PRESENT: Ken Wiggins (Vice Chair), Wyatt Wallace, Chad Johnston, Bill Miners, Tom Mullen (Alternate), Joyce Bowlsbey (Ex-Officio), Randy Jackson, Esq., Lloyd Harmon (DEH), Mark Woodhull (DPW), Tony Di Giacomo (P&Z), and Jennifer Bakeoven (P&Z).

ABSENT: Pat Doordan, (Chairman), Roger Persons, Eric Sennstrom (P&Z) and Cliff Houston (P&Z).

MINUTES- Motion made by Mr. Johnston, seconded by Mr. Mullen and unanimously carried to approve the Monday, December 21, 2015, 6:00 p.m., minutes as mailed.

SUBDIVISIONS:
1. West Creek Village, Replacing 48 Apartment Units with 20 Townhomes, Revised Final Plat, Fletchwood Road, McBride & Ziegler, Inc., Fourth Election District.

Mark Ziegler, McBride & Ziegler, appeared and presented an overview of the project.

Mr. Di Giacomo, P&Z, read the comments of the department:
This proposal is in compliance with §3.8 regarding public notification.

With regard to the posting of plats on the County’s website, notice is hereby given that the jpg file submissions can be only 11 inches, maximum, in any direction. Adherence to that requirement will enable the County to better serve the public.

The original West Creek Village Apts. Concept Plat was approved on 7/15/91. The Preliminary Plat was approved on 2/18/92 and 12/21/91; and the Final Plat was approved on 11/21/94. The Record Plat was signed on 2/23/95 (and revised on 6/4/96 & 12/13/00).

Subsequently, a Concept Plat for Section II and a portion of Section I, under the name Hardy Realty, was reviewed by the TAC on 9/4/02 and by the Planning Commission on 9/16/02 and 10/21/02 – when it was approved at a density of 7.4/1, conditioned on:
1) A Traffic Impact Study being complete prior to the TAC review of the Preliminary Plat;
2) The Traffic Impact Study’s scope of work including a needs assessment of, and possible feasibility study for, an alternative additional point of access;
3) A Jurisdictional Determination being done prior to the Planning Commission’s review of the Preliminary Plat;
4) The internal road names being approved by the County’s 911 Emergency Management Agency prior to the Planning Commission’s review of the Preliminary Plat;
5) The open space sensitive area acreages being provided prior to the TAC review of the Preliminary Plat; and
6) Waiver of the stream buffer expansion in the Development District contingent upon satisfactory quantitative demonstration of water protection equivalent to the requirements of the Zoning Ordinance.

A revised W. Creek Village Apts. Concept Plat was approved on 1/22/04, conditioned on:
1) A Traffic Impact Study being complete prior to the TAC review of the Preliminary Plat;
2) A Jurisdictional Determination being done prior to the Planning Commission’s review of the Preliminary Plat;
3) The internal road names being approved by the County’s 911 Emergency Management Agency prior to the Planning Commission’s review of the Preliminary Plat;
4) The open space sensitive area acreages being provided prior to the TAC review of the Preliminary Plat;
5) Waiver of the stream buffer expansion in the Development District;
6) Sidewalks being installed on both sides of all internal roads and along Fletchwood Road;
7) The depicted R-1 zoning being corrected on the Preliminary Plat;
8) A boundary line survey for density calculation purposes being complete prior to Preliminary Plat review;
9) All proposed Phase III structures being labeled or numbered on the preliminary Plat, for easier reference; and
10) If not done already, the elevations from the West Branch flood study being included on the Preliminary Plat.

The Preliminary Plat was approved on 6/21/04, conditioned on:
1) Health Department requirements being met;
2) DPW requirements being met;
3) All internal road names being approved by the County’s 911 Emergency Management Agency prior to Final Plat review;
4) The Cornus Court/Marsh Lane intersections with West Creek Village Drive being redesigned to achieve at least the required 125’ centerline-to-centerline separation;
5) Approval of the waiver of the stream buffer expansion in the Development District;
6) Sidewalks being installed on both sides of all internal roads and along Fletchwood Road;
7) All required Variances being obtained prior to Final Plat review;
8) Verification of water and sewer allocation being received for each phase and/or section prior to the Planning Commission’s review its respective Final Plat;
9) The Final Plat(s) for Section II being drawn precisely to scale and including detailed area tables;
10) Easements being provided in the town house areas to facilitate access to the rears of those town houses; and
11) The specifics of active recreation amenities being included with the Final Plat submissions and those improvements being included in the Public Works Agreement.

A revised Preliminary Plat proposed a total of 904 dwelling units (714 apartments - 234 already exiting – and 190 townhouse units) on 83.82 acres, consistent with the Concept and Preliminary Plats. The proposed apartment density was 13/1, and the proposed townhouse density was 6.5/1. It was approved on 3/20/06, conditioned on:
1) Health Department requirements being met;
2) DPW requirements being met;
3) Determination that water quality improvement associated with the previous approval of the waiver of the stream buffer expansion in the Development District remains valid;
4) Sidewalks being installed on both sides of all internal roads and along Fletchwood Road;
5) The requested §’s 29.4.d, 29.4.h, and 29.4.j design modifications being granted;
6) Verification of water and sewer allocation being received for each phase and/or section prior to the Planning Commission’s review its respective Final Plat;
7) The Final Plat(s) for Section II being drawn precisely to scale and including detailed area tables; and
8) Applicant meet with staff to provide additional active recreation amenities such as basketball courts and walking trails.

Final Plats/revised Record Plats were subsequently signed on 4/16/07 and on 6/4/08 (see above).
Each recordation of Final Plat from an approved Preliminary Plat extended that Preliminary Plat’s approval for 2 years from the date of recordation (§4.1.16). Thus, the revised Preliminary Plat was valid until 6/4/10.

The recordation of re-subdivision plats relating to Parcels 175 and 316 took place on 11/15/10 and 6/21/11. The 6/21/11 recordation extended the Preliminary Plat that was approved on 3/16/09 until 6/21/13. Another revised Preliminary Plat was approved 9/17/12, which, per §4.1.16, remained valid until 9/30/15. It was approved, conditioned on:

1) All previous conditions of Preliminary Plat approval remaining in effect.

Thus, in effect, the conditions were the same as those established on 3/20/06:

1) Health Department requirements being met;
2) DPW requirements being met;
3) Determination that water quality improvement associated with the previous approval of the waiver of the stream buffer expansion in the Development District remains valid;
4) Sidewalks being installed on both sides of all internal roads and along Fletchwood Road;
5) The requested §’s 29.4.d, 29.4.h, and 29.4.j design modifications being granted;
6) Verification of water and sewer allocation being received for each phase and/or section prior to the Planning Commission’s review its respective Final Plat;
7) The Final Plat(s) for Section II being drawn precisely to scale and including detailed area tables; and
8) Applicant meet with staff to provide additional active recreation amenities such as basketball courts and walking trails.

