially high-density area on an arterial state highway, and that the BG zoning district allows for appropriate businesses, services and investment in accordance with the surrounding neighborhoods. The property immediately adjoining that wraps around this site to the east and south is zoned Low Density Residential (LDR), to the north across Craigtown Rd. is zoned LDR, immediately to the west across Perrylawn Drive is zoned Suburban Transition Residential (ST). Beyond the immediately adjoining properties are generally zoned LDR towards the north, east and south. West of the site, properties are generally within the Manufactured Home (MH) zoning district, and ST zoning district. In the periphery of the neighborhood, there is a site zoned MH towards the north-northeast, properties zoned M2 to the southeast, and the Town of Port Deposit towards the west and southwest. There are no BG zoned properties nearby, and the residential densities are within a low-density growth area, which is consistent with the Low-Density Growth Area (LDGA) future land use category this site is identified as in the 2010 Comprehensive Plan. The site does have frontage but does not have access to MD RTE 275. The 2011 Zoning

Ordinance intends that the purpose of the Business General zoning district is “...to provide for commercial uses, activities, and combinations thereof of a general nature including retail, wholesale, and business intended to service an area of several communities.” Whereas the purpose of the BL zoning district is “...to provide for a limited variety of small commercial retail, personal and professional uses and other appropriate related commercial uses, activities, and combinations thereof serving the day to day needs of the adjacent local community without intruding on the general character of the surrounding area. Standards are established to be compatible with low density residential districts, resulting in similar building bulk and low concentration of vehicular traffic.” Therefore, the BL zoning district for the site is consistent with the comprehensive plan, and the zoning ordinance.

Standard for granting a rezoning due to a substantial change in the neighborhood

The applicant must provide strong evidence of significant change in a reasonably defined area surrounding the property since the 2011 comprehensive rezoning. There is a strong presumption of correctness of the last comprehensive rezoning, including that at the time of adoption, the then legislative body did consider all of the relevant facts and circumstances then existing. Therefore, applicant’s burden of proof is heavy and onerous. To establish a substantial change in the neighborhood the applicant must demonstrate what area reasonably constitutes the “neighborhood” of the subject property; the changes which have occurred in that neighborhood since the last comprehensive rezoning; and how these changes resulted in a change in the character of the neighborhood which would justify the zoning reclassification. The application contends that multiple surrounding properties have been rezoned and granted special exceptions for mineral extraction and/or business industrial adjacent or in close proximity to the subject property and in the neighborhood. The adjoining property went through the rezoning process in 2021 to place a Mineral Extraction B (ME-B) overlay zoning district on the site, and not to change the property’s zoning district. The comprehensive plan contemplates that mineral extraction land use and zoning districts leave land in an undeveloped state until the economic viability of mineral extraction for the site is exhausted. The purpose of the ME-B district is to identify Mineral Extraction by special exception so the Board of Appeals can condition any approval with performance measures to minimize conflicts between extraction activities and adjacent land uses. It does not change the ultimate planned future use of the property after mining activities are complete, which in this case is for low density residential. The presence of special exception(s) in the area are not substantial evidence of change in the character of a neighborhood since such uses are legislatively predetermined to be conditionally compatible with the uses permitted by right in the particular zoning district.

Mr. Bannon asked how the parcel that was granted the MEB overlay would impact the store. Mr. Fockler referred to page 7 of his submitted document. He eluded those areas that are mined create certain nuisances to surrounding properties.

Mr. Wallace asked if the increased traffic in the area and Perrylawn Drive being a major thoroughfare impacts this parcel being zoned Business General. Mr. O’Connor stated that it is assumed that during the 2011 Comprehensive Rezoning, the legislative body contemplated those aspects of the area when determining the zoning of the properties in this area. Mr. Fockler followed that he feels because of the anticipation of the growth of the traffic in this area in the Comprehensive Plan, this property should have been zoned Business General rather than Business local which anticipates low traffic rather than an increased traffic area.

Discussion ensued regarding the adjoining Hociak property which previously received an amendment to the Comprehensive Plan regarding mineral resources.

Mr. Johnston asked if the Maryland State Highway Administration has commented on this application due to Perry lawn Drive being a Maryland state highway. Mr. Fockler stated that if his client's receive approval of the rezoning and they plan to do a re-build of the property, State Highway Administration would be involved in the review. Mr. Johnston stated that he feels due to the possible increase in traffic, the state highway could be impacted.

Mr. Wallace stated that a Business Local designation is more for the immediate neighborhood to utilize this shop. He feels that much of the traffic in this area is cars that come across the US Route 40 and US Route 95 bridges rather than the local traffic.

HEALTH DEPARTMENT: Health Department has no objection.

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: The following people spoke in opposition of this application: Justin Hill, Esq., 213 East Main Street, Elkton, Maryland representing Paresh Patel; Hetal Patel, 17 Drinking Brook Road, South Brunswick, New Jersey; Virginia Barton, 1404 Jacob Tome Memorial Hwy; Holly Hild and Adam Kelso, 1197 Jacob Tome Memorial Hwy., Port Deposit, Maryland. Collectively, they are concerned about the intent of the owners if they receive approval of the rezoning, increased traffic, and the possibility of the applicant obtaining a liquor license if approved for the Business General zoning designation.

Ms. Barton presented the Commission with a petition against this application. *See file for petition.*

Mr. Harding stated that staff received the following written comments against this application: The Howards, Liberty Grove Road, Port Deposit, Maryland. They believe there are enough liquor stores in the area.

Mr. Bannon asked how many signatures were on the petition. Ms. Sniadowski stated that there are approximately 98 signatures.

Mr. Bannon asked if an applicant that is denied a rezoning request can make another request. Mr. O'Connor stated that if an application for a rezoning is denied, a second request to rezone the same property would have to wait a period of one year to reapply.

Mr. Fockler stated that this application is not for a liquor license as that request would go thought the Liquor Board.

Discussion ensued regarding the distance this property is from the US 95 interchange.

RECOMMENDATION

Staff recommended disapproval due to the applicant's failure to demonstrate a mistake in the last comprehensive rezoning and failure to provide evidence of a substantial change in the character of the neighborhood since the last comprehensive rezoning.

A motion for disapproval was made by Mr. Kirsh.
The motion was seconded by Mr. Bannon.

Members in favor of disapproval include, Kirsh, Bannon, and Johnston.
Members in opposition of disapproval include Miners, Perry, and Wallace.

Due to a tie vote, a recommendation will not be forwarded to the County Council.

The next meeting for this application will be Tuesday, April 19, 2022, before the County Council.

GENERAL DISCUSSION

The meeting adjourned at 7:10 p.m.

NEXT PLANNING COMMISSION MEETING: The next meeting will be on Monday, May 16, 2022, at 6:00 p.m. The meeting will be held in the Elk Room at the County Administration Building.

Respectfully submitted,



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

CECIL COUNTY PLANNING COMMISSION
MEETING MINUTES
Monday, May 16, 2022
The Elk Room
6:00 p.m.

PRESENT: Wyatt Wallace - Chairman, Chad Johnston, Peter Kirsh, Chris Bannon, Steve O'Connor (LUDS), Aaron Harding, (LUDS / P&Z), and Jennifer Bakeoven (LUDS/P&Z).

ABSENT: Bill Miners, James Perry – Alternate, Bill Coutz (Ex-Officio), Debbie Sniadowski, Esq., Matthew Littlejohn, (LUDS / P&Z), Rachel Churn (DEH), and Kordell Wilen (LUDS / DPR).

MINUTES: A motion for approval was made by Mr. Johnston seconded by Mr. Kirsh. Motion carried to approve the April 18, 2022, 6:00 p.m. meeting minutes as mailed.

SUBDIVISION:

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

FY 2023 CAPITAL IMPROVEMENT PROGRAM - PROPOSED

Steve Overbay, Acting Director of Administration, appeared and presented an overview of the FY 2023 Capital Improvement Program. The following are the new items to be considered:

- A new High/ Middle school in North East - \$11.5 million in the capital budget, 7.5 million in County bonds and 4 million in State funding.
- A new Paramedic Station #4 - \$450,000 in the capital budget, preferred location is on the campus of the Cecil County School of Technology, (CCST).
- A new Public Safety Training - \$2 million in the capital budget, 1 million coming from County bonds, the other from the Governor's budget.

The following maintenance projects are also included in the document:

- New roof on Elkton Middle School – Just over \$2 million in the capital budget, paid by County Bonds and significant portion coming from the State.
- An addition of a Sally Port at the Sheriff's Office – \$125,000 in the capital budget
- Resurfacing of the parking lot at the Health Department - \$675,000 in the capital budget; \$375,000 coming from the County and the other \$300,000 coming from the State.
- A new interceptor along Rt. 40 sewer system - \$200,000 in the capital budget for design.

Lastly, also included in the document:

- Work to reduce the I&I leading into the Port Deposit WWTP. - \$1.05 million which is \$50,000 in engineering and \$1 million in construction.

Mr. Wallace asked for additional information regarding the Paramedic Station #4. Mr. Overbay stated that currently Singerly Fire Company handles calls for the Fairhill area of the county. Placing the new station would help with response time to the Fairhill area. Placing it on the CCST property would save the County on funding as the land is already owned by the County. Should this not be a suitable location for this station, the cost may increase due to the need for land acquisition.

Mr. Wallace asked for information on whether the State Police would be sharing the use of this facility. Mr. Overbay stated that Sheriff Adams has had multiple conversations with the surrounding county's Sheriffs regarding the possibility of a facility here in Cecil County. The administration and Sheriff Adams is open to discussion regarding the possibility of charging other jurisdictions to utilize the facility or as fellow investors. Our Sheriff's Office would have priority.

RECOMMENDATION

Staff recommended approval, as the Fiscal Year 2023 Capital Improvement Program is consistent with the 2010 Comprehensive Plan.

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

All approve. Motion carried.

SPECIAL EXCEPTION:

FILE: 4137 - APPLICANT: Caitlin Norem.

FOR: Special Exception to operate a home occupation.

PROPERTY LOCATION: Porter Road, North East, MD 21901, Election District: 9; Tax Map: 19, Parcel: 472, Lot 10.

PROPERTY OWNER: Kyle J. Norem.

PRESENTLY ZONED: Rural Residential, (RR).

Caitlin Norem appeared and presented an overview of her application. Ms. Norem stated that she makes and sells candles at vendor events. She currently has a 10x20 shed placed on the empty lot next to her home to sell her products out of. She stated that she has enough parking for 3 cars, she would like to place a small sign to advertise, and she only expects to be open approximately one Saturday per month or two days during the week per month for limited hours. Most of her advertising would be via social media. Ms. Norem stated that she picks up all her supplies therefore deliveries are not an issue.

Discussion ensued regarding the sign regulations for a home occupation.

HEALTH DEPARTMENT: The property has no potable water well or septic system. If the scope of work involves interior plumbing, valid percolation testing would be required. The Health Department's approval of the proposed shed does not imply future use of the parcel as an approved building lot.

Mr. Kirsh reminded the applicant that if there are deed restrictions on this property, the Planning Commission recommendation will not supersede the deed restrictions.

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: None.

RECOMMENDATION

Staff recommended disapproval due to the application not meeting the regulations of Section 79 of the Zoning Ordinance, specifically items 1 (Home occupations are conducted on the same property as the residence and do not change the residential character of the property), item 3 (No goods for sale or rent shall be stored on the

property in a manner as to be seen from off the premises) and item 4 (Parking is provided in accordance with Article XIV) and not consistent with the burden of proof by the applicant to prove otherwise.

Mr. O'Connor explained that the applicant is requesting a modification of the conditions of Section 79 per Section 298.5 which allows the Board of Appeals to modify one of the requirements or conditions. Staff's recommendation will still be for disapproval.

Discussion ensued regarding the location of the shed.

Mr. Johnston asked the applicant if the shed could be moved to the lot with the house. Ms. Norem said that there isn't enough room on the lot with the house for the shed.

Mr. Wallace stated that as the Chairman, he does not make motions or seconds and does not vote other than to make or break a tie vote. He explained that his personal feeling is that having a vacant lot in a residential area with a business operation is precedent setting for others to come in with the same type of request.

Discussion ensued regarding the requirement of a home occupation being operated on a lot that the primary dwelling is located on.

A motion for approval for one (1) year conditioned on, the owner of the property retaining ownership of Lots 10 & 11 was made by Mr. Kirsh.

The motion was seconded by Mr. Johnston.

The next meeting for this application will be Monday, May 23, 2022, before the Board of Appeals.

FILE: 4140 - APPLICANT: William, Jr. & Lynda Jeanes, and Katie Jeanes.

FOR: Special Exception operate a home occupation.

PROPERTY LOCATION: 1000 Cherry Grove Road, Earleville, MD 21919, Election District: 1;

Tax Map: 51, Parcel: 85.

PROPERTY OWNER: William, Jr. & Lynda Jeanes.

PRESENTLY ZONED: Southern Agricultural Residential, (SAR).

William Jeanes and Katie Jeanes appeared and presented an overview of the application. Mr. Jeanes stated that Ms. Jeanes would like to have a salon in her home. Ms. Jeanes explained that she would be the only employee with just one chair in the salon. Appointments would be required. She would like to have a small sign at the on an existing farm sign at the end of the driveway to advertise for her salon.

HEALTH DEPARTMENT:

This property has a septic system designed for residential flow; the septic is not designed to handle the type of waste and flow for a beauty salon. To determine necessary upgrades, submit a written proposal to the Health Department which includes the number of employees, hours of operation, the number of chairs/salon stations, type of services provided, and the location of the salon on the property. This proposal can be submitted to cchd.ehs@maryland.gov.

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: None.

RECOMMENDATION

Staff recommends approval, for two (2) years.

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

All approve. Motion carried.

The next meeting for this application will be Monday, May 23, 2022, before the Board of Appeals.

