

**CECIL COUNTY PLANNING COMMISSION**  
**MEETING MINUTES**  
**Monday, March 18, 2024**  
**The Elk Room**  
**6:00 p.m.**

**PRESENT:** Wyatt Wallace – Chairman, Chad Johnston – Vice Chair, Charles Hicks, Russ Johnson, Chris Bannon, Deborah Sniadowski, Esq. Kevin Jensen, Esq., Aaron Harding, (LUDS / P&Z), William Goldman (LUDS / P&Z), Emily Forrest (LUDS / DPR) and Jennifer Bakeoven (LUDS/P&Z).

**ABSENT:** James Perry – Alternate, and Rebecca Hamilton (Ex-Officio).

**MINUTES:** A motion for approval of the January minutes was made by Mr. Johnston and seconded by Mr. Johnson. Motion carried to approve the meeting minutes as mailed.

**SUBDIVISION:**

**1. Village of Cecil Woods, Section 3, 30 Sites, Concept Plat, US Route 40 / Pulaski Hwy., Morris & Ritchie Associates, Inc., Fifth Election District.**

Charlie Barnett, Morris & Ritchie Associates and Kevin McLaughlin, McKee Builders, appeared and presented an overview of the project.

Mr. Johnson asked if phase 3 would be a continuation of the requirement of 55 and older residents and if this proposal will fall outside of the Count’s Subdivision Regulations. Mr. Barnett said this phase will also be for 55 and old residents and at this time, they do not anticipate any requests outside of the Subdivision Regulations. Mr. Johnson asked if Pulaski Hwy would remain as the only point of ingress / egress. Mr. Barnett said yes.

Mr. Bannon asked if Phase 3 will be the last phase of this project. Mr. Barnett said yes.

Mr. Goldman, 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.

Standard of Review

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

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

- Interior street configuration and layout
- Proposed density.
- Entrance locations (both street and driveway)
- Traffic effect on existing and proposed roads.
- Water and Sewer facilities.

- Feasibility of a subdivision in the area, including:
  - Total number and size of lots
  - Effect on school district and school bus service.
  - Approximate lot layout and other reserved areas, if any.
- New land development technique(s)
- The effect on waterways, shorelines, due to run-off, erosion, etc.
- Consistency with the Critical Area Program requirements
- Consistency with the Cecil County Forest Conservation Regulations
- Stormwater Management requirements.

### Site Location

This project is located on Tax Map 25I, Grid 4, Parcel 295. This project is situated within the 2010 Comprehensive Plan's Medium Density Growth Area (MDGA). The site is within the Manufactured Home (MH) & Open Space (OS) zoning districts.

The site is in a Priority Funding Area

The site is not located in a Priority Preservation Area.

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 note must be added on the plat.

### Site History

The original Concept Plat for the Manufactured Home Park Expansion was approved on 11/18/2001, with conditions, which will appear in the minutes but not will not be read.<sup>1</sup>

The original Preliminary Plat was approved on 2/19/02, with conditions, which will appear in the minutes but not will not be read.<sup>2</sup>

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<sup>1</sup> 1.Road names being approved by the County 911 Emergency Center prior to Planning Commission review of the Preliminary Plat, and

2.A Traffic Impact Study (TIS) being completed prior to the TAC review of the Preliminary Plat.

<sup>2</sup> 1.Health Department requirements being met;  
 2. Department of Public Works requirements being met;  
 3. Sites 207 – 213 being referenced in regard to an adjacent agricultural operation;  
 4. A modification to the Bufferyard D requirement at the “Wetland/Buffer Crossing” location being granted, to reduce the width of the 10’ and to shift the road 5’ toward the eastern property boundary;  
 5. The Cecil County Master Water & Sewer Plan being amended prior to Final Plat review by the Planning Commission;  
 6. The sewer capacity to serve these proposed sites being verified by the Department of Public Works prior to Final Plat review;  
 7. Water supply and sewer service notes, consistent with Sections 4.2.13 (t) & (u) of the Subdivision Regulations, appearing on the Record Plat stating that such services shall be made available to all sites;  
 8. The final Forest Conservation Plan (FCP) and Landscape Plan being approved prior to Planning Commission review of the Final Plat;  
 9. Verification that 15% of the required open space does not consist of perennial or intermittent stream buffers, non-tidal wetlands or buffers, steep slope, or habitats of rare, threatened and endangered species;  
 10. Receiving notification from MDE prior to Final Plat review that the proposed water system is capable of serving those proposed sites;  
 11. Deed restrictions for the long term protection of the Forest Retention/Afforestation Areas (FRAs) being recorded and noted on the plat prior to recordation. The metes and bounds description of the FRA must be shown on the record plat;

Section 4.1.17 provides that Preliminary Plat may be extended prior to expiration of said plat. This Preliminary Plat was extended on 1/22/04, 12/20/04, 12/19/05, 12/18/06 & 11/19/07. Extending the Preliminary Plat validity until 11/19/08.

The Section 1 Final Plat was approved on 9/15/2008, with conditions, which will appear in the minutes but not will not be read.<sup>3</sup>

The Subdivision Regulations provide that “The recordation of any section of a Final Plat shall extend the Preliminary Plat approval for an additional two (2) year period form said date of recordation.”