All of those issues have, in the interim, been satisfactorily addressed.

The Final Plat (190 lots; 480 apartment units), consistent with the approved Preliminary Plat approved on 9/17/12, was approved on 12/15/14, conditioned on:

1) Health Department requirements being met;
2) DPW requirements being met;
3) The details of the conditionally-approved Landscape Plan being made consistent with the Final Plat prior to recordation;
4) A Landscape Agreement’s being executed prior to recordation;
5) Deed Restrictions for the long term protection of the street trees, landscaping, and afforestation/reforestation areas being recorded and depicted on the plat prior to recordation;
6) A Homeowners’ Association for maintenance of common open space being established, with $50 per recorded lot being placed in escrow for improvements, prior to recordation;
7) The sidewalk along Fletchwood Road being depicted and/or noted on the plat prior to recordation;
8) Buildings 8A and 8B being shown correctly prior to recordation;
9) A statement’s being included on the plat, prior to recordation, that the maximum number of apartment units for this site cannot exceed the 714 approved without the approval of a new Concept Plat; and
10) The sewer easement’s being clearly labeled prior to recordation.

That plat was recorded on 12/19/14, so the Preliminary Plat, which remained valid until 9/30/15, now, per §4.1.16, remains valid until 12/19/16.

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1 Approved, subsequent Preliminary and Final Plats would necessarily follow.
The revised Preliminary Plat, proposing to eliminate previously-proposed apartment buildings 11 and 11A and replace them with 20 townhouse-style apartment units and 16 garage units, was approved on 9/21/15, conditioned on:

1) Health Dept. requirements being met;
2) DPW requirements being met;
3) Modifications to the Landscape Plan and FCP being approved prior to the submission of the Final Plat;
4) All requirements of §278.2 and §279 being met;
5) The §274.8 requirements being met; and
6) Deed restrictions for the long-term protection of the Forest Retention/Afforestation Areas (FRAs) being recorded and noted on the plat prior to recordation, with the metes and bounds description of the FRA being shown on the Final and Record Plats.

That Preliminary Plat approval, per §4.1.16, remains valid until 9/30/18.

Subsequently, a West Creek Village Resubdivision Plat, corresponding to the shaded-area dwelling unit eliminations depicted on this Final Plat, was recorded on 12/18/15.

The approved Traffic Impact Study (TIS) indicated that all intersections in the study area will operate at level-of-service D, which was an acceptable level-of-service in the Development District. A possible traffic signal at the Fletchwood Rd./Peach Drive/West Creek Village Road will need to be re-examined, given the net reduction in dwelling units and the additional entrance point from Willow Drive.

The proposed parking spaces continue to exceed the number required.2 Pursuant to §273.10, §273.11, and §274.9.b will any spaces be provided for use as electric vehicle recharging stations, as approved by the Maryland Electric Administration? Mr. Ziegler stated that the developer is looking in to the possibility of providing said stations.

§274.8 provides that “All multifamily residential subdivision site plans shall include a parking plan that includes a lighting plan in conjunction with a safe bicycle, pedestrian, and vehicular circulation plan.”

Do these proposed design revisions conform to the requirements of §278.2, regarding bicycle access and facilities, as well as §279, regarding access as relates to the Americans with Disabilities Act? Mr. Ziegler stated that requirements regarding ADA are being followed.

The existing sidewalk along Fletchwood Road is not depicted on the plat, but it is referenced,3 consistent with their depiction on the conditionally approved Landscape Plan.4

A JD has been done.

Common open space has been labeled on the plat.5

The Landscape Plan has been approved. 15% landscaping of the development envelope is required in the RM zone.

The FSD has been extended and is current.

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2 Since the approval of the Preliminary Plat that is now proposed to be revised, a new Zoning Ordinance has been adopted, including Accessibility and Parking Requirement in Article XIV. Pursuant to §274.9, the aforementioned excess parking spaces do not exceed the minimum required by more than 20% (only 5.86%).
3 See Site Data Note # 17.
4 That sidewalk was component of the 6th condition(s) of the 6/21/04 and the 3/20/06 approvals of the original and revised Preliminary Plats, respectively. It has been installed.
5 This Plat does not strictly comply with the requirements of §4.1.20 (r), but, because the previously-approved Preliminary Plats did, and because of the relatively minor nature of the proposed revisions, in this case, strict compliance will not be considered absolutely obligatory.
Unless grandfathered, the SWM Final Plan has been approved, as has the Final Forest Conservation Plan (FCP).

Deed Restrictions for the long term protection of the street trees, landscaping, and afforestation/ reforestation, or forest retention areas (FRAs) must be recorded and depicted on the plat prior to recordation.

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

The Record Plats shall also contain a statement, signed by the owner, to the effect that such facilities will be available to all lots/dwelling units offered for lease.

Documentation of water allocation and sewer allocation/capacity were previously provided by the applicant.

Mr. Woodhull, DPW, read the comments from the department:
The Final SWM plan is technical complete and only administrative issues remain and The Department of Public Works has no objection to the granting of final plat approval conditioned on the proposed Detail ‘A’ being modified to a offset turnaround without the parking shown. In any regard the final plat must reflect a revised end treatment for the extension of County ownership and maintenance of West Creek Village Drive.

Mr. Johnston read the comments of the Health Department:
Submit written documentation of water and sewer allocation prior to final plat approval.

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

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

Vice Chair Wiggins asked if anyone would like to speak in favor or in opposition of this project. No one spoke.

Mr. Di Giacomo read the recommendation of the staff:
APPROVAL, conditioned on:
1) Health Dept. requirements being met;
2) DPW requirements being met;
3) All requirements of §278.2 and §279 being met;
4) The §274.8 requirements being met;
5) Deed restrictions for the long-term protection of the Forest Retention/Afforestation Areas (FRAs) being recorded and noted on the plat prior to recordation, with the metes and bounds description of the FRA being shown on the Record Plats;
6) The Record Plats’ containing a statement signed by the Health Department, approving authority, to the effect that use of the community water supply and community sewerage system is in conformance with the Master Water and Sewer Plan; and
7) The Record Plats’ also containing a statement, signed by the owner, to the effect that such facilities will be available to all lots/dwelling units offered for lease.

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

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6 This issue is covered under condition # 2 of the Approval recommendation, page 5.
All approve. Motion carried.


Sean Davis and Amy DiPietro, Morris & Ritchie Associations and Andy Freeman, Charlestown Crossing, LLC, appeared and presented an overview of the application.

Mr. Wallace inquired about the new location of the proposed Community Center. Mr. Davis explained that the new location is more centralized for the entire neighborhood. It also allows for more growth of community activities as it sits on more land than the previous Community Center.

Mr. Di Giacomo, P&Z, read the comments of the department:
This project is in compliance with §3.8 regarding public notification.