FILE: 4141 - APPLICANT: Daniel & Martha Stoltzfus.

FOR: Special Exception operate a commercial kennel.

PROPERTY LOCATION: 217 Little New York Road, Rising Sun, MD 21911, Election District: 6; Tax Map: 4, Parcel: 22.

PROPERTY OWNER: Daniel & Martha Stoltzfus.

PRESENTLY ZONED: Northern Agricultural Residential, (NAR).

Daniel & Martha Stoltzfus appeared and presented an overview of their application. Mr. Stoltzfus explained that he is currently operating the kennel. He was unaware he was required to obtain a commercial kennel license. He stated that he has four dogs (two breeding females, one male and a puppy) in the kennel. Also, the Stoltzfus' have one house dog and one farm dog (Yorkshire Terriers and an Australian Shepherd). Mr. Stoltzfus stated that their kennel is 8x12, two run interior and exterior kennel. Enclosed area is 4x8 outside, with two 4x4 pens for the dogs. There is amply exercise area for the dogs. There are no advertising signs on the property.

Mr. O'Connor explained that previous owners of this parcel also had a special exception for a commercial kennel in 2000-2001.

Mr. Kirsh asked the applicant if he plans to expand the kennel. Mr. Stoltzfus stated that he will expand only if required by Animal Services.

HEALTH DEPARTMENT:

A written proposal for the commercial kennel, including number of runs, any bathing/cooling pools, wash down procedures, and method of waste disposal must be submitted to the cchd.ehs@maryland.gov for review.

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: None.

Mr. Kirsh asked if the County has received any complaints on this operation. Mr. Harding said no.

RECOMMENDATION

Staff recommended approval, for three (3) years conditioned on the applicant completing all administrative items within the first year.

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

All approve. Motion carried.

The next meeting for this application will be Monday, May 23, 2022, before the Board of Appeals.

GENERAL DISCUSSION

The meeting adjourned at 7:10 p.m.

NEXT PLANNING COMMISSION MEETING: The next meeting will be on Monday, June 20, 2022, at 6:00 p.m. The meeting will be held in the Elk Room at the County Administration Building.

Respectfully submitted,



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

CECIL COUNTY PLANNING COMMISSION
MEETING MINUTES
Monday, June 20, 2022
The Elk Room
6:00 p.m.

PRESENT: Wyatt Wallace - Chairman, Chad Johnston, Chris Bannon, James Perry – Alternate, Bill Coutz (Ex-Officio), Debbie Sniadowski, Esq., Steve O’Connor (LUDS), Aaron Harding, (LUDS / P&Z), Matthew Littlejohn, (LUDS / P&Z), Rachel Churn (DEH), Emily Forrest (LUDS / DPR) and Jennifer Bakeoven (LUDS/P&Z).

ABSENT: Bill Miners and Peter Kirsh.

MINUTES: A motion for approval was made by Mr. Bannon seconded by Mr. Johnston. Motion carried to approve the May 16, 2022, 6:00 p.m. meeting minutes as mailed.

MASTER WATER & SEWER PLAN – AMENDMENT

- **Chapter 4, Section 4.1.9 – North East River Advanced Wastewater Treatment Plant (NERAWWTP); and**
- **Appendix B, Table 13- Immediate, 5- & 10-year Priorities for Sewerage Development to reflect the addition of Triumph Industrial Park to the NERAWWTP.**

Steve O’Connor, Director of Land Use & Development Services appeared and presented an overview of the request. Mr. O’Connor explained that the Department of Public Works is working on a project to connect the Triumph Industrial Park and Northrup Grumman (former ATK site) into the County sewer system to the North East Waste Water Treatment Plan (Seneca Point). The Maryland Department of the Environment requests that the Master Water & Sewer Plan be amended to change from “potential connection” to “will connect” and all infrastructure cost. Once the project is completed, another amendment will come before the Planning Commission to change it from “will connect” to “is connected”.

HEALTH DEPARTMENT:

The Health Department has no comment.

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: None.

RECOMMENDATION:

Staff recommended approval.

A motion for approval was made by Mr. Johnston.

The motion was seconded by Mr. Perry.

All approve. Motion carried.

SUBDIVISION:

- 1. Fabrizi Woods, Lots 1-6, Concept Plat, Childs Road, Carpenter Engineering, LLC, Third Election District. - **WITHDRAWN****
- 2. Smith Creek II, f/k/a Lands of John Harrison, LLC, Lots 7-12, Preliminary / Final Plat, Davis, Bowen & Friedel, Inc., First Election District.**

Joshua Mills, Davis, Bowen & Friedel, appeared and presented an overview of the project.

Matthew Littlejohn, P&Z, read the comments of the division:

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

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

The site is within the Southern Agricultural Residential (SAR) zoning district. The site is partially located within a Resource Conservation Area (RCA) Critical Area overlay district.

The SAR zone permits a maximum base density of 1 du/ 1 ac for minor subdivisions and 1 du/20ac for major subdivisions. The RCA overlay district permits a maximum density of 1du/20ac. This subdivision proposes the activation of five ag parcels on 123.994 acres. However, based upon subdivision history, and previous planning commission decisions, the dwelling from Smith Creek Lot 5 must be included in any density calculations. Therefore, the proposal for density purposes, is for 6 dwelling units over 123.994 acres for a density of 1du/20.27ac. Critical Area density is 5 lots on 114.69 acres for a Critical Area density of 1du/22.938 acres.

The development right utilized on lot 8 is outside of the Critical Area, not an RCA development right, a conservation easement is shown over the Critical Area portion of lot 8. A perpetual Conservation Easement must be executed and recorded for the Critical Area portion of Lot 8. The Critical Area easement should be drafted for review by the County and Critical Area Commission prior to execution.

A chart of permitted and utilized Critical Area development rights has been provided on the plat.

A table of the total lot coverage per lot has been added to the plat.

This project location is situated within the 2010 Comprehensive Plan's Resource Preservation (RPD) land use district.

The project is not located within a Priority Funding Area (PFA).

The project is in 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 III¹ area.

¹ Tier III – Areas that are not planned for sewerage service and not dominated by agricultural or forest land and are not planned or zoned for land, agricultural, or resource protection, preservation, or conservation. Tier III also include rural villages, locally designated growth areas, and areas planned for large lot development. 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.

This site is not designated for water distribution or sewerage collection area in the 2019 Master Water & Sewer Plan.

The property is located within Floodplain overlay zone or district per FEMA FIRM Panels 24015C0245E and 24015C0262E. A portion is also located in Flood Zone AE (EL 7).

The site is located within the Cecilton Fire Company (001) 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 noted on the plat.

Subdivision History

Since April 15, 1976² there have been multiple subdivisions from the original 384.4 acres.

Franklin Estates

This is 4 lot mini-road subdivision, with open space parcel³. A Concept Plat was not required, and a combined Preliminary-Final Plat reviewed and approved by Planning Commission on 8/18/1987.

Lands of Frank Skillman et ux (PC 777/397)

The remaining lands area from Franklin Estates now shown as four “deed parcels”⁴ which are then reconfigured.

- Deed Parcel #1 is reconfigured and is 141.874 acres on the easterly side of the site.
- Deed Parcel #2 is subdivided into 2 lots as a minor subdivision.
- Deed Parcel #3 is reconfigured and is 104.701 acres on the westerly side of the site. Conservation area from Franklin Estates is added to Deed Parcel 3.
- Deed Parcel #4 is subdivided in to 5 lots as a minor subdivision.

Planning Commission Review was not required for this project. The plat was signed by P & Z on 6/25/1999; recorded in lands records same day at PC 777/397.

The lots for this proposal come out of Deed Parcel 1.

Lands of Frank Skillman et ux revision

This staff reviewed project reconfigured portions of Deed Parcel #1, Deed Parcel 3 & Deed Parcel #4 to the four lots and the Right of Way (Gwendolyn Rd) created in Franklin Estates.

- Deed Parcel #1 is now 139.509 acres.
- Deed Parcel #2, Lots 1-2 are unchanged.
- Deed Parcel # 3 is now 71.563 acres.
- Deed Parcel # 4, Lot1 & Lot 3 added small portions to Franklin Estates Lot 1. The remaining lots are unchanged.

The Plat was signed by P & Z on 10/15/1999 recorded the same day in PC 803/449.

² Subdivision Regulations take effect. All parcels that are legally recorded in the Land Records of Cecil County prior to that date are Lots of Record for subdivision purposes.

³ Noted in NDS 13/41 as “Area to be conserved for wildlife corridor system.”. 46.1984 acres in lots; 6.00 acres in street and dedicated Right of Way (ROW); 338.25 acre in “remaining area”.

⁴ Vernacular term used to describe parcel that meet the Original Lot definition but are not reflected in the 1976 tax maps

A Concept Plat proposing 9 lots on 75.66⁵ acres for a proposed density of 1 dwelling unit (du)⁶ per 8.41 acres (ac)⁷ was approved by the Planning Commission on September 20, 1999, with four conditions:

1. Lot 1 being denied access to Bohemia Church Rd.
2. A Landscape Plan for street trees and Bufferyards being approved prior to the Planning Commission review of the final plat.
3. A Landscape Agreement being executed prior to recordation.
4. The Forest Conservation Plan being revised to exclude the wildlife corridor.

A Preliminary Plat for the same 9 lots was approved by the Planning Commission on October 18, 1999, with eight conditions⁸:

1. Health Department requirements being met.
2. Department of Public Works requirements being met.
3. Lot 1 being denied access to Bohemia Church Road.
4. A Landscape Plan for street trees and Bufferyards being approved prior to final plat review by the Planning Commission.
5. A Landscape agreement being executed prior to recordation of the plat.
6. Final Forest Conservation Plan being approved prior to final plat review by the Planning Commission.
7. Street tree requirements on the unnamed subdivision to the east being waived; and
8. A Road Code Waiver being granted by the Department of Public Works.

A Final Plat⁹ for Smith Creek (fka Lands of Harrison), Lots 1-4 was approved by the Planning Commission on January 18, 2000, with 11 conditions:

1. Health Department requirements being met.
2. Department of Public Works requirements being met.
3. Lot 1 being denied access to Bohemia Church Road.
4. Landscape Agreement being executed prior to recordation.
5. Street Trees not being required on the stub or road to the east and an agricultural buffer not being required on Lot 4.
6. A Road Code Waiver being granted by the Department of Public Works for Welders Lan.
7. The Final Forest Conservation plan being approved prior to recordation.
8. Building restriction lines from Lots 3 and 4 on Sheet 4 of 4 being shown on the record plat.
9. The metes and bounds description of the forest retention areas being shown on the record plat.
10. Deed restrictions for the long term-protection of the forest retention areas being record prior to recordation; and
11. A note being added that not future development can take place on the Parcel 3 side of Add-on E.

A Preliminary/Final Plat for Smith Creek, Lot 5 was approved by Planning Commission on February 22, 2000, with 7 conditions:

1. Health Department Requirements being met.
2. Department of Public Works requirements being met.
3. Any future development proposed for this parcel being accompanied by a Concept Plat.

⁵ The area for the concept plat was the 71.563 acres remaining from Deed Parcel #3, plus 4.08 acres from Deed Parcel #1. When reviewing the 1999 Concept Plat the calculations are 104.70 acres of Parcel 3 + 4.08 acres from Parcel 1 summed, then subtracting out the 33.14 acres intended to be conveyed to Franklin Estates for the 75.64-acre total.

⁶ Lot 9 on the Concept Sketch included the dwelling now known as 88 Welders Lane which prior to the construction of Welders Lane, the property address was 585 Bohemia Church Rd.

⁷ Prior to 1/1/2007 the maximum major subdivision density in the Southern Agricultural Residential zoning district was 1du/8ac. From 1/1/2007 to present it is 1du/20ac.

⁸ The Preliminary Plat approval extended the Concept Plat approval until 10/18/2001.

⁹ Final Plats do not have an expiration date, however the expiration date for the Concept and Preliminary Plats are still valid.

4. A Landscape Agreement for street trees being executed prior to recordation.
5. The standard Bufferyard and street tree note included on this plat also include on the record plat.
6. The building restriction lines depicted on the record plat for the pre-add-on property line or old property line being the front building restriction line for Lot 5; and
7. The word “division” being replaced with “property” on the old property line (the old division line between Parcel 1 and 3 for lot 5).

The Planning Commission approved a separate and distinct “Lands of Harrison (2002) Concept Plat proposing 8 new lots, plus the incorporation of Lot 5 from Smith Creek (8+1) for a density of 1du/14.44ac on August 19, 2002, with three conditions:

1. The Name Creek Land being approved prior to the Planning Commission’s review of the preliminary plat.
2. The title block being modified to reflect the revision to adjacent subdivisions; and
3. Sensitive species survey being done prior to the Technical Advisory Committee review of the preliminary plat.

Extensions of the Lands of Harrison (2002) Concept Plat were granted on 8/16/2004 and 8/15/2005. The project was allowed to expire.

A new Concept Plat proposing 8 lots, a reconfigured Lot 4, and the inclusion of Lots Of 5¹⁰ in the density calculation, on approximately 149.291 acres for a density for 1du/16.59 acres was approved by the Planning Commission on 12/21/2006, with the eight conditions.

1. The boundary line survey being completed prior to the TAC’s review of any Preliminary Plat.
2. Documentation of the JD’s completion being submitted prior to the Planning Commission’s review of the Preliminary Plat.
3. Acreage totals consistently agreeing with one another on any Preliminary Plat.
4. Any Preliminary Plat’s title block accurately reflecting what is being proposed.
5. The PFCP and any preliminary environmental assessment being approved prior to the Planning Commission’s review of the Preliminary Plat.
6. A road names being approve prior to the Planning Commission’s review of the Preliminary Plat.
7. Any Preliminary Plat’s tabular information accurately reflecting lots in the proposal; and
8. Misspellings being corrected on all future submissions.