The Section 1 Final Plats were recorded on 2/19/09 and 5/18/11.

Per the aforementioned regulations, the 2/19/09 recordation would have extended the Preliminary Plat’s validity until 2/19/11, except that, as of 2/19/09, it had already expired on 11/19/08. And with that expiration, the 5/18/11 recordation is moot because the Subdivision Regulations does not provide for extension of Preliminary Plat approvals that had already expired.

Subsequently, the original Concept Plat would have only had standing provided the subsequent Preliminary Plat remained valid, or a separate request to extend the Concept Plat was approved. Again, Subdivision Regulations does not provide for extension of Concept Plat approvals that have already expired.

A new Concept Plat was approved by the Planning Commission on 6/18/12, condition on:  
All previous conditions of Concept Plat approval carrying forward, as applicable.

A new Preliminary Plat was approved by the Planning Commission on 6/18/12, conditioned on:  
All previous conditions of Preliminary Plat approval carrying forward as applicable.

The Section 2 Final Plat was approved by the Planning Commission on 8/20/12, with conditions, which will appear in the minutes but not will not be read.<sup>4</sup>

The Section 2 Final Plat was recorded on 3/26/13. This was the latest action on the project, therefore any approvals for the Manufactured Home Park expansion expired on 3/31/2015.

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12. The title block indication that this a manufactured home park prior to Final Plat review by the Planning Commission; and  
13. All references to lots being changed to sites prior to Final Plat review by the Planning Commission.

<sup>3</sup>

1. Health Department requirements being met;
2. Department of Public Works requirements being met;
3. All references to lots being changed to sites prior to recordation;
4. The Record Plat’s citing of the exact acreage of open space provided in Section 1;
5. Water supply and sewer service notes, consistent with §§ 4.2.13 (t) & (u) again appearing on the record plat;
6. Deed restrictions for the long-term protection of the Forest Retention/Afforestation Areas (FRAs) being recorded and noted on the plat prior to recordation. The metes and bounds description of the FRA must be shown on the record plat; and
7. A landscape agreement being executed prior to recordation.

<sup>4</sup>

1. Health Department requirements being met;
2. Department of Public Works requirements being met;
3. The Record Plat’s citing the exact acreage of the open space provide in Section 1;
4. Water supply and sewer service notes, consistent with §§ 4.2.13 (t) & (u) again appearing on the record plat;
5. Deed restrictions for the long-term protection of the Forest Retention/Afforestation Areas (FRAs) being recorded and noted on the plat prior to recordation. The metes and bounds description of the FRA must be shown on the record plat; and
6. A landscape agreement being executed prior to recordation.
7. The Section 2 individual site, roadway, and open space acreage being clearly cited on the Recordation Plat.

## Proposed Density

The site was part of a 103.99 acre parcel<sup>5</sup> when the Cecil County Subdivision Regulations took effect on April 15, 1976. Subsequently there have been 3 subdivision plats for the Village of Cecil Woods, with a total of 91 sites, recorded<sup>6</sup>.

The Manufactured Home (MH) zoning district permits a maximum base density of 6 du/ 1 ac for Manufactured Home Parks.<sup>7</sup> Manufactured Home Parks are Permitted with Conditions in the Manufactured Home (MH) zoning district.<sup>1</sup>

This 2023 Concept Plat is a new proposal for 30 manufactured home sites. Therefore, a new calculation of density is required. This proposal does not include any sites in the original or 1990 portions of the Manufactured Home Park, leaving the density to 4.72 du/1ac (145du/30.7ac) unchanged. The sites are situated on 42 MH-zoned acres of the 103.99 acres of the "NORTH PARCEL" for a proposed density of 2.88 du/1ac (121du/42ac). Please correct the plat to include the density in the North Parcel.

The new proposed overall density is 3.41du/1ac (248du/72.81ac)

A boundary line survey must be done in conjunction with the preparation of the Preliminary Plat for density calculation purposes.

## Street Layout & Transportation

All manufactured home development shall be provided with safe and convenient vehicular access from abutting public streets or roads to each manufactured home site. Street construction shall have adequate side drainage ditches and grades not greater than 10%. Internal streets shall be sufficient to accommodate anticipated traffic.

Street system and car parking as required in §6.6.7 of the Subdivision Regulations requires that surfaced roadway shall be of an adequate width to accommodate anticipated traffic. If this proposal is approved, there would be a total of 86 sites using the same access point for Admirals Way. The applicant is advised to review §6.6.7 of the Subdivision Regulations for the minimum requirements then contact the Division of Development Plans Review to determine applicable road code requirements to meet the standard.

All streets must be privately owned and maintained by the Manufactured Home Park owner. Sidewalks are not required for this proposal, but they are proposed by the applicant. The plat notes that all proposed roads and sidewalks are privately owned and maintained.

Subdivision Regulations Section 6.6.7(d) requires that all streets must be built to the satisfaction of the County, and there shall not be grades greater than 10%. All streets shall have a concrete or asphalt curb and gutter.

Each site must have 2 off-street parking spots. Parking inside garages will not be considered for meeting this requirement. The plat indicates that each unit has 2 parking spaces in each driveway.