With regard to the posting of plats on the County’s website, notice is hereby given the jpg file submissions can be only 11 inches, maximum, in any direction. Adherence to that requirement will enable the County to better serve the public.

Zoning: ST (previously part of the Charlestown Crossing PUD Proposal, zoned M1 and SR)\(^7\)

Density: The ST zone permits a density of 1 du/1 ac, 4/1 with community facilities,\(^8\) or 6/1 in a Planned Unit Development.\(^9\) This revised PUD proposes a permitted density of 3.499:1.

This project location is now situated within the 2010 Comprehensive Plan’s High Density Growth land use district.

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 area.

The applicant must submit a copy of the boundary line survey cited in Site data Note # 16 prior to Preliminary Plat review by the TAC.\(^10\)

This revised submittal shall follow the review and approval procedures set forth in §256.2-8. Today’s Planning Commission review is performed pursuant to §256.4.

The original PUD “Sketch Plat/Special Exception Application,” per §256, was granted a Special Exception by the Board of Appeals on 9/28/04\(^11\) – conditioned on the following issues being adequately addressed:

1) No lots are proposed in the M1 zone;
2) No lots are proposed in the nontidal floodplain;
3) The complete estimated staging of construction has been shown on the plat and narrative, as required in §6.1.1 (e);
4) The perennial stream buffers have been accurately depicted;
5) No dwellings are depicted in the perennial stream buffers;
6) The nature of the proposed uses in the “employment” area in the SR zone have been declared and they are, in fact, permitted in the BL zone;

\(^7\) As originally approved: SR, M1, BG, and RCA & LDA (Critical Area) – PUD Proposal. The SR zone permitted a base density of 1 du/1 ac, 2/1 with community facilities, or 4/1 in a Planned Unit Development.

\(^8\) §262.

\(^9\) §249.b.

\(^10\) Boundary line surveys are usually completed in conjunction with the preparation of the Preliminary Plat for density calculation purposes.

\(^11\) Because a PUD was permitted in the SR zone only by Special Exception.
7) The total number of off-street parking spaces and the space to unit ratio for the proposed townhouse condominiums has been provided on the plat, consistent with §4.0.13 (m);
8) The townhouse condominium lot boundaries are differentiated from the townhouse structure footprints, as required in §4.0.13 (m);
9) A note to the effect that the Critical Area portion of the property is exempt from the Forest Conservation Regulations, per §3.2B;
10) All contradictions between the plat and the narrative have been eliminated;
11) Reference to §29.5.a in Note #7 has been corrected;
12) The elevations of each building type have been provided, per §256.1.a;
13) The Variance needed to create the townhouse lots on the proposed private roads has been cited on the plat, or the proposed private roads are eliminated;
14) The proposed density has been cited on the plat submitted for review by the Planning Commission and Board of Appeals;
15) A draft of the terms and provisions of the public works agreement being provided in the narrative, as required by §256.1.c;
16) Any townhouse units in excess of 20% are to be considered substituted for permitted semi-detached or duplex units, with the condition that the total number of townhouse units not exceed the proposed 176 units; and
17) A Traffic Impact Study (TIS) being completed prior to Preliminary Plat and/or Preliminary Plat/Site Plan reviews by the TAC. The TIS must account for the full impact of the full potential build-outs in all zoning classifications on the parcel, regardless of whether or not they are specifically part of the PUD proposal.

In accordance with §256.5, which stipulates, in part, that “Following approval of the PUD Special Exception by the Board of Appeals the PUD or section thereof shall be processed in accordance with the provisions of the Cecil County Subdivision Regulations,” the original Preliminary Plat, proposing 592 lots at a density of 2.63/1, was approved on 4/18/05, conditioned on:

1) Health Department requirements being met;
2) DPW requirements being met;
3) The forest retention areas being depicted on the Final Plat;
4) The FCP and the Landscape Plan being approved prior to the Planning Commission’s review of the Final Plat;
5) Landscape Plan for this PUD proposal including the §187.2 zoning district-separating bufferyards details for that part of the M-1 area associated with the proposed water tank, filtration station, and wells;
6) A Site Plan being approved for the Community Center prior to the Planning Commission’s review of the Final Plat;
7) A Plans being approved by DPW for the water tower and the water filtration building prior to the Planning Commission’s review of the Final Plat;
8) No street trees being planted within 20 of sewer laterals and cleanouts;
9) Confirmation of sewer allocation being received from the Cecil County DPW prior to Final Plat review by the Planning Commission;
10) Confirmation of water allocation being received from the water provider prior to Final Plat review by the Planning Commission;
11) MDE verifying that the water provider has adequate capacity to serve these lots prior to Final Plat review by the Planning Commission;
12) MDE verifying that the GAP is adequate to serve these lots prior to Final Plat review by the Planning Commission;

12 On 224.73 SR-zoned acres
13 The Special Exception that was granted allowed 176 townhouses, in excess of the 118 allowed per §250.2 at that time.
14 The Planning Commission has authority for the approval of the Preliminary Plat for PUD proposals.
13) Plans for water facilities demonstrating the ability to provide and maintain adequate quality and pressure, and being verified by MDE and the Cecil County Department of Public Works prior to Final Plat review by the Planning Commission;
14) Fee simple access being provided to all stormwater management facilities;
15) The Landscape Plans for all BG- and M1-zoned site plan projects including the zone-separating bufferyards depicted on this PUD plat;
16) The details of the proposed E.M.S. building being reviewed by the County EMS Dept. and/or the Charlestown Fire Co. prior to Final Plat review;
17) The appropriate Charlestown Crossing Boulevard widening being shown on the Final Plat;
18) The zoning boundaries being corrected;
19) The proposed uses being made consistent with those permitted in the respective zones; and
20) Documentation confirming that the Charlestown Volunteer Fire Department deems the cul-de-sac radii and roadway width are acceptable being received prior to Final Plat review by the Planning Commission.

Per §4.1.18, 1-year Preliminary Plat extensions were granted 3/19/07, 1/23/08, & 12/15/08.15

The Phase 1 Final Plat, for 50 lots, was approved on 6/16/08, conditioned on:

1) Health Department requirements being met;
2) DPW requirements being met;
3) The full balance of the common open space being provided in future phases and sections;
4) The 10’ street tree planting easement being depicted and noted on the Record Plat;
5) Deed restrictions for the long-term protection of the street trees & any 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) A Landscape Agreement’s being executed prior to recordation;
7) A Homeowners’ Association for maintenance of common open space being established with $50 per recorded lot placed in escrow for improvements 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 water supply and community sewerage system is in conformance with the Master Water and Sewer Plan;
9) The Record Plat’s containing a statement, signed by the owner, to the effect that such facilities will be available to all lots offered for sale;
10) A Maintenance Association for the maintenance of the private mini-roads being established prior to recordation; and
11) No lots fronting on any of the private roads.