A Preliminary Plat for Smith Creek II (fka Lands of Harrison (2002)) for 7 lots reviewed by the Planning Commission on December 15, 2008¹¹. Lots 1-4 only, were approved with ten conditions:

1. Health Department requirements being met.
2. DPW requirements being met.
3. A Critical Area details being clearly and fully provided on subsequent submittals.
4. All Critical Area Commission comments being fully addressed on subsequent submittals.
5. The street tree planting easement’s being depicted on the Final Plat.
6. The FCP/Landscape Plan being approved prior to the submission of the Final Plat.
7. The issue of the proposed access easement across Lot 1 being revisited prior to submission of the Final Plat.
8. The Smith Creek Lan acreage being added to Note #4 to meet the §4.1.22(r) requirement prior to submission of the Final Plat.

¹⁰ As stated at the 2/22/2000 Planning Commission meeting: “The dwelling the proposed lot 5 must be located on the original Parcel 1 portion of the lot, not the Parcel 3 add-on piece. Therefore, lot 5 will be included in the density calculation for this and all future subdivision proposals for Parcel 1”. Those comments pertain to Lot 5 of Smith Creek.

¹¹ The project was allowed to expire in December 2010 and does not have any validity today.

9. Deed Parcel line being shown on all subsequent submittals; and
10. The SAR total acreage being corrected on all subsequent submittals.

Re-subdivision, Smith Creek, Lot 4

Project transferred 15.05 acres from Smith Creek Lot 4 (88 Welders Lane) to the Remaining Lands of Harrison. Lot 4 became 1.804 acres; and Lands of Harrison became 144.941 acres. Signed by P & Z on 11/18/2008 and recorded 11/19/2008 in PC 1111/34. A note on that plat explicitly states:

Any future development shall be limited to the areas described as Parcel 1 (WLB 819/651) portion of the lot. The Areas described as Parcel 3 have exhausted all density, and there shall not be any further development.

The current applicant signed that plat as owner; therefore, the applicant is aware of this condition.

Re-subdivision – Franklin Estates, Lot 2B

Transfers all 2B south of Gwendolyn Rd. to the lands of Harrison.

Harrison Farm became 195.602 acres. Signed Planning and Zoning on 11/6/2017 recoded on 11/7/2017 in PC 1119/65.

Board of Appeals Case #4027

Appeal of staff’s determination that this proposed project cannot proceed due to lack of density. Case heard on October 27, 2020; Board of Appeals postponed their vote the facts. Prior to the Board of Appeals rendering a decision the Director of Land Use & Development Services provided a memorandum in the interim. [The applicant then withdrew their appeal.]

The then Director of LUDS issued a memorandum of November 10, 2020 specified the following:

1. The boundaries of the four deed parcels, for density calculation purposes, are the reconfigured boundaries shown on the plat recorded in PC 777/397¹².
2. There are four existing dwellings from the Smith Creek subdivision within Deed Parcel 3 to be counted for density calculation purposes¹³. This includes the original dwelling know as 88 Welders Lane.

On November 15, 2021, the Concept Plat for lots 7-12 was approved by the Planning Commission conditioned on:

1. Health Department requirements being met;
2. DPR requirements being met;
3. Landscaping requirements being met, if applicable;
4. A Preliminary Environmental Assessment/Forest Conservation Plan must be approved prior to submittal of the preliminary plat;
5. A Preliminary SWM plan must be approved prior to submittal of the preliminary plat;
6. A Buffer management plan needs to be approved prior to preliminary plat submittal;
7. A Habitat protection plan must be approved prior to Preliminary Plat approval.

Article VI – Schedule of Zone Regulations – SAR zone without Community Facilities

SAR	Lot size (sq. ft.)	Lot width (ft)	Front Setback ¹⁴	Rear Setback	Side Setback	Max Height	Road Frontage
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¹² This matches the property descriptions referenced in WLB 819/651.

¹³ 24 Welders Ln (Tax Map 58, Parcel 77, Lot 1); 50 Welders Ln (Tax Map 58, Parcel 77, Lot 2); 88 Welders Ln. (Tax Map 58, Parcel 77, Lot 3); 104 Welders Ln. (Tax Map 58, Parcel 77, Lot 3).

SFD	20,000	80	40	40	10	35	100/25 ¹⁵
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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'. Perennial streams and associated buffers are shown on the plat.

In areas where tributary streams (perennial or intermittent) are within the 200' Critical Area Buffer (Buffer) then the Buffer shall be expanded to include those tributary streams within the Critical Area. For access to proposed lots 9, 10, & 11 access requires disturbance to the Buffer. A variance for Buffer Disturbance was granted by the Board of Appeals on April 25, 2022. A note referencing the variance and date of approval should be noted on the record plat.

Permits are required from the (US Army) Corps of Engineers and MDE for all non-tidal wetland and stream impacts prior to recordation. JDs 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.

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.¹⁶

The habitats of rare, threatened, and endangered species (RTE) must be avoided. A Wildlife & Heritage Letter received on August 29, 2021, indicated there is a record of a portion of a Habitat protection Area associated with Little Bohemia Creek. There is a record of state rare Salt-Marsh Bulrush and Eastern Hemlock. FIDS habitat is also suggested to exist on the property.

It is noted on the Environmental Assessment that 6.1 acres of woodland will be cleared and there will be 6.1 acres of FIDS mitigation. A FIDS mitigation easement agreement must be executed and recorded prior to record plat approval. The planting locations of the 6.1-acre FIDS mitigation easement must be shown on the record plat with metes and bounds.

A Habitat Protection plan has been approved as part of the Environmental Assessment. The locations of the habitat protection areas must be shown on the record plat prior to record plat approval.

Deed Restrictions for the long-term protection of the Critical Area portions of the property must be recorded prior to record plat approval.

¹⁴ Principal structures on lots created after the adoption of the 2011 Zoning Ordinance shall setback from any right of way or road widening easement of collector or arterial roadways as defined on the Official County Roadway Classification map as follows – NAR, SAR, RR – 100 Feet: LDR, UR, ST – 50 feet.

¹⁵ Road Frontage may be reduced to lower figure for lots on a local roadway as defined on the Official Cecil County Roadway Classification Map.

¹⁶ 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.”

A Landscape Agreement accompanied by the appropriate amount of financial surety for the FIDS mitigation must be executed and recorded prior to record plat approval.

Please show the 200' Critical Area Buffer on the front page of the Plat.

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. Planning and Zoning staff reports The Forest Stand Delineation was approved by the Division of Planning and Zoning on October 20th, 2021. A Forest Conservation Plan has received technical approval by Planning & Zoning.

A Landscape Agreement for the Afforestation/Forest Retention areas accompanied by the appropriate amount of financial surety must be executed and recorded prior to record plat approval.

Deed restrictions for the long-term protection of the 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 Record Plat.

Common Open Space (COS) is not required for this project.

No Street Trees are required for this project.

A Bufferyard waiver was granted by the Planning Commission on November 15, 2021. This is noted on the plat.

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.

The plat shows that water service will be provided by an on-site well.

The plat shows that sewer service will be provided on-site sewerage disposal system.

§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 Welders Lane was conveyed from the previous submittals of Smith Creek.

§4.1.1 of the Subdivision Regulations states that; after approval of the Concept Plat, the developer shall submit his Preliminary Plat, which may consist of a section of the Concept Plat. The developer shall prepare a Preliminary Plat conforming to the requirements set forth in these regulations and as stipulated in Appendices A and B and submit said plat to the Office of Planning and Zoning.

§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:

1. Conformance to the provisions of the Cecil County Comprehensive Plan and the 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
3. 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.
4. Conformance to the applicable provisions of the Cecil County Zoning Ordinance and these regulations.
5. 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. Protection of forested, reforested, or afforested areas as required by the Cecil County Forest Conservation Regulations.
7. Conformance to all requirements of the Cecil County Department of Public Works, including, but not limited to, stormwater management requirements.
8. Conformance to all requirements of the Cecil County Department of Environmental Health.
9. Conformance to the requirements of other State and County departments, as may be applicable.

§4.1.20(a) of the Subdivision Regulations requires that a Preliminary Plat shall only be reviewed by the Planning Commission if the Preliminary Forest Conservation Plan (PFCP), Preliminary Environmental Assessment and Stormwater Management Concept Plan (P-SWM) have been approved. The Final Forest Conservation Plan, Environmental Assessment and Preliminary/Final-SWM have received technical approval.

In addition, each sheet of the subdivision plat must have the seal and signature of a surveyor licensed to practice in the State of Maryland.

Per §4.1.20(v) notable corrections are:

2. Show 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 percent or soils on slope greater than 5 percent with “K” values greater than 0.35).
4. Show location of all Habitat Protection Areas on the site.

§4.2.14 requires Public Improvement Plans to have final technical prior to final plat approval.

Per §4.2.15 Public Works Agreements or subdivision agreements must be recorded prior to the Chief of the Development Plans Review Division of the Department of Land Use and Development Services signing the record plat. Inspection and Maintenance Agreements must be recorded prior to the Chief of the Development Plans Review Division of the Department of Land Use and Development Services signing the record plat.

Per §4.2.17 the subdivider shall execute the necessary guarantees with the County Executive in the form of an escrow account, letter of credit, or bond with financial surety to guarantee that the requirements of the Forest Conservation Regulations will be met. Protective agreements to ensure the continued protection of certain areas shall also be executed and filed at the time financial securities are executed. Any guarantee shall be executed prior to the Director of Land Use and Development Services signing of the record plats.

This submittal proposes using a previously created unnamed Mini-Road ROW for access to a County maintained Rd. A maximum of 5 lots (7 if two have frontage on a county road) are permitted to access a mini road. This submittal proposes the 5 ag parcels, the remaining lands Parcel, 88 Welders Lane, and 627 Bohemia Church Rd to access the proposed Mini Road. This is a total of 7 lots with two lots having road frontage to a County Rd. Lot 12 has direct access to Welders Lane.

The road name Smith Creek Road was approved by the Cecil County Department of Emergency Services on March 10th, 2022.

Sidewalks are not recommended for this project.

School information:	Elementary	Middle	High School
FY21 EFMP	Cecilton ES	Bohemia Manor MS	Bohemia Manor HS
FTE	319	495	647
Capacity	350	601	643
% Utilization	91%	82%	101%

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 an 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 (½) 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 re-subdivision of lots in any block, such re-subdivided 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 re-subdivided, 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.

Emily Forrest, Development Plans Review, read the comments of the division:

1. The Preliminary Stormwater Management (SWM) Plans have been approved. The final plans must satisfy the current Stormwater Management Code prior to issuance of the lot grading permits.
2. Lot 8 drive is shown as a common driveway with Lot 4. Therefore, a driveway maintenance agreement must be prepared for Lots 4 & 8.
3. The driveway maintenance agreement for Smith Creek Road must be amended to include Lot 8.

4. 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:
 - 4.1 *The Lot Grading Plan Construction Limits Note.*
 - 4.2 *Requirements for Stormwater Inspection and Maintenance Agreements.*

Notes and requirements identified for record:

5. *The Lot Grading Plan must include the standard construction limits note.*
 - a. *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.”*
6. *An Inspection & Maintenance Agreement is required for the private SWM facilities.*

HEALTH DEPARTMENT:

The submitted preliminary/final plat does not meet minimum requirements set in Code of Maryland Regulations 26.04.03.02. Preliminary plats must show topography on 2-foot contours, soils, percolation testing holes, percolation data, proposed lots, proposed well locations, proposed houses, and proposed sewage areas. While some of these items are satisfactorily shown on the Preliminary Stormwater Management Plan, they are all required by regulations to be on the preliminary plat. The following comments are regarding the Preliminary/Final Plat.

- Lot 7 - Pumping is required. The preliminary plat must show a proposed septic tank, pump tank, pressure line, and distribution pit.
- Lot 8 - Percolation holes must be field located and shown. The Sewage Reserve Area may need revision pending a review of the perc hole locations.
- Lot 9 - Sewage Reserve Area must be revised - perc hole “C” required satisfactory seasonal testing and cannot be located within the Sewage Reserve Area.
- Lot 10 -Acceptable as proposed.
- Lot 11 -Acceptable as proposed.
- Lot 12 -A written request, from the property owner, for the well to be downslope of the septic system, is required. This request must be received prior to plat signature.

The following comments are regarding the Preliminary Stormwater Management Plan.

- Lot 7 - Layout as shown in Inset “A” is acceptable as proposed. Limit of Disturbance (LOD) shown is not acceptable and should be revised to match that of Inset “A”.
- Lot 8 - Percolation holes must be shown to determine if proposed Sewage Reserve Area (SRA) and LOD is acceptable.
- Lot 9 - Sewage Reserve Area shown does not match that shown on Preliminary/Final plat. LOD should be revised to be around upper Sewage Reserve Area.
- Lot 10 -Acceptable as proposed.
- Lot 11 -Acceptable as proposed.
- Lot 12 -Acceptable as proposed.

The Health Department has no objection to the Forest Conservation Plan.

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: None.

Discussion ensued regarding Lot 10’s flood zone X and AE and how far it reaches into Lot 9.

RECOMMENDATION

APPROVAL, CONDITIONED ON:

1. Health Department requirements being met;
2. DPR requirements being met;
3. Critical Area requirements being met;
 - A. The planting locations of the 6.1-acre FIDS mitigation easement must be shown on the record plat with metes and bounds prior to record plat approval;
 - B. Easement and Deed Restrictions for the long-term protection of the FIDS mitigation areas and Critical Area portions of the lots must be executed and recorded prior to record plat approval;
 - C. A perpetual Conservation Easement must be executed and recorded for the Critical Area portion of Lot 8 prior to record plat approval;
4. The location of the Habitat Protection areas being shown on the record plat;
5. Deed restrictions for the long-term protection of the 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 record plat prior to record plat approval;
6. A Landscape Agreement accompanied by the appropriate amount of financial surety for the Afforestation/Forest Retention areas executed and recorded prior to record plat approval;
7. A Landscape Agreement accompanied by the appropriate amount of financial surety for the FIDS mitigation executed and recorded prior to record plat approval;
8. A note referencing the variance granted by the Board of Appeals for the buffer disturbance with the date of approval and File number 4136 noted on the record plat prior to record plat approval;
9. Labeling hydric and highly erodible soils on the record plat prior to record plat approval.
10. Labeling the 200' Critical Area Buffer on the front page of the record plat prior to record plat approval.