Subdivision Regulations §7.2.12B.6 requires that all street names shall be approved by the Department of Emergency Services (DES) and the Department of Land Use and Development Services (LUDS). All road names must be approved by DES and LUDS prior to Preliminary Plat submittal to the TAC. Road names shall not be

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<sup>5</sup> Parcel ##

<sup>6</sup> Section ##, Lots # - ## = # lots, approved DATE

<sup>7</sup> *Manufactured Home Park* – Any site, lot, or parcel maintained or intended for the purpose of supplying a location or accommodation for four or more manufactured home for living quarters and including all buildings, structures, vehicles, accessories, and appurtenance used of intended as equipment in such a park.

duplicated or analogous to those used elsewhere in the County. Further all proposed suffixes and prefixes shall not deviate from the standards adopted by the United States Postal Service. The name of each small cul-de-sac must be included on the Preliminary Plat.

Admirals Way from the intersection with Nimitz Court to the current terminus is approximately 600 to 700 feet. The new extension of Admirals Way to the new cul-de-sac is approximately 1200 to 1300 feet. The applicant has verified that new roads do not violate the 1,800' block length limitation in §7.3.1 of the Subdivision Regulations and the requirements for a mid-block turn around in §7.2.12B.9.

The Planning Commission adopted a Traffic Impact Study (TIS) policy on November 21, 2022, that a Site, Local, or Regional TIS shall be required in certain circumstances. The applicant should make themselves aware of this policy. Staff will not be recommending a TIS.

§7.2.12A.2 of the Subdivision Regulations is not applicable, as the proposed roads will be privately owned.

### Water & Sewer

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 I<sup>8</sup> area.

This site is located within a S-2 and W-2 future water or sewer service<sup>9</sup> area on the 2019 Master Water & Sewer Plan.

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

The plat states that sewer service will be provided by Cecil County Public Works through the Cecil County North East River Advanced WWTP sewer system. Documentation of sewer allocation/capacity must be provided by the applicant prior to the submittal of the Final Plat.

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

The Final Plat shall also contain a statement, signed by the owner, to the effect that such facilities will be available to all sites.

The applicant is advised all signature blocks must be updated to show the Division of Water and Sewer Planning as the approving authority. These blocks are specific, and the consultant is advised to call the office should they need to get the update.

### Lot Layout

#### Article VI – Schedule of Zone Regulations

	Lot size (sq. ft.)	Lot width (ft)	Front Setback	Rear Setback	Side Setback	Max Height	Road Frontage
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<sup>8</sup> The County may approve a minor or major subdivision only if all lots will be served by public sewer.

<sup>9</sup> Parcel 295 (Future Service, 0-2 years)

Manufactured Home Park (Sites)	6,500	50	15	15	10	35	50 <sup>10</sup>

Do all the sites located on the cul-de-sac meet the 50 ft. road frontage requirements? Mr. Barnett said yes.

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

School Information:

March 2023 PC report	Elementary	Middle	High
School	Leeds	North East	North East
FTE	334	791	1074
Capacity	408	712	1009
% Utilization	82%	111%	106%

Source: FY2024 Educational Facilities Master Plan

Open Space

A minimum of 15% Common Open Space (COS) is required for Manufactured Home Parks, per Zoning Ordinance Section 78. No less than fifteen (15) percent of the gross area of the manufactured home park shall be devoted to open space and recreation area. Required open space shall not include roadways and bufferyard. Therefore, the open space requirement is based upon the 72.81 acres used for density calculations, for 10.91 required acres. The applicant is advised to review previously approved sections of the proposal to determine if there is a deficit or credit for the open space requirements.

This project proposes 14.77 acres of COS or 20.3% COS.

No more than 40% of required COS shall consist of areas designated as non-tidal or tidal wetlands<sup>11</sup>. At a minimum (15%) of COS shall not consist of perennial or intermittent stream buffers, non-tidal wetlands or buffers, steep slopes or Rare, Threatened and Endangered Species habitats. This calculation is required to be placed on the Preliminary Plat.

Have any recreational opportunities been considered within the COS? Mr. McLaughlin stated that this phase would utilize the existing clubhouse; this proposed phase common open space will be for passive recreation.

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

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

Environmental

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

<sup>10</sup> Section 6.6.7(a) requires that each mobile home site have access abutting public streets or roads to each mobile home site, Therefore the minimum lot width is used to determine road frontage.

<sup>11</sup> §176.2.c of the Zoning Ordinance.

The property is located within a Floodplain overlay zone. This is noted correctly in the Site Data, stating the proposed development is within an A Zone, with elevations not determined.<sup>12</sup> Zoning Ordinance Section 230.2.5 requires Subdivision access roads shall have the driving surface at or above the base flood elevation. The applicant must provide the base flood elevation data as described in Section 230.2.4. The proposed development must also comply with Zoning Ordinance Section 231.

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'. A 25' buffer is required around all non-tidal wetlands and intermittent streams present.

Permits are required from the (US Army) Corps of Engineers and MDE for all non-tidal wetland and stream impacts prior to recordation. Jurisdictional Determinations (JDs) are required in conjunction with permitting. A JD is recommended to be done prior to Final Plat review by the Planning Commission but required to be completed prior to recordation.