Also on 6/16/08, for INFORMATION ONLY, an amended Preliminary Plat overview was presented to the Planning Commission.

Again for INFORMATION ONLY, an alternate layout for Phase 1 townhouses was presented to the Planning Commission on 3/16/09, when Mr. Bechtel, counsel for Clark Turner Homes indicated that a Variance would be sought from the Board of Appeals. In non-binding action, Planning Commission members agreed that they favored the modified design.

On 4/29/09, a Variance (File No. 3450) was granted to allow more than 4 units per townhouse building, as was reflected in lots 74-78. Variance No. 3450 was required be cited on the Record Plat.

Other design modifications included in the revised Phase 1A Final Plat were:

- Single family lots had increased minimum width from 50’ to 52’.

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15 Unless either a Final Plat was approved and recorded or, as requested, the Preliminary Plat’s validity was again extended in the interim, said validity would expire on 12/15/09.
Townhouse lots had increased in length from 80’ to 82’.

The proposed private Henrietta Lane was made 18’ wide.

Common open space parcels were designed into the proposed Charlestown Crossing Blvd. right-of-way to facilitate “entry features” and medians.

Common open space parcels were placed adjacent to proposed Lots 66 and 87.

The TND design included street trees to be planted between the curb and sidewalk.

The revised Phase 1A Final Plat included 14 single family and 36 townhouse lots; it was approved on 6/15/09, conditioned on:

1) Health Department requirements being met;
2) DPW requirements being met;
3) The full balance of the common open space being provided in future phases and sections;
4) Any necessary revisions to the FFCP/Landscape Plan being approved prior to recordation;
5) Deed restrictions for the long-term protection of the street trees & any Forest Retention/Afforestation Areas (FRAs) being recorded and noted on the plat prior to recordation, with the description of the FRA being shown on the Record Plat;
6) A Landscape Agreement’s being executed prior to recordation;
7) A Homeowners’ Association for maintenance of common open space being established with $50 per recorded lot placed in escrow for improvements 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 water supply and community sewerage system is in conformance with the Master Water and Sewer Plan;
9) The Record Plat’s containing a statement, signed by the owner, to the effect that such facilities will be available to all lots offered for sale; and
10) The lot numbers’ being included in the respective Record Plat title blocks, per §4.2.12 (a) 2.

The Phase 1A recordation plats were signed on 12/11/09 and 3/29/10. The Special Exception that was granted allowed 176 townhouses.17

The Phase 1B (Lots 146-149 & 154-156) & 1C (Lots 141-145 & 157-160) Final Plat was approved on 11/15/10, conditioned on:

1) Health Department requirements being met;
2) DPW requirements being met;
3) The full balance of the common open space being provided in future phases and sections;
4) Any necessary revisions to the FFCP/Landscape Plan being approved prior to recordation;
5) Deed restrictions for the long-term protection of planted buffers, street trees & any Forest Retention/Afforestation Areas (FRAs) being recorded and noted on the plat prior to recordation, with the description of the FRA being shown on the Record Plat;
6) The 10’ Street Tree Planting Easement being labels on the Record Plat;
7) A Landscape Agreement’s being executed prior to recordation;
8) A Homeowners’ Association for maintenance of common open space being modified to include these lots, with $50 per recorded lot placed in escrow for improvements prior to recordation;
9) The Record Plat’s containing a statement, signed by the Health Department approving authority, to the effect that use of the community water supply and community sewerage system is in conformance with the Master Water and Sewer Plan;
10) The Record Plat’s containing a statement, signed by the owner, to the effect that such facilities will be available to all lots offered for sale;
11) The Record Plat’s signature block for DPW indicating “Director of Chief Engineer” under the signature line;

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16 This extended Preliminary approval until 3/29/12.
17 In the SR zone, no more than 20% of the PUD dwelling units can be townhouse or apartment units.
12) The Record Plat’s signature blocks for the Health should indicating “Approving Authority” under the
signature lines; and
13) References to private roads being eliminated from the Record Plat.

The Phase 1B (Lots 146-149 & 154-156) & 1C (Lots 141-145 & 157-160) Record Plat was signed on
12/21/10.\(^{18}\)

The separate Garden Apartment Concept Plat was approved on 12/20/10, conditioned on:
1) All DPW requirements being met;
2) The TIS and associated transportation issues being resolved to the satisfaction of SHA and DPW prior to
the Planning Commission’s review of the Preliminary Plat; and
3) The granting of the waiver for the parking to 1.8 spaces per dwelling unit, with the additional
contingent, future spaces being located and noted on the plat.

The separate Garden Apartment Preliminary Plat was approved on 2/22/11, conditioned on:
1) Health Department requirements being met;
2) DPW requirements being met;
3) The revised FCP and revised Landscape Plan being approved prior to the submission of the Final Plat;
4) The major site plan for the clubhouse being approved prior to Final Plat approval(s);
5) Documentation of water allocation being provided by the applicant prior to the submission of the Final
Plat;
6) Documentation of sewer allocation/capacity being provided by the applicant prior to the submission of the
Final Plat; and
7) Deed restrictions for the long-term protection of the Forest Retention/ Afforestation Areas (FRAs) must
being recorded and noted on the plat prior to recordation, with the metes and bounds description of the
FRA being shown on the Final and Record Plats.

The separate Garden Apartment Final Plat was approved on 8/15/11, conditioned on:
1) Health Department requirements being met;
2) DPW requirements being met;
3) The Landscape Agreement's being executed prior to recordation;
4) Deed restrictions for the long-term protection of the Forest Retention/ Afforestation Areas (FRAs) being
recorded and noted on the plat prior to recordation, with the metes and bounds description of the FRA
being shown on the Record Plat;
5) Unless it is to be owned by the HOA, all open space being labeled and referenced as “open space,”
rather than as common open space;
6) The Record Plat’s again containing a statement signed by the Health Department, “approving authority”,
to the effect that use of the community water supply and community sewerage system is in conformance
with the Master Water & Sewer Plan; and
7) The Record Plat’s also again containing a statement, signed by the owner, to the effect that such
facilities will be available to all apt. units offered for lease.

The Phase 1B (Lots 116-125 & 165-170) & 1C (Lots 126-140 & 161-164) Final Plat was approved on 5/21/12,
conditioned on:
1) Health Department requirements being met;
2) DPW requirements being met;
3) The full balance of the common open space being provided in future phases and sections;
4) Any necessary revisions to the FFCP/Landscape Plan being approved prior to recordation;
5) Its recordation extended the Preliminary approval until 12/21/12.
6) This should include the maintenance of the street trees in the right-of-way by adjacent homeowners or the Homeowners’ Association.
5) Deed restrictions for the long-term protection of planted buffers, street trees & any 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) A Landscape Agreement’s being executed prior to recordation;

7) A Homeowners’ Association for maintenance of common open space being modified to include these lots, with $50 per recorded lot placed in escrow for improvements 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 water supply and community sewerage system is in conformance with the Master Water and Sewer Plan;

9) The Record Plat’s containing a statement, signed by the owner, to the effect that such facilities will be available to all lots offered for sale;

10) References to private roads being eliminated from the Record Plat; and

11) The Record Plat’s containing the current zoning of the property.