A motion for approval with staff's conditions was made by Mr. Johnston.
The motion was seconded by Mr. Perry.

Mr. Bannon inquired about what Stormwater Management requirements are required for a subdivision of this size. Mr. Harding the plan ensures that the post development condition is as good as woods in good condition. In many situations it is better than what the previous condition was.

All approve. Motion carried.

SPECIAL EXCEPTION:

FILE: 4146 - APPLICANT: Carl Dellose.

FOR: Special Exception to operate a home occupation.

PROPERTY LOCATION: 842 Little Egypt Road, Elkton, MD 21921, Election District: 4; Tax Map: 7, Parcel: 298, Lot 1.

PROPERTY OWNER: Carl & Jessica Dellose.

PRESENTLY ZONED: Low Density Residential, (LDR).

Carl Dellose appeared and presented an overview of application. Mr. Dellose explained that he has applied for a Federal Firearms License with the federal government. He is looking to operate out of his home, by appointment only. He stated that there would be no signage or inventory on the property. He conducts sales online only. Mr. Dellose is looking to become a gunsmith as well as process paperwork for individuals looking to purchase firearms. He explained that he has to receive an approval from the Board of Appeals (zoning requirements) to apply for the license.

HEALTH DEPARTMENT:

The proposed home occupation has limited to negligible added sewage flow. Health Department has no objection to the special exception.

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: None.

RECOMMENDATION

Staff recommended approval, for two (2) years.

A motion for approval per staff's recommendation was made by Mr. Johnston.
The motion was seconded by Mr. Bannon.

All approve. Motion carried.

The next meeting for this application will be Monday, June 27, 2022, before the Board of Appeals.

GENERAL DISCUSSION

The meeting adjourned at 6:33 p.m.

NEXT PLANNING COMMISSION MEETING: The next meeting will be on Monday, July 18, 2022, at 6:00 p.m. The meeting will be held in the Elk Room at the County Administration Building.

Respectfully submitted,



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

AGENDA
PLANNING COMMISSION
MONDAY, JULY 18, 2022
ALTERNATE DATE: Wednesday, July 20, 2022
County Administration Building
The Elk Room
200 Chesapeake Blvd., Elkton, MD 21921
6:00 p.m.

Written public comment can be emailed to DLUDS@ccgov.org, faxed to 800-430-3829 or mailed to the address listed above

SUBDIVISION:

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

SPECIAL EXCEPTION: - POSTPONED UNTIL THE SEPTEMBER MEETING

FILE: 4151 - APPLICANT: SolHarvest Energy, c/o John Forgash.

FOR: Special Exception to operate a power generation facility.

PROPERTY LOCATION: 2750 Augustine Herman Hwy., Chesapeake City, MD 21915,

Election District: 2; **Tax Map:** 43H, **Parcel:** 393.

PROPERTY OWNER: Geraldine McCoy.

PRESENTLY ZONED: Southern Agricultural Residential, (SAR).

GENERAL DISCUSSION

CECIL COUNTY PLANNING COMMISSION
MEETING MINUTES
Monday, August 15, 2022
The Elk Room
6:00 p.m.

PRESENT: Wyatt Wallace - Chairman, Chad Johnston, Chris Bannon, James Perry – Alternate, Bill Coutz (Ex-Officio), Debbie Sniadowski, Esq., Steve O’Connor (LUDS), Matthew Littlejohn, (LUDS / P&Z), Rachel Churn (DEH), Emily Forrest (LUDS / DPR) and Jennifer Bakeoven (LUDS/P&Z).

ABSENT: Bill Miners, Peter Kirsh, Aaron Harding, (LUDS / P&Z).

MINUTES: A motion for approval was made by Mr. Johnston seconded by Mr. Perry. Motion carried to approve the June 20, 2022, 6:00 p.m. meeting minutes as mailed.

ZONING ORDINANCE – TEXT AMENDMENT

- **Article XI, Part III – Floodplain District.**

Stephen O’Connor, Director of Land Use and Development Services gave an overview of the amendment. Director O’Connor explained that this is a bill to amend the Zoning Ordinance to give updates to reference to federal statutes, update system definitions, and clarifications to the following items: administration and procedures; requirements in all flood zones; flood zones that are not high hazard or Coastal A zones; requirements in high hazard and Coastal A zones; and updates to the additional variance requirements in the flood zones. The county Floodplain Program comes under review once every five years which we are currently going through right now. Our contacts at MDE and FEMA provide the County with updates on changes made to the program on the federal and state levels.

At this point, Director O’Connor listed the changes made to Article XI, Part III.

Typographical errors noted were as follows:

Line 95 of the document should read “the potential exists for breaking waves with heights greater than or equal to 1.5 feet. The inland limit of...”

Line 154 & 155 of the document should read “BASED ON FLL (CLOMR-F) IS A DETERMINATION THAT A PARCEL OF LAND OR PROPOSED STRUCTURE THAT WILL BE ELEVATED BY FILL WOULD NOT BE INUDATED BY THE BASE FLOOD IF FILL IS PLACED ON...”

Director O’Connor thanked Aaron Harding, Chief, Division of Planning & Zoning and staff for their many hours of compiling data for the upcoming audit that will take place this month.

HEALTH DEPARTMENT:

The Health Department has no comment.

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: Judith L. Cole, 741 England Creamery Road, North East, Maryland stated that she is neither in support of opposition of this amendment. She explained that she has two (2) lots in Red Point Beach that will have a change in designation which will affect her ability to build on both lots. She also submitted written comments.

RECOMMENDATION:

Staff recommended approval conditioned on typographical errors being corrected on lines 95, 154 and 155.

A motion for approval was made by Mr. Johnston.
The motion was seconded by Mr. Perry.

All approve. Motion carried.

The next meeting for this application will be Monday, September 6, 2022, before the County Council.

SUBDIVISION:

1. Chesapeake Club Condominium, Section One, Phase 14, Units 34-36, Preliminary Plat, Ridge Run Road, McCrone, Inc., Fifth Election District.

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

Matthew Littlejohn, P&Z, read the comments of the division:
This proposal is in compliance with §3.8 regarding public notification.
Zoning: RM

The RM zone allowed for a density of 6du/1ac with community facilities, and the original Chesapeake Club Concept Plat was approved on 5/19/87 for 1440 units on 411 acres, for a density of 3.5du/1ac¹

Revised Concept Plats were approved on 12/20/93, 6/20/94, 3/16/98, 9/16/02, and 9/21/15.^{2,3}

A final re-subdivision plat for Parcel 1C and Parcel 4 was approved on 12/23/93.

The Cecil County Subdivision Regulations define “Condominium” as follows: “A condominium is an ownership arrangement, not a land use; therefore, it is allowed in any district and under the same restrictions as the residential land uses that it comprises. A condominium shall not negate lot nor other requirements intended to provide adequate light, air, and privacy. A condominium is a dwelling unit which has all the following characteristics:

- a) The use (the interior and associated exterior areas designated for private use in the development plan) is owned by the occupant.
- b) The unit may be any permitted dwelling type.
- c) All or a portion of the exterior open space and any community interior spaces are owned and maintained in accordance with the Condominium Act of the State of Maryland and other requirements specified in the County Code regarding such open spaces.”

§6.2 of the Cecil County Subdivision Regulations states that in condominium development, the developer shall submit the necessary Preliminary Plat and Final Plat in accordance with the normal procedural requirements, and the Condominium Act of the Real Property Article of the Annotated Code of Maryland.

¹ The **RM** zone, with community facilities, currently allows densities of **6:1** for single family units, **10:1** for duplex and semi-detached dwelling units, **12:1** for townhouses, and **14:1** for apartment units.

² Concept Plats approved prior to 7/25/89 do not have a specified validity endpoint.

³ Those revised Concept Plats have all adhered to the originally approved golf course community **layout** and **density** of **3.5/1**; and they have reflected only slight changes in design and structure types around the golf course. A revised Concept Plat, proposing 329 dwellings on 93.906 acres, for a proposed density of **3.504/1**, was reviewed by the Technical Advisory Committee on **3/02/05**. Subsequently, on 3/19/12, a ‘Presentation Plan’ was presented to the Planning Commission. It was not an action item; rather it was an “information only” item. That ‘Presentation Plan’ was different than the 2005 Concept submittal that was reviewed by the TAC.

The preliminary plat/site plan for the Chesapeake Club condominium regime was approved in March 1991. However, §4.1.16 of the subdivision regulations states that Preliminary Plat approval shall be valid for a period of three (3) years at the end of the month from the date and month in which Planning Commission approval is granted. The recordation of any section of a Final Plat shall extend the Preliminary Plat approval for an additional two (2) year period from the date of said recordation. If a Final Plat is not recorded during the period, then the developer may request an extension in accordance with Section 4.1.17. Planning and Zoning records indicate that the last final condominium plat for Section one was approved in 2013 with phase 13 being approved. Therefore, the preliminary plat/site plan is expired, thus this new preliminary condominium plat is being submitted for review.

The condominium approval process that was established by the Planning Commission precedent in March 1991 is as follows: From the approved Preliminary Plat/Site Plan, the applicant may then apply for building permits. Next, the units are built, and then the Final Condominium Plats come back to the Planning Commission for approval, “as built.” The Final Condominium Plats are used to record the actual footprints of the units and the actual building plans as constructed.

This Preliminary Condominium Plat is proposing 3 condominium units, or 3 dwelling units on 0.546 acres.

The Site is located within the High-Density Growth Area (HDGA) land use district per the 2010 Comprehensive Plan.

As established by the County’s adoption of the 2012 Sustainable Growth and Agricultural Preservation Act’s tier map, this site is located within a Tier I area.

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

The site is located within S-1 (existing service) sewer and W-1 (existing service) water service areas per the 2019 Master Water & Sewer Plan. It is noted on the plat that water and sewer service will be available prior to sale of the units.

The property is not located within any overlay zones or districts.

Per §47 of the Zoning Ordinance, in condominium development, more than one principal structure may be located on a lot, subject to the lot, yard and density requirements and other provisions of this Ordinance.

There are no steep slopes covering a contiguous area of 10,000 square feet on-site.

§ 4.1.8 of the subdivision regulations states 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. Sheet 3 of 6 indicates that a boundary line survey has been conducted.

A Preliminary Stormwater Management plan has received technical approval by the Division of Development Plans Review on July 18, 2022.

A variance to the forest conservation requirements was granted on July 19, 2022. Please note on the plat that a variance to the forest conservation requirements has been granted.

Street Trees will not be required since there are no new streets proposed.

Since no new streets are being proposed, Sidewalk requirements are moot.

Parking must comply with Section 277 of the Zoning Ordinance. Each required parking space shall measure not less than nine (9) feet in width and eighteen (18) feet in length. This is noted on the plat.

The Cecil County Department of Environmental Health requirements must be met.

A copy of the Water Allocation must be submitted by the Town of North East prior to submittal of a building permit.

The Sanitary Sewer Allocation was granted by the Division of Development Plans Review on July 18, 2022.

20% Common Open Space (COS) is required in the RM zone for units other than single-family detached dwellings. No common open space is required since the units will be single family dwellings.

A condominium agreement must be recorded after the recording of a final condominium plat. This is noted in general note 5 on sheet 2.

The Owners of the units shown heron must become members of the Condominium Association. This is noted in general note 6 on sheet 2.

School information:

	Elementary Elk Neck	Middle North East	High School North East
FTE	443	753	1098
Capacity	501	712	1009
%Utilization	88%	106%	109%

PRELIMINARY PLAT REQUIREMENTS

Required Information: (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 seal and signature of a surveyor licensed to practice in the State of Maryland. 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 been submitted, and the Preliminary Forest Conservation Plan and Preliminary Stormwater Management Plan have 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 not be 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 later, and the submission fees shall be forfeited.

(b) A vicinity map indicating the location of the property with references to surrounding property, streets, nearest major intersection, north point, 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. 30

(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 engineer, surveyor, and corporation required.

(f) North point. Indicate if true north.

(g) Boundary of proposed subdivision. The boundary line survey must be completed prior to the Planning Commission's review of the Preliminary Plat. If the Preliminary Plat is signed and sealed by someone other than a surveyor licensed to practice in the State of Maryland, then the boundary line survey, signed and sealed by a surveyor licensed to practice in the State of Maryland, must be submitted separately, no later than the submission of the Preliminary Plat for review by the Technical Advisory Committee.

(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 two (2) or five (5) foot contour intervals. Contour lines shall be indicated one hundred (100) feet beyond the subdivision boundary. Contours shall be based on geodetic control monuments and/or bench marks, when available, within two thousand (2000) feet of property or by estimation from USGS quadrangle maps. Datum shall be stated in all cases and a reference or benchmark described on plat together with elevation. Source of contours shall be

stated on plat, such as, field run topo, aerial topo, etc. Interpolation of contours from USGS quadrangle maps will not be accepted unless previously approved by the Office of Planning and Zoning.