The habitats of rare, threatened, and endangered species (RTE) must be avoided. A Wildlife & Heritage Letter received by the Division of Planning and Zoning has indicated that there are no Rare, Threatened and Endangered Species, but suggested measures to mitigate harm to state-listed threatened species downstream in the Little North East Creek. Planning & Zoning can provide copies of the letter.

Slopes greater than 25% must be shown on the Preliminary Plat. Dwellings or impervious surfaces shall not occur on slopes with a grade of 25% or more covering a contiguous area of 10,000 ft<sup>2</sup> 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.<sup>13</sup> Steep Slopes must be shown on the Preliminary Plat.

The applicant is advised to review the plan to ensure that the required Flood Protection Setbacks<sup>14</sup> are satisfied. The applicable requirements of Article XI, Part III, Floodplain District, must be satisfied due to access to the proposed lots via the road extension. The applicant is advised to work with the Division's Resource Plan Reviewer to identify applicable requirements and address minimum standards. Additional requirements in the Floodplain include, but are not limited to:

- Flood Protection Setback – measured perpendicular to the top of bank of a watercourse...along non-tidal waters of the state are:
  - 100 feet, if the water course is within the floodplain, except where it would extend beyond the boundary of the flood hazard area; or
  - 50 feet, if the water course is outside the flood hazard area.
- Utilities constructed in a manner to minimize damage.
- Determinations of Base Flood Elevations
- Preservation of areas below Base Flood Elevation as open space
- Subdivision access roads shall have the driving surface at or above Base Flood Elevation.

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<sup>12</sup> Source: FIRM Pane 24015C0156D

<sup>13</sup> 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 ft<sup>2</sup> or more. The Cecil County Forest Conservation Regulations define steep slopes as "areas with slopes greater than 25 percent slope."

<sup>14</sup> Flood Protection Setback: A distance measured perpendicular to the top of bank of a watercourse that delineates an area to be left undisturbed to minimize future flood damage and to recognize the potential for bank erosion. Along nontidal waters of the State, the flood protection setback is:

- (1) 100 feet, if the watercourse has special flood hazard areas shown on the FIRM, except where the setback extends beyond the boundary of the flood hazard area; or
- (2) 50 feet, if the watercourse does not have special flood hazard areas shown on the FIRM.

- Methods of protection for water and sewerage systems.

### Forest Conservation

A Forest Stand Delineation (FSD) has been approved for this property by the Division of Planning and Zoning on December 29, 2022<sup>15</sup>. The Preliminary Forest Conservation Plan (FCP) must be approved prior to the submittal of the Preliminary Plat to the Planning Commission.

The Limit of Disturbance and the proposed Forest Retention Areas share a common boundary. Be aware that grading cannot occur within the Forest Retention Areas during construction.

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

### Landscaping

A minimum of 15% of the development envelope shall be landscaped. This calculation is required to be placed on the Preliminary Plat.

Street Trees are required along both sides of all newly created streets so that for every 50 feet of road frontage, there is one deciduous tree that has or will have, when fully mature, a trunk of at least 12 inches in diameter. A ten-foot-wide planting easement shall be established on each newly created site for the purpose of permitting the developer to plant or retain sufficient trees to meet the street tree requirement. This will need to be placed on the Preliminary Plat and subsequently the Final and Record Plats.

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.

Per Zoning Ordinance §187.2, the Planning Commission may require bufferyard to separate different zoning districts from one another. The Planning Commission has required a bufferyard to adjacent agricultural operations previously on this project. In addition, per §78.8, a Bufferyard meeting the D standard in Appendix B of the Zoning Ordinance must be established around the Mobile Home Park. It has been shown on this submittal that a 25-foot Bufferyard D is proposed along the eastern boundary of the subdivision.

Forest Conservation Areas are proposed along the northern and western boundaries of the subdivision. If these Forest Conservation Areas are being used to meet Bufferyard requirements, the applicant must demonstrate that the Forest Conservation Areas meet the standards for Bufferyard D and the proposed development. There must be a long-term protective instrument for that area to effectively create the required Bufferyard/Forest Conservation Area.

Bufferyard shall be unoccupied except for utility facilities, identification signs, or exits and entrances.

A Landscape Agreement with financial surety must be executed prior to recordation.

### Stormwater Management

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<sup>15</sup> FSD #838



Sections 78.12(a), (b), & (c) in the Zoning Ordinance and Sections 6.6.4, 6.6.5, and 6.6.6 specifically note that special attention should be given to these standards as to not create a hazard to the property or surrounding areas, prevent soil erosion and eliminate objectional dust, and that water drainage is completed in a safe, efficient manner. The applicant is advised that the Division of Planning & Zoning's consistency review of the Erosion & Sediment Control and Stormwater Management Plans include analysis of the aforementioned standards.

The Division of Development Plans Review reports that the Concept Stormwater Management Plan has been approved. The applicant is advised to review DPR's staff report regarding next steps through the Stormwater Management Plan review process.

The Preliminary Stormwater Management Plan (P-SWM) must be approved prior to submittal of the Preliminary Plan to the Planning Commission.