The Phase 1B (Lots 38-65 & Lots 102-105) Final Plat was approved on 9/17/12, conditioned on:

1) Health Department requirements being met;

2) DPW requirements\(^{20}\) being met;

3) The full balance of the common open space being provided in future phases and sections;

4) Any necessary revisions to the FFCP/Landscape Plan being approved prior to recordation;

5) Deed restrictions for the long-term protection of planted buffers, street trees & any 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) A Landscape Agreement’s being executed prior to recordation;

7) A Homeowners’ Association for maintenance of common open space being modified to include these lots, with $50 per recorded lot placed in escrow for improvements 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 water supply and community sewerage system is in conformance with the Master Water and Sewer Plan; and

9) The Record Plat’s containing a statement, signed by the owner, to the effect that such facilities will be available to all lots offered for sale.

The Phase 1B (Lots 38-65 & Lots 102-105) Record Plat was recorded on 2/28/13 (extending the Preliminary Plat’s validity until 2/28/15).\(^{21}\)

A Re-subdivision Plat recorded on 11/8/13 extended the Preliminary Plat’s validity until 11/8/15.

The applicant is again advised that a subsequent extension was granted on 11/2/15 – extending Preliminary Plat validity until 11/30/17.

The Phase 1C (Lots 1-37) Final Plat was consistent with previous approvals,\(^{22}\) and was approved on 6/17/15, conditioned on:

1) Health Department requirements being met;

2) DPW requirements\(^{23}\) being met;

3) The full balance of the common open space being provided in future phases and sections, with any future phases or section requiring a full accounting of the balance due (combination of open space and/or common open space);

4) Any necessary revisions to the FFCP/Landscape Plan being approved prior to recordation;

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\(^{20}\) This should include the maintenance of the street trees in the right-of-way by adjacent homeowners or the Homeowners’ Association.

\(^{21}\) Per §4.1.16, the recordation of a Record Plat from any section of a Preliminary Plat “shall extend the Preliminary Plat approval for an additional two (2) year period from the date of said recordation.”

\(^{22}\) The Phase 1C Final Plat was originally submitted for review and possible approval at the May, 2015 Planning Commission meeting, but it was withdrawn.

\(^{23}\) This should include the maintenance of the street trees in the right-of-way by adjacent homeowners or the Homeowners’ Association.
5) Deed restrictions for the long-term protection of planted buffers, street trees & any 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) A Landscape Agreement’s being executed prior to recordation;
7) A Homeowners’ Association for maintenance of common open space being modified to include these lots, with $50 per recorded lot placed in escrow for improvements 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 water supply and community sewerage system is in conformance with the Master Water and Sewer Plan;
9) The Record Plat’s containing a statement, signed by the owner, to the effect that such facilities will be available to all lots offered for sale;
10) Variance No. 3450’s being cited on the Record Plat; and
11) The submission of future phases or sections including an accounting of the dwelling type ratios for consistency with overall project PUD recommendations.

The Phase 1C (Lots 1-37) Record Plat was recorded on 11/2/15.

This revised Concept Sketch/Special Exception application proposes to change the previously-approved structure type percentages.

Currently, §250.2 in the Zoning Ordinance recommends that PUDs in ST zone consist of maximums of 30%, 60%, and 40% for detached, semi-detached/duplex, and townhouse or apartment dwellings, respectively. Since those percentages total 130%, those are obviously maximums, not minimums.

In the previous Zoning Ordinance, under which this PUD was approved, in the SR zone, there was no percentage limit on detached dwellings, 30% on semi-detached/duplex, and 20% on townhouses or apartments. The 16th condition of the 2004 Special Exception approval permitted the project to exceed the townhome allowed, with no more than 176.

A total of 592 dwelling units were approved for this PUD,24 and the 16th condition of the 2004 Special Exception approval allowed for no more than 176 townhomes.25

A total of 170 of the 592 (original and again proposed) dwelling units have been approved. A remainder of 422 additional units are now being proposed.

This revised Concept, if approved by Special Exception,26 would raise the aggregate total number of townhomes from 176 to 302 – out of a total of 592 dwelling units.

§250.2 now stipulates that the “maximum percentages of dwelling structure types in PUDs are recommended to be as follows:

<table>
<thead>
<tr>
<th>Zone</th>
<th>Detached</th>
<th>Semi-Detached or Duplex</th>
<th>Townhouse or Apartments</th>
</tr>
</thead>
<tbody>
<tr>
<td>EMU</td>
<td>30%</td>
<td>50%</td>
<td>50%</td>
</tr>
<tr>
<td>RMU</td>
<td>40%</td>
<td>50%</td>
<td>40%</td>
</tr>
<tr>
<td>ST</td>
<td>30%</td>
<td>60%</td>
<td>40%</td>
</tr>
<tr>
<td>UR</td>
<td>20%</td>
<td>60%</td>
<td>50%</td>
</tr>
</tbody>
</table>

No semi-detached or duplex dwellings have been approved, and none are proposed. Therefore, those recommended percentage maximums are moot.

24 The 332 in the apartment component + the 170 towns and singles will have consumed 502 of the 592 approved.
25 If these 37 are approved, then there would be 102 of the 176. See Appendix, page 11.
26 Per §256.2.
65 detached dwelling units have been approved (10.98% of 592), and 225 (bringing the total to 290) are proposed. 290 is 48.99% of 592. 225 is 53.32% of the remainder of 422 additional units.

The 105 townhouse lots already approved is moot because of the 16th condition of the original, 9/28/04 Special Exception approval: “Any townhouse units in excess of 20% are to be considered substituted for permitted semi-detached or duplex units, with the condition that the total number of townhouse units not exceed the proposed 176 units.”

The 197 additional townhouse units now proposed represent 46.68% of the remainder of 422 additional units, and the aggregate total of 302 townhouse units would be 51.01% of 592 (176 was 29.73% of 592).

The Title Block and Site Data Note # 5 indicate that this revised PUD Sketch Plat/Special Exception application is being submitted as a Residential Cluster Development; therefore it is recommended that §6.1 of the Subdivision Regulations be cited on the plat prior to review by the Planning Commission and Board of Appeals.27

Per §6.1, the required phasing is included in Site data Note #6 and graphically on sheet 1 of 2.

The location of the proposed community center, which must be served by water & sewer systems approved by the Health Department, has been changed. In the Special Exception approved on 9/28/04, the community center was approximately where proposed common open space and proposed lots 210-251 are now shown. It is now depicted south of the stream crossing.