- (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 by dashed lines.)
- k) Location of existing and proposed utilities on or within two hundred (200) feet of the tract with approximate pipe sizes and directions of slope indicated. (Should include electric, telephone and cellular phone poles or towers, and fire suppression drafting tanks.)
- 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 May 15, 2007.
- m) The preliminary layout of all proposed streets and pedestrian ways, including width of right-of-way, pavements, storm drains, and grades. 31
- 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 street tree planting easements and drainage easements.
- o) Zoning district classification of the tract or parcel being subdivided and all adjacent parcels.
- 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, and pertinent features from the Preliminary Stormwater Management Plan.
- q) Location(s) of the septic disposal area(s) and 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, the space to unit ratio, and conformity to parking space minimums and maximums. t) Soil types shall be shown.
- u) Perimeter of the entire parcel, as well as the section requiring approval, if different.
- v) For proposed subdivision 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 percent 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 percent or soils on slope greater than 5 percent 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 one hundred and ten (110)- or two hundred (200)- foot 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 an 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.
- w) Additional information as required by the Forest Conservation Regulations and/or the Forest Conservation Technical Manual

Emily Forrest, Development Plans Review, read the comments of the division:

1. The Preliminary Stormwater Management Plan has received technical approval. Therefore, the Final Stormwater Management Plan must be submitted and satisfy the current Stormwater Management Code.
2. The sanitary sewer allocation has been granted.
3. The sanitary sewer plan must be approved prior to preliminary condominium plat approval.
4. 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:
 - 4.1 *The Lot Grading Plan Construction Limits Note.*
 - 4.2 *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. *An Inspection & Maintenance Agreement is required for the private SWM facilities.*

HEALTH DEPARTMENT:

- Water and sewer allocation 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.
- If an upgrade to the sewer plant is required to service 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.

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: None.

Mr. Bannon asked if there are any known stormwater management issues or complaints regarding standing water issues in the sections that have already been built. Ms. Forrest stated that she believes complaints have been received but was not involved in the meetings regarding the complaints. Mr. Strauss explained that he was aware that the current HOA for the existing units had received grants to help with stormwater management issues. He stated that the units proposed in this plan will have its own stormwater management plans. Mr. Bannon questioned whether the stormwater management plans from the conception of the Chesapeake Club was inadequate. Mr. O'Connor stated that the first stormwater management regulations came into effect approximately 1986. At that time, it appears that the concern was water control rather than water quality. At this point in time, the County can not go back and make the developers of the existing sections redo their stormwater management plans.

Discussion ensued regarding why it has taken so long to develop this section.

RECOMMENDATION:

APPROVAL, conditioned on:

1. Health Department requirements being met;
2. DPR requirements being met;
3. A condominium agreement being recorded after the recording of a final condominium plat;
4. The Owners of the units becoming members of the Condominium Association;
5. All requirements of the Condominium Act of the Real Property Article of the Annotated Code of Maryland being met prior to submission of the Final Condominium Plat to Planning Commission; and
6. The forest conservation variance being noted on the final plat.

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

The motion was seconded by Mr. Perry.

All approve. Motion carried.

REZONING:

FILE: 2022-03 APPLICANT: Marion Richard Payne & Marianne Payne.

REQUEST: Request to rezone .432 acres from Northern Agricultural Residential, (NAR) to Business Local, (BL).

PROPERTY LOCATION: 9 Lewisville Road, Elkton, MD 21921, Election District: 4, Tax Map: 13, Parcel: 54.

PROPERTY OWNER: Marion Richard Payne & Marianne Payne.

PRESENTLY ZONED: Northern Agricultural Residential, (NAR).

Marion Payne, Harold Null, Clay Stricklin and Marianne Payne, appeared and presented an overview of the application. Mr. Payne explained that through the process of getting an appraisal of this property, he discovered that his property had been rezoned to Business Local during the 2011 Comprehensive Rezoning. He stated that for the last 29 years the property has operated commercially with several commercial operations on the surrounding properties. Mr. Payne believes his property was mistakenly zoned residential in the 2011 Comprehensive Rezoning.

Mr. O'Connor read the staff report:

Applicant's Request: *To rezone .423 acres from Northern Agricultural Residential (NAR) to Business Local, (BL).*

Site: 9 Lewisville Rd. Elkton, MD 21921

Current Conditions: The site is improved and operates as produce market dba "Blake's Corner Garden".

Current Zoning: The 2011 Zoning Ordinance intends that the purpose of the NAR zoning district is "*..to maintain the existing rural character of the County by encouraging the continuation of agricultural and forestry uses. This zone is intended to prevent premature urbanization in areas where planned public facilities will only meet rural needs. The NAR also requires that the essential elements of rural character are included in new development. Low density residential development is permitted.*"

Proposed Zoning: The 2011 Zoning Ordinance intends that the purpose of the BL zoning district is "*...to provide for a limited variety of small commercial retail, personal and professional uses and other appropriate related commercial uses, activities, and combinations thereof serving the day to day needs of the adjacent local community without intruding on the general character of the surrounding area. Standards are established to be compatible with low density residential districts, resulting in similar building bulk and low concentration of vehicular traffic.*" Therefore, the BL zoning district for the site is consistent with the comprehensive plan, and the zoning ordinance.

Neighborhood: The neighborhood is an area within 1/2 mile radius of the subject property . The property immediately adjoining that wraps around this site to the north and west is zoned Business Local; to the immediate south is a State Highway Administration utility parcel, and to the south across, Telegraph Rd (MD RTE 273) is zoned Business General (BG), to the east across Lewisville Rd. (MD RTE 213) are zoned NAR, and to the southeast, catty-corner to the site, and across both MD RTE 213 and MD RTE 273 is zone BG. Beyond the immediately adjoining properties to the east is the Fair Hill Natural Resources Management Area within the Open Space (OS) zoning district. To the west, is some Village Residential (VR) zoning within the crossroads village of Fair Hill and Rural Residential (RR) and NAR zoning districts. There is one Light Industrial (M1) zoned property approximately 700 feet north of the site.

Changes in the Area: There have not been any rezonings in the neighborhood since the 2011 Comprehensive Rezoning.

Availability of Public Facilities: The property is not located within any future water or sewer service areas according to the 2019 Master Water & Sewer Plan. On site water service and sewage disposal would be required. The applicant should contact the Cecil County Environmental Health Department to ascertain details.

Present and future transportation and traffic patterns, character, and volume: Access to the property is from Lewisville Road (MD RTE 213) and any additional access would require a permit from the Maryland Department of Transportation, State Highway Administration (MDOT-SHA). Due to the already existing pattern of commercially developed and commercially zoned property located at this intersection, the proposed rezoning is not expected to cause significant changes in traffic patterns, character, and volume.

Compatibility with the Comprehensive Plan: The parcel is located within a Village land use district of the 2010 comprehensive plan, and more specifically the Fair Hill crossroad village. The Village district is intended to protect the character of the County’s historic villages by separating them from surrounding rural or developed areas and allowing a limited amount of growth. Villages are primarily residential, with a limited amount of commercial uses serving the needs of residents of the village and nearby rural areas. Crossroad villages are located at intersections of existing or historic roads. They may feature a cluster of structures that include historic buildings, architectural elements, community focal points, historic employment centers and commercial uses. Commercial areas do not have their own land use category on the Land Use map. Low intensity commercial uses would be allowed in appropriate locations in Rural areas to serve rural communities. Villages are especially appropriate for commercial uses, given their function as historic rural centers, when consistent with the intent of the Village district.

Compatibility with existing and proposed development in the area: There are numerous commercial uses and zoning for future commercial development around the area. The proposed rezoning would be compatible with the existing and surrounding area.

Compatibility with the purposes of any special districts within the area: The site is not within any special districts.

Population Changes

	2010	2020	Percent Change
Cecil County	101,108	103,725	+2.6%
Census Tract: 306.01	3,818	3,703	-3.0%

Standard for granting a rezoning due to a mistake

The applicant must present **strong evidence** that the underlying assumptions relied upon by the legislative body were an **incorrect mistake in fact, or law**. There is a strong presumption of correctness of the last comprehensive rezoning, including that, at the time of adoption, the legislative body did consider all the relevant facts and circumstances existing at that time. Therefore, the applicant’s burden of proof is heavy and onerous. To overcome the presumption of validity and establish mistake, there must be evidence to show that the assumptions and premises relied upon by the legislative body at the time of the comprehensive rezoning were invalid. This includes demonstrating that the then existing facts and conditions made the comprehensive rezoning incorrect; and the literal failure of the legislative body to have considered those facts and conditions.

The application contends that the legislative body made a mistake due to the site being zoned Business Local (BL) while the 1993 zoning ordinance was in effect and was intentionally zoned BL by the then legislative body during the 1993 Comprehensive Rezoning process. Subsequently, the site was developed as a produce market

and has operated continuously since. The application provides copies of previous appraisals supporting the BL zoning district during the 1993 zoning ordinance.

However, the application does not provide evidence as to the incorrect assumptions of the legislative body at that time of the 2011 comprehensive rezoning⁴, and any evidence for the BOCC failing to consider those facts. We must presume that the BOCC predetermined that the produce market could continue to operate as a nonconforming use, but that the future use of this site would be used for either agricultural or residential as permitted in the NAR zoning district.

Standard for granting a rezoning due to a substantial change in the neighborhood

The applicant must provide **strong evidence of significant change in a reasonably defined area surrounding the property** since the 2011 comprehensive rezoning. There is a strong presumption of correctness of the last comprehensive rezoning, including that at the time of adoption, the then legislative body did consider all of the relevant facts and circumstances then existing. Therefore, applicant’s burden of proof is heavy and onerous. To establish a substantial change in the neighborhood the applicant must demonstrate what area reasonably constitutes the “neighborhood” of the subject property; the changes which have occurred in that neighborhood since the last comprehensive rezoning; and how these changes resulted in a change in the character of the neighborhood which would justify the zoning reclassification.

The application contends that multiple surrounding properties are commercially zoned or have a commercial use. However, these properties were all commercially zoned during the 2011 comprehensive rezoning and one additional is operating as a special exception. The presence of special exception(s) in the area are not substantial evidence of change in the character of a neighborhood since such uses are legislatively predetermined to be conditionally compatible with the uses permitted by right in the particular zoning district.

Next Hearing: County Council will hear this case on September 6, 2022 with consideration on September 20, 2022.

Discussion ensued regarding the process of a Comprehensive Rezoning.

HEALTH DEPARTMENT:

The Health Department has no objection to the rezoning.

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: None.

RECOMMENDATION

Staff recommended disapproval due to the applicant’s failure to demonstrate a mistake in the last comprehensive rezoning and a failure to provide evidence of a substantial change in the character of the neighborhood since the last comprehensive rezoning.

A motion for approval due to a demonstrated mistake in the 2011 Comprehensive Rezoning, was made by Mr. Johnston.

The motion was seconded by Mr. Perry.

All approve. Motion carried.

⁴ Cecil County Board of County Commissioners (BOCC)

The next meeting for this application will be Monday, September 6, 2022, before the County Council.

SPECIAL EXCEPTION:

FILE: 4156 - APPLICANT: Amos F. & Sadie K. Kauffman.

FOR: Special Exception renewal to operate a commercial kennel.

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 he has 12 dogs. He has run the operation for 6 years total but only 3 years at this location.

HEALTH DEPARTMENT:

A written proposal for the commercial kennel, including number of runs, any bathing/cooling pools, washdown procedures, and method of waste disposal must be submitted to cchd.ehs@maryland.gov or sent to the Health Department for review. This information was requested for the initial Special Exception request but was not received.

COMMENTS IN SUPPORT: Erin Grauer, 50 Rando Lane, Rising Sun, Maryland spoke in support of this application. She stated that she believes the report from the Health Department is incorrect. She explained that Mr. Kauffman has had all inspections required by Animal Services. All dogs have also been seen by a veterinarian. She stated that all dogs are well exercised and socialized.

COMMENTS IN OPPOSITION: None.

Mr. Wallace stated that the Planning Commission has seen several similar applications to this one. The Commission has asked the County Government to look at regulations that better substantiate the rules and regulations of this use. Mr. O'Connor shared that he has been in contact with the Department of Community Services that regulates Animal Services. They stated that they do need to look at the currently regulations.

RECOMMENDATION

Staff recommended disapproval, due to the applicant's failure to meet the conditions of the original approval.

Discussion ensued regarding the applicant's option of asking for a postponement of this agenda item to have time to gather needed information as required by the original approval or the Commission's ability to table this time to allow for more time.

At this time, Mr. Kauffman asked for his item to be postponed until the September meeting in order to meet the requirements of the original approval.

The next meeting for this application will be Monday, September 19, 2022, before the Planning Commission.

FILE: 4157 - APPLICANT: Jeanne Davis.

FOR: Special Exception renewal to operate a commercial kennel.

PROPERTY LOCATION: 815 Sandy Bottom Road, Earleville, MD 21919, Election District: 1;

Tax Map: 62, Parcel: 28.

PROPERTY OWNER: Jeanne Davis.

PRESENTLY ZONED: Southern Agricultural Residential, (SAR).

John Downes, Esq. and Jeanne Davis appeared and asked that File 4157 be postponed until the September Planning Commission meeting to allow for more time to complete the required conditions from the original Special Exception approval.

FILE: 4159 - APPLICANT: Joshua U. Davis.

FOR: Special Exception to operate a home occupation.

PROPERTY LOCATION: 141 Pioneer Ridge Drive, Port Deposit, MD 21904, Election District: 6; Tax Map: 23, Parcel: 685. Lot 30.

PROPERTY OWNER: Joshua U. & Nicole D. Davis.

PRESENTLY ZONED: Northern Agricultural Residential, (NAR).

Joshua Davis appeared and presented an overview of the application. Mr. Davis stated that he would like to obtain his Federal Firearms License. He would conduct mostly online sales and operate by appointment only by people that need to come to the home. His home has the required security elements needed for this type of operation. There will be no gunsmithing or the discharging of any firearms on the property.

HEALTH DEPARTMENT:

The proposed home occupation has limited to negligible added sewage flow. Health Department has no objection to the special exception.