### Miscellaneous

§4.0.13 provides the required information to be on the Concept Plat. The following item requires correction:

1. Zoning for the adjacent CSX property. The property is in the Low Density Residential (LDR) Zoning District.

#### CONCEPT PLAT REQUIRED INFORMATION:

Concept Plats shall be submitted on paper and shall be clear and legible. Illegible plats will be discarded and the subdivider notified. Incomplete plats will not be accepted by the Office of Planning and Zoning. For Planning Commission review only, a Concept Plat shall be not considered complete if the Forest Stand Delineation and Stormwater Management Concept Plan have not been approved prior to submission of said Concept Plat (if in the Critical Area, a Concept Plat will not be considered complete unless the Conceptual Environmental Assessment has been approved prior to submission of said Concept Plat). In addition, for Technical Advisory Committee and Planning Commission review, a Concept Plat shall 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 prior to submission of said Concept Plat. Incomplete Concept 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.

A vicinity map indicating the location of the property with reference to surrounding property, streets, nearest major intersection, north point, landmarks, streams, etc. Show all property owned according to the tax maps if only a part of the property is to be developed. The tax map, block (grid), and parcel number(s) shall also be provided.

In the event that a record subdivision adjoins the property to be developed, the subdivision should be indicated by dashed lines.

Title information:

Proposed name

Scale of Plat (feet and meters).

Location by election district, County and State.

Date.

Name and address of owner or person representing owner who is responsible for preparation of the plat.

North point.

Boundary of proposed subdivision. This can be a deed plot.

Location, widths, 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).

Location of existing utilities on or within two hundred (200) feet of the parcel.

The layout of all proposed and existing lots with appropriate dimensions and minimum area.

The approximate location and area of all property proposed to be reserved to public use or to be reserved for use by all property owners in the subdivision, also the purposes of any proposed easements.

Existing zoning classification of tract and all adjacent parcels. Any proposed zoning for the tract must be effectuated by a rezoning prior to the Planning Commission's review of the Concept Plat.

If community sewerage and/or water systems are to be used, such notation shall be made on the Concept Plat. The proposed providers of public water and/or sewer shall be cited on the plat, as applicable.

In the case of multi-family projects (apartments, townhouses, etc.) the following additional items shall be shown:

Approximate location of buildings.

Total number of units in each building.

Total number of off-street parking spaces and the space to unit ratio.

General location and areal extent of the following when the subdivision is proposed in the Cecil County Critical Area:

Tidal and non-tidal wetlands;

Streams (perennial and intermittent);  
Areas of steep slopes, highly erodible and other soils with development constraints;  
Shore and stream Buffer (110-foot or 200-foot minimum);  
Natural resource protection areas, Habitat Protection Areas, forests and developed woodlands on or in the vicinity of the proposed subdivision;  
The Critical Area Boundary and the applicable land management classification(s), i.e. Intensely Developed Area (IDA), Limited Developed Area (LDA), or Resource Conservation Area (RCA);  
Computation of the amount of acres in the Critical Area District; and  
The location and extent of existing and/or proposed shore erosion abatement approaches.  
The Conceptual Environmental Assessment.  
All existing easements on the parcel(s) to be subdivided.  
Any existing cemeteries or burial sites on the parcel(s) to be subdivided.  
Additional information as required by the Forest Conservation Regulations and/or the Forest Conservation Technical Manual.

Ms. Forrest, LUDS/DPR, read the comments of the division:

Stormwater Management:

1. The Concept Stormwater Management Plan has been reviewed and approval was granted. The Stormwater Management (SWM) must satisfy the current Stormwater Management Code. Therefore, the Preliminary Stormwater Management Plan must be submitted and approved prior to the Preliminary Plat being submitted for Planning Commission review.
2. It appears that there will be disturbance within the wetlands buffer, stream buffer, and floodplain.
  - a. Any proposed work within the wetlands buffer must receive a joint permit from the Maryland Department of the Environment (MDE) and U.S. Army Corps of Engineers.
  - b. Any disturbance within the stream buffer must be approved by the Planning Commission.
  - c. All proposed stormwater management must meet floodplain requirements.
3. All proposed stormwater management outfalls must have safe and adequate conveyance to the receiving waterway with no adverse impacts to adjacent properties.
4. Control of the ten-year-frequency storm event will be required and the pre and post discharge for the 100-year-frequency storm event must be provided.

Road & Storm Drain:

5. The Road & Storm Drain Plan will need to be submitted to the Division of Development Plans Review prior to submitting the Preliminary Plat for Planning Commission review.
  - a. A Private Public Works Agreement for Roads & Storm Drains will be required as part of the review and approval of the roadways shown.
  - b. All applicable review and inspections fees will be required.
6. Any Road Code variance requests must be submitted to the Division of Development Plans Review and approval must be granted by the Department of Public Works prior to submitting the Preliminary Plat for Planning Commission review. All variance requests must be submitted in accordance with Cecil County Road Code Section 1.06.
7. The proposed roads must meet the requirements for a local access internal street as specified in the Cecil County Subdivision Regulations Section 6.6 Manufactured Home Park Developments. The following design requirements must be met:
  - a. Right-of-way of 34-feet;
  - b. Pavement width of 28-feet;
  - c. Minimum radius of 200-feet;
  - d. Curb and gutter required; and
  - e. Grades of all streets shall be sufficient to ensure adequate surface drainage but shall not be more than ten (10) percent.