A major site plan approval shall continue to be required for the community center prior to Final Plat approval(s). The requirements of §291 and Appendix A of the Zoning Ordinance shall be adhered to.

Can the applicant demonstrate compliance with §251.5? For example, proposed Lots 214-219, 228-233, and 243-249 appear not to satisfy the required 150’ limit. Is a design waiver sought? Ms. DiPietro stated that a design waiver has not been sought. Mr. Di Giacomo recommended that the applicants request a design waiver.

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.28

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

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.

File records show that the JD has been completed.29

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27 §6.1, while intending to “permit greater flexibility for attractive, creative and more environmentally sustainable design,” does not absolve any PUD application from observing the recommendations contained in §250.2.
28 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.”
29 Permits are required from the (US Army) Corps of Engineers and MDE for all non-tidal wetland and stream impacts prior to recordation. In this case, given the proposed wetland impacts, it must be obtained prior to Final Forest Conservation Plan approval. JD’s are required in conjunction with permitting. If no permits are required, and if the proposed project meets the policy standards established on 3/20/95 and revised on 1/16/96, 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.
20% common open space is required, 72% is proposed, overall. The submission of future phases/sections will necessitate an accounting of the balance due for open space, and the sensitive areas thresholds must again be included on the Preliminary Plat.

An FSD and a conceptual Environmental Assessment for the portion within the Critical Area were approved on 9/17/04. The site contains FIDS habitat, but it is not home to any of rare, threatened, and endangered species. The PFCP, Preliminary Environmental Assessment, and Preliminary SWM Plan must be approved prior to the submission of the Preliminary Plat to the Planning Commission.

The FCP/Landscape Plan, Final Environmental Assessment, and Final SWM Plan must be approved prior to the submission of any Final Plat to the Planning Commission.

A Landscape Plan was previously approved on 12/14/09. Any revisions thereto must be approved prior to the submission of Final Plats.

A Landscape Agreement must be executed prior to recordation.

Deed restrictions for the long-term protection of planted buffers, street trees & 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/Record Plats.

Per §26.6 and §251.3, a minimum of 15% of the development envelope shall be landscaped.

Per §26.4.b, street trees are required.

Where feasible, the natural vegetative equivalent may be used to satisfy the bufferyard and street tree requirements. In areas with community facilities, no street trees shall be planted within 20 feet of sewer laterals and cleanouts.

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

Sidewalks have been shown. Striped bike lanes and back racks should be considered. Bufferyard Standard C is required, outside the right-of-way, along the US 40 frontage.

Fire hydrant locations must be selected in consultation with the Department of Public Works and the Charlestown Fire Company prior to the TAC’s Preliminary Plat review.

On 4/29/09, a Variance (File No. 3450) was granted to allow more than 4 units per townhouse building. Variance No. 3450 is required be cited on the Record Plat(s).

The applicant has continued to use only road names that were previously approved by the County’s 911 emergency center.

However, the previously-approved road names “East Calvert Court” and “West Calvert Court” have now been disapproved. In addition, the Department of Emergency Services (DES) e-mailed that “They need to change the road names” but has not yet responded to the question of precisely which road names. Therefore, it is recommended that the applicant contact Mr. James Alfree at DES, directly, to resolve the road name issue prior to the Board of Appeals’ review of the “Sketch Plat/Special Exception Application.”

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30 At a minimum, 15% of the required open space shall not consist of perennial or intermittent stream buffers, nontidal wetlands or buffers, steep slopes, or habitats of rare, threatened and endangered species. No more than 40% of the common open space required shall consist of those areas designated as nontidal or tidal wetlands.

31 Any revised FSD and Conceptual SWM Plan must be approved prior to the submission of the Concept Sketch/Special Exception Application to the Board of Appeals.

32 Per §75.1.a, no more than 4 townhouses are permitted in 1 building block. Per §250.1.d (2), no more than 6 townhouses are permitted in 1 building block in a PUD in the ST zone.

33 12/18/2015.

34 Sent 12/18/2015.
A revised Traffic Impact Study (TIS) may be required prior to the TAC’s Preliminary Plat review.

These lot owners of must become members of the HOA that was established for maintenance of common open space, with $50 per recorded lot being placed in escrow prior to recordation.

The Record Plat(s) shall contain a statement to be signed by the Health Department, “approving authority”, to the effect that the use of the community water supply and community sewerage system is in conformance with the Master Water and Sewer Plan.35

The Record Plat(s) shall also contain a statement, signed by the owner, to the effect that such facilities will be available to all lots offered for sale.

For subdivisions proposed on property contiguous to operating farms, notice shall be provided on the plat that an agricultural operation is being conducted on a contiguous property and said agricultural operation is protected from nuisance claims provided the conditions of Article I, § 4 are being complied with.

The applicant is reminded of the 4:30 p.m. submission deadline on the 3rd Thursday for review by the Board of Appeals the following month.

Mr. Woodhull, DPW, read the comments of the department:

1. The concept SWM plan is technically complete and only administrative issues remain. As indicated in Site Data Note #18, Phases II, III, IV, V, VI, VII, VIII & IX will be designed in accordance with the current SWM Ordinance. This requires that the concept SWM plan must be approved by all reviewing agencies prior to submission of the concept plat to the Planning Commission.

2. Remove the SWM references from both sheets of the plat. These 11 proposed pond locations are no longer valid. Under the current Ordinance the SWM design will require ESD practices spread throughout the development. This may require a change in layout and the number of lots for these phases. The Applicant is encouraged to avail themselves of the concept SWM plan kickoff meeting, scheduled for the last Monday of every month, to discuss their conceptual design approach with all the reviewing agencies.

3. Why do you have Site Data Note #32? The I&M agreement will allow for access to all SWM practices in the development. Remove the note.

4. The Department understands that the Artesian Water Company will supply the water for this development. Where located within the County R/W the water distribution system must be designed to meet or exceed the County’s standards and utility easements will be required. A blanket easement may be granted.

5. The proposed water distribution system must be reflected on the sanitary sewer and road & storm drain plans.

6. The serving fire company must review all fire hydrant spacing and locations provided on final construction drawings.

7. The Road & Storm Drain plan, Sanitary Sewer plan, and a Mass and Final Grading plan must be approved by the Department prior to submittal for final plat Approval.

8. The Road Code Variance referenced in Site Data Note #28 must be requested prior to the preliminary plat review by the TAC.

9. If any of the proposed internal streets have wetlands crossings, a geo-technical investigation of the suitability of the sub-grade soils will be required.

10. The stream crossing for Charlestown Crossing Boulevard will require an MDE permit and is to be designed to pass the 100-Year storm without roadway overtopping. Re-map the 100-year flood plain impacted by the road crossing based upon the engineer’s hydraulic design.

11. It appears that this crossing may involve a single span in excess of 100’. This may be beyond the capabilities of a bottomless pre-cast arch and, therefore, a bridge may be required. The crossing design

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35 The Master Water & Sewer Plan identifies this site as W2 and S2.
must be coordinated with the Engineering & Construction Division of the Department of Public Works. Slope and drainage easements if required must be provided to the County.