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: Steven Kass, 136 Pioneer Ridge Road, Port Deposit, MD spoke in opposition of this application. Mr. Kass submitted via email, a petition with 40+ signature that are in opposition of this application. See file for petition.

RECOMMENDATION

Staff recommended approval, for two (2) years.

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

The motion was seconded by Mr. Perry.

All approve. Motion carried.

The next meeting for this application will be Monday, August 22, 2022, before the Board of Appeals.

FILE: 4160 - APPLICANT: Diane L. Barrow.

FOR: Special Exception to operate a home occupation.

PROPERTY LOCATION: 72 Patterson Avenue, Perryville, MD 21903, Election District: 7; Tax Map: 29H, Parcel: 190. Lot 1.

PROPERTY OWNER: Diane L. Barrow.

PRESENTLY ZONED: High Density Residential, (RM).

Diane Barrow and Bobby Barrow appeared and presented an overview of the project. Ms. D. Barrow explained that she has held a Federal Firearms License for 15 years. Her mother and her are business partners and plan to close their storefront to work out of the home. Minimal firearms will be held on the property with all security measures being taken. There will be no gunsmithing or discharging of firearms on the property.

HEALTH DEPARTMENT:

The proposed home occupation has limited to negligible added sewage flow. Health Department has no objection to the special exception.

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: None.

RECOMMENDATION

Staff recommended approval, for two (2) years.

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

The motion was seconded by Mr. Bannon.

All approve. Motion carried.

The next meeting for this application will be Monday, August 22, 2022, before the Board of Appeals.

Ms. Sniadowski asked Ms. Diane Barrow to have the appropriate LLC paperwork with her at the Board of Appeals meeting.

GENERAL DISCUSSION

The meeting adjourned at 8:11 p.m.

NEXT PLANNING COMMISSION MEETING: The next meeting will be on Monday, September 19, 2022, at 6:00 p.m. The meeting will be held in the Elk Room at the County Administration Building.

Respectfully submitted,



Jennifer Bakeoven

Administrative Assistant

Department of Land Use & Development Services

Division of Planning & Zoning

CECIL COUNTY PLANNING COMMISSION
MEETING MINUTES
Monday, September 19, 2022
The Elk Room
6:00 p.m.

PRESENT: Wyatt Wallace - Chairman, Chad Johnston, Peter Kirsh, James Perry – Alternate, Debbie Sniadowski, Esq., Steve O’Connor (LUDS), Aaron Harding, (LUDS / P&Z), Matthew Littlejohn, (LUDS / P&Z), Rachel Churn (DEH), Kordell Wilen (LUDS / DPR), Emily Forrest (LUDS / DPR) and Jennifer Bakeoven (LUDS/P&Z).

ABSENT: Chris Bannon and Bill Coutz (Ex-Officio).

MINUTES: A motion for approval was made by Mr. Johnston seconded by Mr. Perry. Motion carried to approve the August 15, 2022, 6:00 p.m. meeting minutes as mailed.

SUBDIVISION:

- 1. Elk Nest, Lots 24A, 25 and Common Open Space, Preliminary / Final Plat, West Shady Beach Road, Northern Bay Land Planning, Engineering and Surveying Corp., Fifth Election District.**

Faron Pyles, Northern Bay, appeared and presented an overview of the project.

Matthew Littlejohn, P&Z, read the comments of the division:

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

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

The site is within the LDR (Low Density Residential) and MB (Maritime Business) zoning districts. The LDR zone permits a maximum base density of 1 dwelling unit (du) per 1 acre (ac) without community facilities¹ and 2du/1ac with community facilities. Up to 4 townhouse dwelling units per 1 ac are permitted with conditions in the MB zoning district.² This plat proposes to create lot 24A and lot 25 and amend the common open space south of west shady beach road, for a density of 1.12 du per 1 ac in the LDR zoning district. No new dwellings are proposed in the MB district.

A maximum of 3.99du/1ac is permitted in the LDA Critical Area overlay. Both lots 24A and 25 are entirely within the LDA Critical Area overlay district for a Critical Area Density of .098 du per ac.

This project location is situated within the 2010 Comprehensive Plan’s Low-Density Growth Area (LDGA) land use district.

The project is located within a “Other Communities” Priority Funding Area (PFA).

The site is not located within a Priority Preservation Area (PPA).

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 See Section 75 of the Cecil County Zoning Ordinance for conditions.

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 in W4⁴ and S2⁵ on the 2019 Master Water & Sewer Plan.

The site is located within the North East Fire Company (005) 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 noted on the plat as general note #17.

On June 21, 2004, the Planning Commission reviewed a Concept Plat of 26 lots on 18.73 acres for density of 1.4 (du)/1 (ac). It was approved, with following conditions:

1. The Jurisdiction Determination being completed prior to Planning Commission's review of the Preliminary Plat;
2. A boundary line survey being complete in preparation of the Preliminary Plat for density calculation purposes; and
3. A study to determine the appropriate termination of the County own portion of West Shady Beach Road, agreeable to the Planning Commission/Road Department.

On January 18, 2005, the Planning Commission reviewed a Preliminary Plat of 26 lots on 18.73 acres for density of 1.4 du/1ac. It was approved, with following conditions:

1. Health Department requirements being met;
2. DPW requirements being met;
3. The FCP being approved prior to Final Plat review;
4. Landscape Plan being approved prior to Final Plat review;
5. Environmental Assessment being approved prior to Final Plat review; and
6. The details of the Final Plat and FCP matching up, including a clarification of the Forest Retention lines and their identification on both the Final Plat and FCP.

On December 18, 2006, the Planning Commission Granted a one-year extension of the Preliminary Plat approval (expiring on 12/18/07).

On February 20, 2007, the Planning Commission exercised its powers under section 3.5 of the Subdivision Regulations to allow the 1/1 tree replacement outside of the Critical Area, condition on:

1. The exact location being determined;
2. The location and the planning being part of the FCP/Final Environmental Assessment that must be approved by the staff prior to the Planning Commission's review of the Final Plat; and
3. A courtesy proposal being submitted to the Critical Area Commission staff for their review and comments.

On November 19, 2007, the Planning Commission Granted a one-year extension of the Preliminary Plat, to expire on 11/19/2008.

On October 20, 2008, the Planning Commission Granted a one-year extension of the Preliminary Plat, to expire on 10/20/2009.

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, 3-6 years

⁵ Future Service, 0-2 years

On February 17, 2009, the Planning Commission Tabled a Final plat of 26 lots “until after the variance issues have been resolved and contingent upon Preliminary Plat extension, if necessary.

On October 19, 2009, the Planning Commission reviewed a Final Plat of 24 lots. It was approved, with following conditions:

1. Health Department requirements being met;
2. DPW requirements being met;
3. A Homeowners’ Association for maintenance of common open space being established with \$50 per recorded lot being place in escrow for improvements prior to recordation;
4. A Mini-road Maintenance Association for the maintenance of the mini road being established prior to recordation, with the owners of all lots accessing the proposed Elk View Court becoming members;
5. Deed restrictions for the long-term protection of the street trees and 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 Record Plat;
6. The Revised FFCP/Landscape Plan/FEA being approved prior to recordation;
7. The Landscape Agreement’s being executed prior to recordation;
8. The Record Plat’s containing a statement signed by the Health Department, approving authority, to the effect that use of the community sewerage system is in conformance with the Master Water and Sewer Plan;
9. The Record Plat’s also containing a statement, signed by the owner, to the effect that sewer facilities will be available to all lots/homes offered for sale; and
10. Any necessary MDE/Corps Permit’s being obtained prior to recordation

Preliminary Plat Extension, Lots 1-26 was WITHDRAWN by applicant.

Staff provided a Check print review of the proposed record plat on February 24, 2020.

Record Plats for the October 2009 Final Plat approval were signed by the Department of Land Use and Development Services Director on August 24, 2020.

An amended plat for lots 1-24 was approved by DLUDS on August 6, 2021.

Today’s submittal is to create lot 25 and amend lot 24 and the common open space south of West Shady Beach Road.

1. The Technical Advisory Committee, and subsequently the Planning Commission, will, in general, be reviewing the Preliminary Plat with regard to the following points:
2. Conformance to the provisions of the Cecil County Comprehensive Plan and the Cecil County Zoning Ordinance.
3. 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.
4. Conformance to the applicable provisions of the Cecil County Zoning Ordinance and these regulations.
5. 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. Protection of forested, reforested, or afforested areas as required by the Cecil County Forest Conservation Regulations.
7. Conformance to all requirements of the Cecil County Department of Public Works, including, but not limited to, stormwater management requirements.

8. Conformance to all requirements of the Cecil County Department of Environmental Health.
9. Conformance to the requirements of other State and County departments, as may be applicable.

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. The most recent Final Forest Conservation Plan (FFCP) was approved on August 18, 2020.

A minimum 15% Common Open Space (COS)⁶ is required for all subdivisions involving 10 or more lots in the LDR zoning district. This project proposes 4.457 acres or 19.96 % common open space which is adequate.

No more than 40% of required COS⁷ shall consist of areas designated as non-tidal or tidal wetlands. The project proposes 0 acres or 0% of the required COS consist of areas designated as non-tidal or tidal wetlands.

At a minimum 15% of the required COS⁸ shall not consist of perennial or intermittent stream buffers, non-tidal wetlands or buffers, steep slopes or RTE habitats. This is noted on the 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 mature at trunk of at least 12 inches in diameter. 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 Final Forest Conservation Plan for lots 1-24 and common open space area was approved on August 20, 2020.

The Division of Development Plans Review indicates that a Final Stormwater Management Plan has been approved.

It is noted on the plat that no new clearing is proposed. The approved FCP 444 will cover the lots. If there is any deviation from FCP 444 then a revised FCP/EA will be required to meet current requirements.

A Landscape Agreement must be executed and recorded prior to record plat approval.

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.

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. This plat doesn't meet the 100 dwelling units, and one additional unit would not meet the special circumstances provision. Because of this, staff does not recommend a TIS. Staff will not be recommending a TIS.

§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 West Shady Beach Road is clearly noted on the plat.

⁶ 22.325 acres *0.15 = 3.35 acres

⁷ 3.35 acres *0.40 = 1.34 acres

⁸ 3.35 acres *0.15 = 0.50 acres

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	40	10	35	100/25 ⁹

School information:	<u>Elementary</u>	<u>Middle</u>	<u>High School</u>
TAC Report	North East ES	North East MS	North East HS
FTE	546	797	1051
Capacity	542	712	1009
% Utilization	101%	104%	112%

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 been 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 rights-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.

⁹ Road Frontage may be reduced to lower figure for lots on a local roadway as defined on the Official Cecil County Roadway Classification Map.

- (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 (½) 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.

Emily Forrest, Development Plans Review, read the comments of the division:

1. The Final Stormwater Management Plan has been approved.
2. The original sanitary sewer allocation has been revised and granted to include lot 25.
3. A sanitary sewer lateral has been provided for lots 24A and 25. The proposed sanitary sewer service for Lot 25 must be submitted to Development Plans Review as a post design change to the approved sanitary sewer plan.
4. 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:
 - 4.1 *The Lot Grading Plan Construction Limits Note.*
 - 4.2 *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. *An Inspection & Maintenance Agreement is required for the private SWM facilities.*

HEALTH DEPARTMENT:

- Water and sewer allocation must be obtained from the appropriate utility providers prior to final plat approval. We have not yet received written verification of these allocations. Please contact the Health Department with questions regarding specific information required to be in the allocation letters.
- 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.
- If an upgrade to the sewer plant is required to service 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.

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: None.

RECOMMENDATION:

APPROVAL, conditioned on:

1. Health Department requirements being met;
2. DPR requirements being met; and
3. A landscape agreement must be executed and recorded prior to record plat approval.

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

The motion was seconded by Mr. Kirsh.

All approve. Motion carried.

2. Principio Business Park, Lot 22, Preliminary / Final Plat, Principio Parkway West, Morris & Ritchie Associates, Inc., Fifth Election District.

Amy DiPietro, Morris & Ritchie Associates, Inc., appeared and presented an overview of the project.

Matthew Littlejohn, P&Z, read the comments of the division:

This proposal is in compliance with §3.8 regarding public notification.

Zoning: M2 (Heavy Industrial)

The purpose of this plat is to activate a portion of what was agricultural parcel 143 as a building lot through the major subdivision process.

§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.

Per Cecil County Subdivision Regulations, the parent parcel 116 (600.359 acres) has exhausted all of its minor subdivision potential.¹⁰

Per §2.4.3 of the Subdivision Regulations, the Planning Commission shall require that the major subdivision procedures be followed in the event that subsequent plat brings the number of lots off the original parcel to five (5) or more.

Subdivision History

Minor Subdivision 3674 created 1 lot, lot 12 on 5.672 acres.

Minor Subdivision 3989 created 1 lot, lot 15 on 99.

Minor Subdivision 4061 created 1 lot, lot 17 on 12.652 acres, existing lot 12A was also reconfigured.

Minor Subdivision 4104 created 1 lot, lot 19 on 72.031 acres.

Minor Subdivision 4182 created 1 lot, lot 21 on 69.919 acres.

The creation of Minor Subdivision 4128 created an agricultural parcel on 123.666 acres. This major subdivision proposes the creation of a 13.971-acre lot around an existing 99,884 square foot distribution center.

¹⁰ North of RT 40 only, per policy if a lot of record is separated by a record State Highway Plat prior to April 15, 1976, each half of the parcel has its own minor subdivision potential. There has not been any minor subdivision lots created on the south side.

This addresses the need to activate the portion of ag parcel 143 as a building lot, via the major subdivision process.

Per Section 39.2 of the Cecil County Zoning Ordinance, any development in the M2 zone requires the approval of a site plan. A site plan was approved on September 3, 2021.

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 II¹¹ area.

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

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

The project is not located within a Priority Preservation Area (PPA).