8. All proposed roadway designs must meet floodplain requirements. Any culvert/bridge stream crossings must be designed to allow for adequate drainage without overtopping the road during the 50-year design storm to allow for access to proposed lots.
9. Proposed pavement section must be designed in accordance with Road Code Detail R-23.
10. Inlets must be designed for a two-year frequency storm. The spread of water shall be permitted according to the road classification in accordance with Cecil County Road Code Section 5.03.C.
  - a. For a 28-foot closed section road, the maximum spread is eight (8') feet on each side of the road, leaving a minimum twelve feet (12') of dry travel way.
11. Driveways shall be located as far away from intersection as possible, but in no case shall driveways be less than 75-feet from the edge of the driveway to flowline or edge of pavement of the intersection in accordance with Cecil County Road Code Section 3.08.D.
12. The design of residential driveways shall be in accordance with the details shown on Standard Details R-21 and 22. The minimum sight distance requirements, as specified in Section 3.07.14, shall be applicable to residential driveways to the maximum extent possible in accordance with Cecil County Road Code Section 3.08.A.

Sanitary Sewer:

13. This development will be connecting to the local private collection system and served by Cecil County sewer and Artesian Water Company.
  - a. All proposed sanitary sewer shown will be privately maintained.
14. The Sanitary Sewer Plan will need to be submitted to the Division of Development Plans Review prior to submitting the Preliminary Plat for Planning Commission review.
  - a. A Private Public Works Agreement for Sanitary Sewer will be required as part of the review and approval of the sanitary sewer shown.
  - b. All applicable review and inspections fees will be required.
15. Sanitary sewer allocation will need to be requested per Cecil County Sanitary District Policy Memorandum # 1 - Allocation of Sanitary Sewer Capacity and Payment of Major Facility Fees.
16. Development Plans Review recommends verifying the capacity of the existing pump station if is to be utilized for this phase.

Mr. Harding read the comments from Water & Sewer Planning:  
Water and Sewer Allocation letter is required at Preliminary phase.

COMMENTS IN FAVOR: None.

COMMENTS IN OPPOSITION: The following individuals spoke in opposition of this project: Keith Werner, 9 Raven Court; Cheryl Quatrano, 80 Admirals Way; all of Elkton, Maryland. Collectively, they are concerned with the increased traffic, adequate fire hydrants, reduced response time from EMS due to a single access point into the development, existing and proposed culverts over streams, heavy construction vehicles on the roads, clubhouse capacity and parking availability. Mr. Connor stated that he wasn't against the proposed lots but would like to see building lots of adequate size, similar homes to the existing development being placed, an extension from Admirals Way and the placement of a barricade during icy condition due to the downslope of the internal roadways.

Mr. Goldman stated that staff received written comments from the speakers that appeared at the meeting as well as Sam Darron who had concerns with the single entrance to the development.

Mr. Bannon asked staff if a Traffic Impact Study (TIS) would be required. Ms. Forrest explained that this project would require a Site TIS which only identifies the entrance but because this is located on US Route 40, a TIS would be determined by Maryland State Highway Administration.

Mr. Bannon asked if staff knew of any previous water or drainage issues in Phases 1 and 2. Ms. Forrest said she is not aware of any in the previous phases.

Mr. Bannon asked what waivers the Planning Commission would need to give regarding stream buffer disturbance. Mr. Barnett stated that is at Preliminary Plat stage; Mr. Harding agreed. Mr. Bannon asked the applicant if they know the extent of disturbance, they will be requesting a waiver for; Mr. Barnett said they do not know at this time. Mr. Barnett added that the only location they believe to be impacting the buffer is where Admirals Way needs to extend into the new lots.

Mr. Goldman read the recommendation of staff:

APPROVAL, conditioned on:

1. Division of Water and Sewer Planning requirements being met;
2. Division of Development Plans Review requirements being met;
3. The road names being approved prior to Preliminary Plat Planning Commission submittal;
4. A boundary line survey being completed prior to Preliminary Plat Planning Commission submittal;
5. A Preliminary Forest Conservation Plan being approved prior to Preliminary Plat Planning Commission Submittal;
6. All lots meeting the 50' minimum lot width building setback requirement;
7. Showing the existing zoning of the tract and all adjacent parcels on the Preliminary Plat; and
8. Showing the location of all existing utilities on or within 200 feet of the property on the Preliminary Plat.

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

The motion was seconded by Mr. Johnson.

All approve. Motion carried.

#### **SPECIAL EXCEPTION:**

**FILE: 4271-** APPLICANT: Michael Yedinak.

FOR: Special Exception to operate a home occupation.

PROPERTY LOCATION: 199 Deaver Road, Elkton, MD 21921, Election District 3; Tax Map: 26, Parcel: 617.

PROPERTY OWNER: Michael & Michele Yedinak.

PRESENTLY ZONED: Suburban Transition, (ST).

Michael & Michele Yedinak appeared and presented an overview of their application. Mr. Yedinak stated he is seeking to obtain his Federal Firearms License. He is looking to sell and transfer firearms from his home. He has a state-of-the-art security system at his home and will meet all federal requirements that pertain to this license. He proposes Monday through Thursday from 3:00 p.m. to 6:00 p.m. and Friday and Saturday from 8:00 a.m. to 12:00 p.m. as his days / hours of operation which will be by appointment only. All deliveries will be prearranged and require signatures by either Michael or Michele.