12. Is the Developer proposing to construct the stream crossing as part of Phase II? It is very important that the connectivity between US 40 & MD 7 be established at or before the time work begins on any phase south of the stream crossing. Mr. Freeman stated that they are unsure when the stream crossing will be built. Ms. DiPietro stated that a more definitive answer be prepared for the Preliminary Plat review.

13. The R/W for Charlestown Crossing Blvd from Binns Road to the approach of the stream crossing must be 60’ wide per Standard Detail R-9 referenced in Site Data Note #26. The R/W at the proposed stream crossing must be a minimum 80’ wide.

14. In accordance with the 75’ minimum intersection separation distance for driveways set forth in Section 3.08 b. of the Road Code, Lots 181, 208, 443 & 446 are denied direct access to Charlestown Crossing Blvd and must access the minor road frontage of each lot.

15. Per Section 2.07 of the Road Code closed section road must be used throughout the development.

16. All driveways must be paved at least to the right of way and those accessing Charlestown Crossing Boulevard must be designed with on-lot turnaround capability. The Developer is responsible to complete all driveway paving within the right-of-way at the time of surface course installation for the internal streets. This requirement includes vacant but platted lot driveways. All driveways exceeding 5% up-gradient-slope must be paved to the crest. If the development is phased this requirement will apply to each individual phase as it is completed. The Lot Grading Plan and Street Construction Drawings must include notes to this effect.

17. The preliminary plat must show the proposed sewer routing for the subdivision.

18. The proposed sewer system must make maximum use of gravity. If a sanitary sewer pump station is required it must be located on a parcel dedicated in fee simple to the County.

19. Has any consideration been given to stubbing a sanitary sewer line out to MD Rt 7?

20. Any proposed sewer lines run outside of County R/W must be located within a utility easement. The easement width must be 20’ minimum however depending on the depth of the sewer line the easement may need to be wider.

21. Every effort must be taken to keep sewer lateral cleanouts outside of driveways and sidewalks. Revise the Front-Loaded Garages Typical Townhouse Layout to reflect this. For the townhouses located on private alleys the sewer house connection shall be off of the proposed County road frontage.

22. Any open space proposed for active recreation that abuts a proposed County road should be provided with some form of decorative barrier to separate them from travel ways. The Department requires that these ‘barriers’ be shown on the street construction drawings and included in the PWA’s for each section/phase of development.

23. An I&M Agreement is required for all SWM practices.

24. Any proposed active recreation will require a list of equipment submitted to the Department of Parks and Recreation as well as a PWA to cover the same.

25. Public Works Agreements will be required for all public infrastructure shown.

26. The Final Plat must include the Lot Grading Plan standard note and a note indicating that sidewalk maintenance will be required of the adjacent property owner (if sidewalks are required). The Lot Grading Plan must include the standard construction limits note. These notes will be identified in the record but will not be read at this time.

**Final Plat:** “A lot grading plan has been approved by the CCDPW for the construction shown hereon. A site construction as built shall be submitted to the CCDPW prior to use and/or occupancy of any of the sites shown hereon. Any change to the Forest Retention, Forestation, and/or Reforestation will require a consistency review, of the SWM approval, with CCDPW.”

**Final Plat:** “Sidewalk maintenance will be required of the adjacent property owner, as required by the Cecil County Road Code.”

**Grading Plan:** “No clearing or grading is permitted beyond the limits of disturbance shown hereon. Any expanded clearing and/or grading in the absence of an approved revised lot grading plan..."
may be considered non-compliance with Chapter 251 of the Cecil County Code and either or both the developer and/or Builder may be subject to the enforcement of the penalty provisions therein.”

Mr. Johnston read the comments of the Health Department:
Proposed development must comply with applicable Maryland Department of the Environment Subdivision Regulations which includes water and sewer allocations.

Water allocations are obtained from Artesian Water and sewer allocations obtained from the Cecil County Department of Public Works prior to Final Plat approval.

Plans for sewer lines must be approved by the Cecil County Department of Public Works prior to Record Plat approval.

Plans for water lines must be approved before Record Plat approval.

A permit to construct a pumping station must be issued by Maryland Department of the Environment prior to Record Plat approval.

If the community center plans to prepare or serve food, food service facility plans must be submitted to the Cecil County Health Department for review.

Vice Chair Wiggins asked if anyone would like to speak in favor or in opposition of this project. No one spoke.

Discussion ensued regarding the number of townhomes proposed in relation to the previous submittal of this project.

Mr. Di Giacomo read the recommendation of the staff:
RECOMMENDATION: A recommendation to the Board of Appeals for APPROVAL, conditioned on:
  1) Health Department’s requirements being met;
  2) DPW’s requirements being met;
  3) The applicant’s submitting a copy of the boundary line survey cited in Site data Note # 16 prior to Preliminary Plat review by the TAC;
  4) That §6.1 of the Subdivision Regulations be cited on the plat prior to review by the Board of Appeals;
  5) That a note be added to the plat to the effect that the Critical Area portion of the property is exempt from the Forest Conservation Regulations, per §3.2B;
  6) The elevations of each building type have been provided in the narrative prepared for the Board of Appeals, per §256.1.a;
  7) A draft of the terms and provisions of the public works agreement being provided in the narrative, as required by §256.1.c;
  8) Fire hydrant locations being selected in consultation with the Department of Public Works and the Charlestown Fire Company prior to the TAC’s Preliminary Plat review;
  9) The requested design modification cited in Site Data Notes 27 & 29 being granted and the design modification related to §251 also being granted; and
  10) The resolution of the road name issue being completed prior to the Board of Appeals’ review of the “Sketch Plat/Special Exception Application.”

A motion for the recommendation of approval with conditions was made by Mr. Miners. The motion was seconded by Mr. Johnston.
All recommend approval. Motion carried.

3. Hawk’s Feather, Lots 1-7, Preliminary Plat, Bailiff Road, Carpenter Engineering, Fifth Election District.

Ronnie Carpenter, Carpenter Engineering and Tracy Justice, Developer, appeared and presented an overview of the project.

Mr. Di Giacomo, P&Z, read the comments of the department:
This proposal was found to be in compliance with §3.8 regarding public notification.

With regard to the posting of plats on the County’s website, notice is hereby given the jpg file submissions can be only 11 inches, maximum, in any direction. Adherence to that requirement will enable the County to better serve the public.

Zoning: LDR
Density: The LDR zone permits a maximum density of 1 du/1 ac., without community facilities. This Preliminary Plat proposes 7 lots on 10.248 acres, for a density of 1/1.464.

This project’s location falls within the 2010 Comprehensive Plan’s Low Density Growth Area land use district.

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 II area.