The site is located in the W1 (existing service) and S1(existing service) on the 2019 Master Water and Sewer plan.

The site is located outside the 100-year Floodplain district.

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

The site is located within the Perryville Fire Company (008) service area. This is noted.

§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.

Per §4.2.14 Public Improvement Plans a Final Stormwater Management plan has been approved by the Division of Development Plans Review.

¹¹ Areas 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 local jurisdiction. 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

Per §4.2.15 Public Works Agreements have been recorded.

It is noted in general note 13 that a Road Code Waiver, under the Provisions of Section 171.3 of the Cecil County Zoning Ordinance is being requested.

A Final Forest Conservation Plan #634 has been approved by the Division of Planning and Zoning on June 24, 2022.

A Landscape Plan has been approved by the Division of Planning and Zoning. The 10' wide street tree planting easement is shown on the plan.

Sidewalks are not required in the M2 zoning district.

Common open space is not required in the M2 zoning district.

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

M2	Lot size (sq. ft.)	Lot width (ft)	Front Setback	Rear Setback	Side Setback	Max Height	Road Frontage
Industrial	As required	As required	30	30	10	75	50

Preliminary Plat Requirements:

- (w) 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.
- (x) 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.
- (y) 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.
- (z) Title information:
 - 5. Proposed name.
 - 6. Scale of Plat (feet and meters).
 - 7. Location by election district, County and State.
 - 8. Date.
- (aa) 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.
- (bb) Northpoint. Indicate if true north.
- (cc) Boundary of proposed subdivision.
- (dd) 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.
- (ee) 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.
- (ff) 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).

- (gg) 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).
- (hh) 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.
- (ii) The preliminary layout of all proposed streets and pedestrian ways, including width of right-of-way, pavements, storm drains, and grades.
- (jj) 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.
- (kk) Zoning district classification of the tract or parcel being subdivided.
- (ll) 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.
- (mm) 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.
- (nn) 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.
- (oo) In cases of condominium or multi-family projects (apartments, townhouses, etc.), the following additional items shall be shown:
 - 5. Approximate location of each building, setbacks from all streets (public or private), property lines and distance between buildings.
 - 6. Number and types of units in each building.
 - 7. Total number of Units and sub-totals of each type.
 - 8. Number of parking spaces in each off-street parking area, and the space to unit ratio.
- (pp) Soil types shall be shown.
- (qq) Perimeter of the entire parcel as well as the section requiring approval.
- (rr) For proposed subdivisions located in the Critical Area, the following additional information will be shown on the Preliminary Plat as applicable:
 - 14. 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;
 - 15. Slopes 15% or greater;
 - 16. Location and area extent of all soils exhibiting the following characteristics as determined by the Soil Survey, such as:
 - (d) Wet soils,
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 - (f) Highly erodible soils (soils on slopes greater than 15% or on slope greater than 5 % with "K" values greater than 0.35).
 - 17. 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);
 - 18. 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);
 - 19. Location of all Habitat Protection Areas on the site;
 - 20. Location of tidal and non-tidal wetlands on and adjacent to the site and delineation of the watershed thereof;
 - 21. 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;
 - 22. Areas to be retained in agricultural use;
 - 23. Areas proposed for reforestation and afforestation;
 - 24. 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);
 - 25. Proposed natural park areas, as appropriate; and
 - 26. 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:

- (i) A Planting Plan reviewed by and addressing the comments of the Bay Watershed Forester;
- (j) A Habitat Protection Plan, including comments of the Maryland Forest, Park, and Wildlife Service, the Water Resources Administration, and other agencies as appropriate;
- (k) An executed Cooperators Agreement with the Cecil County Soil Conservation District, or a farm plan, as applicable;
- (l) A preliminary Stormwater Management Plan;
- (m) A preliminary Sediment and Erosion Control Plan;
- (n) A Shore Erosion Protection Plan – complete specification for complete shore erosion work;
- (o) Natural Park Management Plan, as appropriate; and
- (p) 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:
 - 5. 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.;
 - 6. 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;
 - 7. A discussion of the proposed development's impacts on water quality and Habitat Protection Areas; and
 - 8. 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 (½) 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.

- k) 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.
- l) 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.
- m) Tabulation on Final Plat (above approval block) showing the following:
 - 8. Total number of lots.
 - 9. Total area of lots.
 - 10. Total area of roadways to be recorded.
 - 11. 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.
 - 12. Total area of subdivision or parcels to be recorded in the Critical Area District.
 - 13. Total number of lots in the Critical Area District.
 - 14. Residential density in the Critical Area District.
- n) 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.
- o) 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.
- p) Bearings & lengths of all arcs, radii, tangents, chords and distances in tabular form.
- q) 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.
- r) All lot lines with dimensions in feet and hundredths, and with bearings to a minimum accuracy of one (1) second.
- s) 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.
- t) Coordinates shown for the outside boundary of the plat.
- u) Lot numbers in numerical order throughout the entire subdivision. In case there is a re-subdivision of lots in any block, such re-subdivided lots shall have a number and letter to denote their origin and the original lot lines shown dashed and original lot number dotted.
- v) 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.
- w) 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.)
- x) 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.
- y) 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.
- z) 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.
- aa) 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.
- bb) When a development is being re-subdivided, the owner's certification shall be noted on the plat. Such wording as specified by these regulations and the Planning Department shall be utilized.
- cc) References of protective covenants governing the maintenance of undedicated public spaces or reservations.
- dd) 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.

- ee) 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.
- ff) Location of minimum required septic area and proposed well(s), if applicable.
- gg) Reservation of road rights-of-way.
- hh) 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.
- ii) 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.
- jj) 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

Emily Forrest, Development Plans Review, read the comments of the division:

1. The Final Stormwater Management Plan has been approved.
2. The sewer allocation was granted for the core/shell building for one (1) Equivalent Living Unit (ELU). The site has since been granted three (3) ELUs for the tenant fit out.
3. 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:

3.1 *The Lot Grading Plan Construction Limits Note.*

3.2 *Requirements for Stormwater Inspection and Maintenance Agreements.*

Notes and requirements identified for record:

4. *The Lot Grading Plan must include the standard construction limits note.*
5. *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."*
6. *An Inspection & Maintenance Agreement is required for the private SWM facilities.*

HEALTH DEPARTMENT:

- Water and sewer allocation must be obtained from the appropriate utility providers prior to final plat approval. We have not yet received written verification of these allocations. Please contact the Health Department with questions regarding specific information required to be in the allocation letters.
- 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.
- If an upgrade to the sewer plant is required to service 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.

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: None.

RECOMMENDATION:

APPROVAL, Conditioned on:

1. Health Department requirements being met;
2. DPR requirements being met;
3. Showing the soil types on the record plat;
4. Changing the name in the title block to Preliminary/Final plan;
5. Correcting the sheet numbers to 1 of 2 and 2 of 2 accordingly;
6. Labeling the zoning type on sheet 1 of 1 of the adjacent parcels on the record plat; and
7. Noting the Declarations of Restriction Liber and Folio numbers on the record plat.

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

All approve. Motion carried.

FILE: 4151 - APPLICANT: SolHarvest Energy, c/o John Forgash – *Postponed from the July PC meeting.*
FOR: Special Exception to operate a power generation facility.
PROPERTY LOCATION: 2750 Augustine Herman Hwy., Chesapeake City, MD 21915,
Election District: 2; Tax Map: 43H, Parcel: 393.
PROPERTY OWNER: Geraldine McCoy.
PRESENTLY ZONED: Southern Agricultural Residential, (SAR).

John Forgash, SolHarvest Energy, Daniel Speakman, McCrone, Inc., Cameron Brown, Esq. appeared and presented an overview of the application. Mr. Forgash presented a PowerPoint, see file.

Mr. Wallace asked if the local property owners would be offered a reduced rate. Mr. Forgash said yes.

HEALTH DEPARTMENT:

The Health Department has no objection to the special exception.

COMMENTS IN SUPPORT: Steve Ellis, 2746 Augustine Herman Hwy., Chesapeake City, Maryland stated that he is in favor of this project.

COMMENTS IN OPPOSITION: Staff received comments in opposition from Robin Garrett, 25 Canterbury Court, Colora, Maryland. Ms. Garrett stated that she is opposed to using agricultural land for solar panels. She is concerned that this use will negatively “affect the wildlife, birds, erosion of the land, the questionable safety of the ground water and soil, and the exposure to electromagnetic radiation”. See file for the letter in its entirety.

RECOMMENDATION:

Staff recommended approval, conditioned on all conditions of Section 162 of the Zoning Ordinance are completed and the site is properly permitted, and under obvious construction within three (3) years from approval.

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

All approve. Motion carried.

The next meeting for this application will be Monday, September 26, 2022, before the Board of Appeals.

FILE: 4156 - APPLICANT: Amos F. & Sadie K. Kauffman. – *Postponed from the August PC meeting.*
FOR: Special Exception renewal to operate a commercial kennel.
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 & Sadie Kauffman submitted a letter to the Planning Commission requesting to withdraw their application. The letter was delivered by Howard Pierce.

The application is considered withdrawn at the applicant's request.

FILE: 4157 - APPLICANT: Jeanne Davis. - - *Postponed from the August PC meeting.*
FOR: Special Exception renewal to operate a commercial kennel.
PROPERTY LOCATION: 815 Sandy Bottom Road, Earleville, MD 21919, Election District: 1; Tax Map: 62, Parcel: 28.
PROPERTY OWNER: Jeanne Davis.
PRESENTLY ZONED: Southern Agricultural Residential, (SAR).

John Downs, Esq. appeared and requested that Ms. Davis's application be withdrawn.

The application is considered withdrawn at the applicant's request.

FILE: 4162 - APPLICANT: Brent Coleman.
FOR: Special Exception renewal to operate a home occupation.
PROPERTY LOCATION: 140 Finnegans Place, Conowingo, MD 21918, Election District: 6; Tax Map: 16, Parcel: 9, Lot 41.
PROPERTY OWNER: Brent & Autumn Coleman.
PRESENTLY ZONED: Northern Agricultural Residential, (NAR).

Brent Coleman appeared and presented an overview of the application.

HEALTH DEPARTMENT:
Health Department has no objection to the special exception.

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: None.

RECOMMENDATION:
Staff recommended approval, for five (5) years.

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

All approve. Motion carried.

The next meeting for this application will be Monday, September 26, 2022, before the Board of Appeals.

GENERAL DISCUSSION

- Traffic Impact Study (TIS) – Mr. O’Connor gave an overview of the documents presented to the Commission (See file for documents). The documents presented was a proposed policy of when to require a TIS, a workflow and process outline and lastly a technical document that provides guidelines to the professional community.

Mr. Littlejohn provided the following information:

“A Traffic Impact Study (TIS) is a study to provide information regarding the transportation impact of a proposed land use on the roadway network within a designated area. It also contains recommended solutions to mitigate the impact. The purpose of this policy is to provide guidelines on the components of the TIS such as the study area, type of analysis, methodology, and requirements to assess the traffic impacts of land use proposals on the existing and future transportation system. This policy is being provided to advise applicants as to what will constitute an acceptable TIS for land use proposals in Cecil County. Any TIS not meeting the criteria would be considered incomplete. The TIS will not be approved, and will be required to be revised or amended, unless the department concurs with a modification, or a waiver of certain requirements based upon the individual circumstances applicable to any specific project. In preparing the 2010 update of the Cecil County Comprehensive Plan, research indicated that most roads in the County were projected to have an adequate level of service, but it was suggested that the County require traffic studies for larger developments to measure their impact on the roadway network, and require the development to provide mitigation measures if the roadway network would need improvements to maintain acceptable LOS as a result of the development’s impact.”

There would be three (3) types of TIS’s that would be required: 1. Site Traffic Impact Study - If a development would generate more than twenty-five external peak hour trips but less than fifty, the County would require a site traffic impact study; 2. Local Traffic Impact Study – Development that would generate between more than fifty external peak hour trips but less than three hundred; 3. Regional Traffic Impact Study – which would apply if the development would generate more than three hundred external peak hour trips.

Mr. Kirsh asked how many trips per day are generated in a typical development. Mr. Littlejohn said ten (10).

Discussion ensued regarding different scenarios that would trigger each of the different types of TIS’s.

Mr. O’Connor explained that due to the amount of technical information in the packet, this was only presented as a general discussion item. Therefore the members could review the material prior to the next meeting.

- Mr. Wallace asked for clarification from Ms. Sniadowski as to who can speak for applicants during their testimony. Ms. Sniadowski stated that anyone speaking for an applicant should be able to add something to the fact-finding mission of the Commission. Those include someone that signed the application, the property owner, legal counsel for the expertise of the law, or people who are qualified to speak on the logistics behind whatever it is they are applying for. Anyone else who is giving their opinion should only be speaking during the public comment portion of the meeting.

The meeting adjourned at 7:14 p.m.

NEXT PLANNING COMMISSION MEETING: The next meeting will be on Monday, October 17, 2022, at 6:00 p.m. The meeting will be held in the Elk Room at the County Administration Building.

Respectfully submitted,



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

AGENDA
PLANNING COMMISSION
MONDAY, OCTOBER 17, 2022
ALTERNATE DATE: Wednesday, October 19, 2022
County Administration Building
The Elk Room
200 Chesapeake Blvd., Elkton, MD 21921
6:00 p.m.

Written public comment can be emailed to DLUDS@ccgov.org, faxed to 800-430-3829 or mailed to the address listed above

THE OCTOBER 2022 PLANNING COMMISSION MEETING IS CANCELLED, AND ALL APPLICATIONS WILL BE PLACED ON THE NOVEMBER 2022 PLANNING COMMISSION AGENDA

POLICY UPDATE

- **Traffic Impact Study**

SUBDIVISION:

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

SPECIAL EXCEPTION:

FILE: 4164 - APPLICANT: Robert Valliant Jones, Esq.