Mr. Wallace asked the applicants if they obtained all other approvals required. Mr. Yedinak explained that receiving an approval of a special exception is his first step in obtaining the license.

Mr. Johnson asked if any discharge of firearms will be conducted on the property. Mr. Yedinak said no.

**WATER & SEWER PLANNING:**

Water and Sewer Planning has no objections.

**COMMENTS IN FAVOR:** None.

**COMMENTS IN OPPOSITION:** None.

**RECOMMENDATION:**

Staff recommended approval for two (2) years.

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

The motion was seconded by Mr. Hicks

All approve. Motion carried.

The next meeting for this application will be Monday, March 25, 2024, before the Board of Appeals.

**FILE: 4272-** APPLICANT: Thomas Stauffer.

FOR: Special Exception Renewal 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 their application. Thomas Stauffer asked that his approved special exception to operate that administrative portion of this auto wholesale business from his home be renewed.

Mr. Wallace asked if staff has received any complaints regarding this home business. Mr. Harding said that staff is not aware of any complaints.

**WATER & SEWER PLANNING:**

Water and Sewer Planning has no objections.

**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. Johnson.

All approve. Motion carried.

The next meeting for this application will be Monday, March 25, 2024, before the Board of Appeals.

**FILE: 4273-** APPLICANT: Cody Kipe.  
FOR: Special Exception Renewal 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).

Cody Kipe and Merlin Tweedy appeared and presented an overview of their application. Mr. Kipe explained that he would like to renew his approved special exception for a home occupation. Due to the slow economy and not obtaining the necessary funds to rent or buy a facility to store his equipment, he is required to receive this renewal. Mr. Kipe stated that he has done some outreach efforts with the neighbors to ensure no disturbance is being experienced by them by the business. Mr. Kipe explained that the previous approval was conditioned on the equipment being screened by vegetation, he stated that he has tried to plant several trees in an attempt to screen the equipment. Mr. Kipe added that the previous legal opinion from the original approval stated that there was not a garage on the property; he explained that there is a small garage on the property.

Discussion ensued regarding whether any limitations were set for the number of pieces of equipment allowed.

**WATER & SEWER PLANNING:**  
Water and Sewing Planning has no objections.

**COMMENTS IN SUPPORT:** None.

**COMMENTS IN OPPOSITION:** None.

**RECOMMENDATION:**  
Staff recommended is based on its original recommendation of disapproval, based on the use changing the character of the residential property.

A motion for approval for five (5) years was made by Mr. Johnston.  
The motion was seconded by Mr. Hicks.

All approve. Motion carried.

The next meeting for this application will be Monday, March 25, 2024, before the Board of Appeals.

**FILE: 4274-** APPLICANT: Bohemia Manor Farms RE, LLC, c/o Baker, Thomey & Emrey, P.A.  
FOR: Special Exception to operate a restaurant.  
PROPERTY LOCATION: 237 Bohemia Manor Farm Lane, Chesapeake City, MD 21915, Election District 2; Tax Map: 52, Parcel: 28.  
PROPERTY OWNER: Bohemia Manor Farms RE, LLC c/o Chad Gallagher, Principal Partner.  
PRESENTLY ZONED: Southern Agricultural Residential, (SAR).

Dwight Thomey, Esq. and Chad Gallagher and Josh McCallen, Principals, appeared and presented an overview of their application. A PowerPoint presentation was presented by the applicants (see file). Mr. McCallen explained that the winery operation will continue, and they would like to upgrade the kitchen in the facility. Mr. Thomey stated that they will serve the wine that they produce at the proposed restaurant. They will hold events as allowed throughout the year just as the previous owners did. At this time, Mr. Thomey reviewed how this proposal meets the requirements of a special exception.

Mr. Bannon asked the applicants if they plan to expand the operation past a restaurant. Mr. McCallen said they would like to eventually honey produced on site as well as edible gardens, among other things; no formal plans yet.

Mr. Bannon asked about upgrading the kitchen facility. Mr. McCallen stated that they would like to place an approximately 900 square foot addition to the kitchen. Mr. Thomey stated that the kitchen upgrade will be a substantial investment.

Mr. Bannon asked if the applicants had plans on the parking area. He suggested that the parking area be an aesthetically pleasing type of graveled to keep in the character of the area. Mr. Bannon asked if any historic structures are on the property. Mr. Gallagher said nothing on the property is technically on the historic registry but there are structures that could be placed on the list. Mr. McCallen stated that he would like to look into that.

Mr. Johnson asked how many seats the restaurant will have. Mr. McCallen stated approximately 75-125 when it first opens.

#### WATER & SEWER PLANNING:

Water and Sewer planning needs additional information. 1) Is the existing tasting room being converted into the proposed restaurant? 2) What will be the hours of operation, days of operation and number of employees for the proposed restaurant? 3) What is the size of the existing septic system? 4) is the system functioning and adequate for proposed use? 5) Is there any Best Available Technology Units on this property?