FOR: Special Exception renewal 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: Robert L. & Susan J. Strock.

PRESENTLY ZONED: Northern Agricultural Residential, (NAR).

FILE: 4165 - APPLICANT: Heather J. McCabe.

FOR: Special Exception to operate a home occupation.

PROPERTY LOCATION: 70 Patterson Avenue, Perryville, MD 21903, Election District: 7; Tax Map: 29I, Parcel: 188.

PROPERTY OWNER: Brian Hopkins.

PRESENTLY ZONED: High Density Residential, (RM).

FILE: 4166 - APPLICANT: Iana Ibrahim, Advanced Acupuncture LLC.

FOR: Special Exception to operate a home occupation.

PROPERTY LOCATION: 123 Little New York Road, Unit A, Rising Sun, MD 21911, Election District: 6; Tax Map: 3I, Parcel: 180.

PROPERTY OWNER: John & Iana Ibrahim.

PRESENTLY ZONED: Northern Agricultural Residential, (NAR).

FILE: 4170 - APPLICANT: Rene C. Kilroy – *Withdrawn, at the applicant's request.*

FOR: Special Exception to operate a bed & breakfast.

PROPERTY LOCATION: 1260 Town Point Road, Chesapeake City, MD 21915, Election District: 2; Tax Map: 47, Parcel: 352.

PROPERTY OWNER: Rene C. Kilroy.

PRESENTLY ZONED: Southern Agricultural Residential, (SAR).

GENERAL DISCUSSION

CECIL COUNTY PLANNING COMMISSION
MEETING MINUTES
Monday, November 21, 2022
The Elk Room
6:00 p.m.

PRESENT: Wyatt Wallace - Chairman, Chad Johnston, Peter Kirsh, Chris Bannon, James Perry – Alternate, Bill Coutz (Ex-Officio), Aaron Harding, (LUDS / P&Z), Matthew Littlejohn, (LUDS / P&Z), Kordell Wilen (LUDS / DPR), Emily Forrest (LUDS / DPR) and Jennifer Bakeoven (LUDS/P&Z).

ABSENT: Debbie Sniadowski, Esq. and Rachel Churn (DEH),

MINUTES: A motion for approval of the was made by Mr. Johnston seconded by Mr. Perry. Motion carried to approve the September 19, 2022, 6:00 p.m. meeting minutes as mailed.

SUBDIVISION:

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

POLICY CHANGE:

Traffic Impact Study (TIS)

Mr. Harding read the following comments from staff:

A Traffic Impact Study (TIS) is a study to provide information regarding the transportation impact of a proposed land use on the roadway network within a designated area. It also contains recommended solutions to mitigate the impact. The purpose of this Policy is to provide guidelines on the components of the TIS, such as the study area, type of analysis, methodology, and requirements to assess the traffic impacts of land use proposals on the existing and future transportation system. This policy is being provided to advise applicants as to what will constitute an acceptable TIS for land use proposals in Cecil County. Any TIS not meeting these criteria shall be considered incomplete. The TIS will not be approved and will be required to be revised or amended unless the Department concurs with the modification or waiver of certain requirements based upon the individual circumstances applicable to a specific project. In preparing the 2010 update of the Cecil County Comprehensive Plan, research indicated that most roads in the County were projected to have an adequate level of service, but it was suggested that the County require traffic studies for larger developments to measure their impact on the roadway network and require the development to provide mitigation measures if the roadway network would need improvements to maintain acceptable LOS because of the development's impact.

Mr. Wallace asked if surrounding intersections would be included in the Traffic Impact Studies. Mr. Littlejohn explained that it would if it is a Regional TIS.

Discussion ensued regarding the number of homes versus the number of peak hours.

HEALTH DEPARTMENT:

The Health Department has no comment.

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: None.

RECOMMENDATION:

Staff recommended approval.

A motion for approval was made by Mr. Kirsh.

The motion was seconded by Mr. Perry.

All approve. Motion carried.

SPECIAL EXCEPTION:

FILE: 4164 - **APPLICANT:** Robert Valliant Jones, Esq. (*Originally scheduled for the October 2022 meeting*)
FOR: Special Exception renewal 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: Robert L. & Susan J. Strock.
PRESENTLY ZONED: Northern Agricultural Residential, (NAR).

Robert Jones, Esq., and Randall Strock appeared and presented an overview of the application. Mr. Jones presented the Commission with pictures of the units that Mr. Strock builds (see file). Mr. Strock would like to continue operating out of his detached building. He explained that he has received a violation letter from Planning & Zoning regarding an illegal storage container being located on the property; he stated that he was unaware that it was illegal and would be removing it in the near future.

HEALTH DEPARTMENT:

The Health Department has no objection to the special exception renewal.

COMMENTS IN SUPPORT: Letters of support for this application were received from Verman and Tracy Wyant, property owners on Old Hilltop Road and Thomas, III and Dorothy Short, 104 Old Hilltop Road, both of Conowingo, Maryland.

COMMENTS IN OPPOSITION: None.

RECOMMENDATION:

Staff recommended approval, for two (2) years conditioned on the storage container being removed from the property. Mr. Harding explained that due to the discovery of the illegal storage container, staff chose to move this application forward rather than halting it.

A motion for approval for ten (10) years or for as long as the property owner owns the property and operates the business, whichever comes first and conditioned on the storage container being removed was made by Mr. Johnston.

The motion was seconded by Mr. Bannon.

All approve. Motion carried.

The next meeting for this application will be Monday, November 28, 2022, before the Board of Appeals.

FILE: 4165 - APPLICANT: Heather J. McCabe. (*Originally scheduled for the October 2022 meeting*)
FOR: Special Exception to operate a home occupation.
PROPERTY LOCATION: 70 Patterson Avenue, Perryville, MD 21903, Election District: 7; Tax Map: 29I, Parcel: 188.
PROPERTY OWNER: Brian Hopkins.
PRESENTLY ZONED: High Density Residential, (RM).

Brian Hopkins and Heather McCabe appeared and presented an overview of the application. Ms. McCabe stated that she is looking to operate a hair salon from her home. She revised her application request to state that an addition would be built onto the home to house the salon rather than operating out of a detached structure. She is anticipating being open Tuesdays through Fridays with 4-6 clients per day. She stated that she has adequate parking for this home business. Mr. Hopkins explained that they have been in contact with the Health Department regarding the septic requirements.

HEALTH DEPARTMENT:

This property has a septic system designed for residential flow; the septic is not designed to handle the type of waste and flow for a beauty salon. In addition, the submitted documentation indicates the salon is to be in a separate structure. Code of Maryland Regulations require secondary structures such as the proposal to have a 10,000 square foot Sewage Reserve Area in addition to the sewage area for the primary structure. There is not adequate area on the subject property to define such an area while maintaining required setbacks. As such, the Health Department would not be able to approve a permit for a secondary structure containing a salon and therefore has an objection to the special exception request as currently proposed. The Health Department would not have an objection to a special exception request if the request was changed to involve a salon attached to or within the existing dwelling, and not in a separate structure, pending satisfactory seasonal percolation testing and possible septic upgrades.

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: None.

Mr. Harding read a letter received from Donna Logan, property owner on Patterson Ave., Perryville, Maryland. Ms. Logan is worried about increase traffic on Patterson Avenue and how it will affect the residents that walk up and down the road, the various animals and small children that play in the area. Ms. Logan stated that she is okay with a small salon but asks that the County install speed bumps as well as “Children at Play” and speed limit signs on Patterson Avenue.

RECOMMENDATION:

Staff recommended approval, for two (2) years.

A motion for approval with staff’s conditions was made by Mr. Johnston.
The motion was seconded by Mr. Kirsh.

All approve. Motion carried.

The next meeting for this application will be Monday, November 28, 2022, before the Board of Appeals.

FILE: 4166 - APPLICANT: Iana Ibrahim, Advanced Acupuncture LLC. (*Originally scheduled for the October 2022 meeting*)
FOR: Special Exception to operate a home occupation.
PROPERTY LOCATION: 123 Little New York Road, Unit A, Rising Sun, MD 21911, Election District: 6; Tax Map: 3I, Parcel: 180.
PROPERTY OWNER: John & Iana Ibrahim.
PRESENTLY ZONED: Northern Agricultural Residential, (NAR).

John & Iana Ibrahim appeared and presented an overview of their application. Mr. Ibrahim explained that he and his wife are acupuncturists. They currently have an office in Harford County but would like to expand their business to Cecil County as they have several customers as well as the Veteran Affairs hospital in the county. They expect to see 6-8 patients per day with the days of operation being Wednesday, Friday and Sundays (for emergencies). Mr. Ibrahim stated that there would not be any exterior changes to the structures, and they would like to utilize the existing sign to advertise.

HEALTH DEPARTMENT:

The Health Department is unable to fully comment on the special exception request with the information provided. The building noted as 123 Little New York Road was not previously identified as having separate units. A written proposal including the floor plan of the new use for the structure, the square footage of “Unit A”, the number of proposed employees, the hours of operation, and the use of the other structures and units on the property should be submitted to cchd.ehs@maryland.gov. These items are needed to determine if the Health Department has an objection to the special exception.

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: None.

Mr. Bannon asked staff what stops the applicant from increasing their days of operation. Mr. Harding said that the board can put conditions on the approval to control the number of days of operation.

RECOMMENDATION:

Staff recommended approval, for two (2) years.

A motion for approval with staff’s conditions was made by Mr. Kirsh.
The motion was seconded by Mr. Johnston.

All approve. Motion carried.

The next meeting for this application will be Monday, November 28, 2022, before the Board of Appeals.

FILE: 4173 - APPLICANT: Alisa Webb.
FOR: Special Exception to operate festivals and/or events.
PROPERTY LOCATION: Blake Road (Multiple properties), Election District: 4; Tax Map: 5, Parcels: 16 & 5 and Tax Map: 6, Parcels 26, 1, 20 & 66.
PROPERTY OWNER: William Kilby, CLT Fairview 2021 LLC.
PRESENTLY ZONED: Northern Agricultural Residential, (NAR).

WITHDRAWN, at the applicant’s request.

GENERAL DISCUSSION

The meeting adjourned at 6:45 p.m.

NEXT PLANNING COMMISSION MEETING: The next meeting will be on Monday, December 19, 2022, at 6:00 p.m. The meeting will be held in the Elk Room at the County Administration Building.

Respectfully submitted,



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

CECIL COUNTY PLANNING COMMISSION
MEETING MINUTES
Wednesday, December 21, 2022
The Elk Room
6:00 p.m.

PRESENT: Wyatt Wallace - Chairman, Chad Johnston, Peter Kirsh, Chris Bannon, Aaron Harding, (LUDS / P&Z), and Jennifer Bakeoven (LUDS/P&Z).

ABSENT: James Perry – Alternate, Rebecca Hamilton (Ex-Officio), Debbie Sniadowski, Esq. Rachel Churn (DEH), Kordell Wilen (LUDS / DPR), Emily Forrest (LUDS / DPR) and Matthew Littlejohn, (LUDS / P&Z).

MINUTES: A motion for approval of the was made by Mr. Bannon seconded by Mr. Johnston. Motion carried to approve the November 21, 2022, 6:00 p.m. meeting minutes as mailed.

SUBDIVISION:

- 1. Fabrizi Woods, Lots 1-6, Concept Plat, Childs Road, Carpenter Engineering, LLC, Third Election District.**

WITHDRAWN, at the applicant’s request.

SPECIAL EXCEPTION:

FILE: 4175 - APPLICANT: Maryanne Gustafsen.

FOR: Special Exception renewal to operate a home occupation.

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

PROPERTY OWNER: Timothy Myers & Maryanne Gustafsen.

PRESENTLY ZONED: Village Residential, (VR).

Maryanne Gustafsen appeared and presented an overview of the application. Ms. Gustafsen stated that she is requesting an extension of her special exception for a dog grooming business. She explained that she is open 2 to 3 days per week, by appointment only.

Mr. Kirsh asked staff if any complaints have been received regarding this home occupation. Mr. Harding said no.

HEALTH DEPARTMENT:

The Health Department has no objection to the special exception renewal.

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: None.

RECOMMENDATION:

Staff recommended approval, for five (5) years.

A motion for approval was made by Mr. Kirsh. The motion was seconded by Mr. Johnston.

All approve. Motion carried.

The next meeting for this application will be Wednesday, December 28, 2022, before the Board of Appeals.

FILE: 4176 - APPLICANT: Sebastiano Sorbello.

FOR: Special Exception renewal 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 Sorbello.

PRESENTLY ZONED: Low Density Residential, (LDR).

Sabastiano Sorbello appeared and presented an overview of the application. Mr. Sorbello explained that he has a Federal Firearms License. He would like to continue his home occupation.

Mr. Kirsh asked staff if any complaints have been received regarding this home occupation. Mr. Harding said no.

HEALTH DEPARTMENT:

The Health Department has no objection to the special exception renewal.

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: None.

RECOMMENDATION:

Staff recommended approval, for five (5) years.

A motion for approval was made by Mr. Kirsh.

The motion was seconded by Mr. Johnston.

All approve. Motion carried.

The next meeting for this application will be Wednesday, December 28, 2022, before the Board of Appeals.

GENERAL DISCUSSION

Chairman Wallace asked for the board's opinion on how many minutes should be allowed for public comment at the Planning Commission meetings. He suggested that they keep it at three (3) minutes per speaker. The board agreed. Mr. Harding stated that he would discuss the topic with legal staff regarding the process of determination of time allotted for public comment.

The meeting adjourned at 6:10 p.m.

NEXT PLANNING COMMISSION MEETING: The next meeting will be on Wednesday, January 18, 2023, at 6:00 p.m. The meeting will be held in the Elk Room at the County Administration Building.

Respectfully submitted,



Jennifer Bakeoven

Administrative Assistant

Department of Land Use & Development Services

Division of Planning & Zoning