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: The following individuals spoke in opposition of this application: Susanne Cordus, 37 Riverview Avenue; John Fellows, 130 Bohemia Lane; and Carol Tiller, 29 Ferry Point Lane, all of Earleville, Maryland spoke in opposition. Collectively, they have concerns regarding increased boat traffic on the river, increased vehicle traffic on MD Route 213, poor lighting conditions at the entrance of the facility, increased noise pollution from events on the property, trash along the shore line, increased alcohol sales to both boaters and vehicle drivers and the possibility of a tiki bar / dock bar on the river. Tim Werbrich 26 Hacks Point Road, Earleville, Maryland also spoke. He explained that he supports the applicant's endeavor but does have concerns about increased boat traffic causing erosion, trash along the shore line and possible liquor sales on the dock.

Discussion ensued regarding the existing pier on the property and access to the restaurant.

#### RECOMMENDATION:

Staff recommended approval for two (2) years, conditioned on the requirements of Section 131 being met and the Site Plan being revised for the proposed improvements and use.

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

All approve. Motion carried.

Discussion ensued regarding the two (2) year condition in the recommendation.

The next meeting for this application will be Monday, March 25, 2024, before the Board of Appeals.

**FILE: 4277-** APPLICANT: Tanya Michele Christley.  
FOR: Special Exception to place a double-wide manufactured home on the property for hardship purposes.  
PROPERTY LOCATION: 403 Doctor Jack Road, Port Deposit, MD 21904, Election District 7;  
Tax Map: 23, Parcel: 22, Lot 12A.  
PROPERTY OWNER: Tanya Michele Christley.  
PRESENTLY ZONED: Northern Agricultural Residential, (NAR).

Matthew Stemple, son of the property owner, Tanya Christley, appeared and presented an overview of the application. Mr. Stemple explained that due to ongoing health issues, his mother is in need of a single level dwelling. If she is approved for this special exception, Mr. Stemple will live in the existing home to help her with her medical needs and the upkeep of the property and Ms. Christley and her spouse will live in the manufactured home.

**WATER & SEWER PLANNING:**

The proposed double wide manufactured home requires a second sewage reserve area to be established per Code of Maryland Regulations 26.04.02.04 (F). If a second sewage reserve area is approved, it must be surveyed by a licensed surveyor. A septic application will be required to install another septic system on the property for the proposed manufactured home.

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: None.

**RECOMMENDATION:**

Staff recommended approval, for two (2) years.

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

All approve. Motion carried.

The next meeting for this application will be Monday, March 25, 2024, before the Board of Appeals.



## GENERAL DISCUSSION

None.

The meeting was adjourned at 8:10 p.m.

NEXT PLANNING COMMISSION MEETING: The next meeting will be on Monday, April 15, 2024, 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

### <sup>i</sup> Section 78. Manufactured Home Park (3.04.000)

Manufactured home parks shall be permitted in the MH zone provided:

1. Manufactured home parks shall be developed upon property served by water and sewer systems approved by the Health Department.
2. Manufactured home parks shall be developed on a tract of land encompassing not less than ten (10) acres in area.
3. Each manufactured home site shall measure not less than four thousand (4000) square feet in area.
4. No less than fifteen (15) percent of the gross area of a manufactured home park shall be devoted to open space and recreation area. Required open space shall not include roadways and bufferyards.
5. Density of manufactured home parks shall not exceed six (6) manufactured home sites per acre.
6. Each manufactured home site shall measure not less than fifty (50) feet in width at the setback line.
7. Minimum setbacks on all manufactured home sites shall be fifteen (15) feet front and rear and ten (10) feet on each side.
8. Manufactured home parks shall be surrounded by bufferyards meeting the Bufferyard D standard as shown in Appendix B of this Ordinance.
9. All required bufferyards shall be unoccupied except for utility facilities, identification signs or exits and entrances.
10. Each manufactured home site shall be provided with two (2) off-street parking spaces.
11. In addition to the standards of this Section, all manufactured home parks shall also meet the applicable requirements of the Cecil County Subdivision Regulations.
12. Where an existing manufactured home park is expanded either at the same time or in stages to include the addition of one (1) or more manufactured home sites, the expanded area must conform to the provisions of this Section and the existing portion shall, in lieu of the requirements above, conform to the following:
  - a. General Requirements. Condition of soil ground water level, drainage, and topography shall not create hazards to the property, surrounding area or the health and safety of the occupants.
  - b. Soil and Ground Cover Requirements. Exposed ground surfaces in all parts of the manufactured home development shall be protected with materials capable of preventing soil erosion and elimination of objectionable dust.
  - c. Site Drainage Requirements. The ground surface in all parts of each manufactured home development shall be graded and equipped to drain all surface water in a safe, efficient manner.
  - d. Street System and Car Parking. All manufactured home developments shall be provided with safe and convenient vehicular access from abutting public streets or roads to each manufactured home lot. Street construction shall be a minimum of two (2) inches blacktop or triple surface treatment with adequate side drainage ditches and grades no greater than 10%. Internal streets shall be of sufficient width to accommodate anticipated traffic.
  - e. Density. Density in the existing portion of any manufactured home development may remain the same or may increase up to a maximum of six (6) units per acre.
  - f. Except as herein provided, design standards as described in the Cecil County Subdivision Regulations, shall be followed.