Procedurally, §4.0.1 of the Subdivision Regulations allows for the elimination of a Concept Plat for projects with fewer than 10 lots (7) or 25 acres (10.248 ac.).

A boundary line survey has been completed.

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.

There are some limited, steep slope areas on proposed Lots 1, 3, 4, 5, and 7.

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36 Reviewed by the TAC on 12/2/2015. Previously, a Hawk’s Feather Concept Plat was reviewed by the TAC on 5/2/12 and 6/6/12, and a Preliminary Plat underwent TAC review on 11/7/12. No Concept or Preliminary Plat was ever reviewed or approved by the Planning Commission; therefore, previous submissions have no standing.

37 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.

38 Tier III areas are those 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 includes 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. If a minor subdivision is approved on the property after 31 December 2012, then no further subdivision can occur.

39 Tier IV areas are those not planned for sewerage service and are planned or zoned for land, agricultural, or resource protection, preservation or conservation as well as areas dominated by agricultural lands, forest lands, natural areas or rural legacy, priority preservation areas, or areas subject to covenants, restriction, conditions, or conservation easements for the benefit of or held by a State agency. The County may only approve minor subdivisions served by individual on-site sewage disposal systems. Major subdivisions may be approved if the State determines that the zoning density in the Tier IV area results in an overall yield of no more than 1 unit per 20 acres, as verified by the State. If a minor subdivision is approved on the property after 31 December 2012, then no further subdivision can occur.

40 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 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. JD’s are required in conjunction with permitting. If no permits are required, and if the proposed project meets the policy standards established on 3/20/95 and revised on 1/16/96, 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.

The habitats of rare, threatened, and endangered species must be avoided.

No Common Open Space is required for fewer than 10 lots.

15% landscaping of the development envelope is required, per General Note #20.

Sidewalks are not recommended in this case. A concrete pad, possibly on proposed Lot 1, may need to be considered for a school bus stop.

Bufferyard Standard C is required, outside the right-of-way, along the road frontages of Bailiff Road. A 10’ Bufferyard Standard C has been depicted.

A Bufferyard Standard A will be required adjacent to any adjoining property on which an agricultural operation is occurring.

Rows of street trees with 10’ planting easements are required, outside the right-of-way, along both sides of all internal roads. Street tree graphics, but not the 10’ street tree planting easements, have not been depicted. Where feasible, the natural vegetative equivalent may be used to satisfy the bufferyard and street tree requirements.

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

The Forest Stand Delineation (FSD) (previously approved on 3/29/12), the Preliminary Forest Conservation Plan (PFCP), and the SWM Preliminary Plan have all been approved.

§4.1.22 (p) requires that a drainage schematic be shown, including any SWM facility locations. Is the applicant absolutely certain that there will be no SWM facilities?

The final Forest Conservation Plan (FCP)/Landscape Plan and SWM Final Plan must (shall) be approved prior to the Planning Commission’s review of the Final Plat (§6.3.B(1)(a), Cecil County Forest Conservation Regulations; §251.12, 2009 Cecil County SWM Ordinance).

A Landscape Agreement must be executed prior to recordation.

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

41 Per §4.1.22 (n), [they must on any plat submitted for review by the Planning Commission.](#)
The internal mini-road name has been approved by the County 911 Emergency Center.

Access to any possible common open space between or beside lots must be marked with concrete monuments.\footnote{Any \textbf{Homeowners' Association} for maintenance of any possible common open space must be established with $50 per recorded lot placed in escrow for improvements prior to recordation.}

A Mini-road Maintenance Association for maintenance of the mini road must be established prior to recordation, with the owners of all lots accessing the mini-road becoming members.

The contiguous operating farms notice has been provided as General Note # 21.

Mr. Woodhull, DPW, read the comments of the department:

1. The preliminary SWM plan is technically complete and only administrative issue remain.
2. In reviewing the preliminary SWM plan we’re concerned about the slope of the grass swale in the area of the proposed stone check dams and the resultant velocity. We may require a meeting to address this.
3. A Road & Storm Drain plan and a Mass and Final Grading plan must be approved by the DPW prior to submitting the final plat to the Planning Commission for review.
4. Section 2.13 of the Cecil County Road Code apply to the proposed private mini road specifically the Applicant is reminded that a statement clearly outlining the responsibilities of homeowners in the maintenance of the road and storm drain system must be approved by the Planning Commission and placed on the final plat. Deed restrictions to be applied to each lot in the proposed subdivision, which must be submitted to and approved by the County Attorney, are to provide for the perpetual maintenance of the road and storm drain system in the subdivision by the homeowners. The deed restrictions are to be recorded at the same time the final plat is recorded.
5. In accordance with Section 3.07 14) of the Cecil County Road Code intersection sight distance measurements must be submitted and approved prior to this Department recommending approval of the preliminary plat by the Planning Commission. Mark the centerline of the proposed intersection in the field.
6. The Cecil County Road Code Sections 3.07.06 & 3.07.07 require a minimum 50’ long deceleration and acceleration lanes where Tables 3.07.01 & 3.07.03 warrant no specific lane lengths. This applies to private mini roads. This requirement may be waived by the Department however consulting engineers are encouraged to consider alternative entrance widening geometrics.
7. Any applicable Road Code Variances must be requested prior to submitting the Preliminary Plat to the Planning Commission for approval.
8. The mini road pavement at the intersection has been widened as we requested to 18’ to allow for vehicles to enter and leave the development simultaneously.
9. Section 3.07 15) also applies to this project and must be addressed. The extent of the road improvements, if required, must be reflected on the preliminary plat and the Applicant must agree to construct the same.
10. The proposed private mini road must be paved to County Road Code standard for a minor road (see Standard Detail R-23) within the County’s R/W.
11. The fee simple Baliff Road frontage dedication Deed must be recorded prior to recordation of the final plat to allow for inclusion of its Liber / Folio on the plat.
12. 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:
   \begin{enumerate}
   \item \textbf{The Lot Grading Plan Construction Limits Note.}
   \item \textbf{Requirements for Public Works Agreements.}
   \item \textbf{Requirements for Stormwater Inspection and Maintenance Agreements.}
   \end{enumerate}
a. Grading Plan: "No clearing or grading is permitted beyond the limits of disturbance shown 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 251 of the Cecil County Code and either or both the developer and/or Builder may be subject to the enforcement of the penalty provisions therein."

2. A Public Works Agreement is required for the private mini road & associated storm drainage construction.
3. An Inspection & Maintenance Agreement is required for the private SWM facilities.

Mr. Johnston read the comments of the Health Department:
All dry wells must be 100’ separation from wells.

Vice Chair Wiggins asked if anyone would like to speak in favor or in opposition of this project. No one spoke.

Mr. Di Giacomo read the recommendation of the staff:
APPROVAL, conditioned on:
1) Health Dept. requirements being met;
2) DPW requirements being met;
3) The Site Data block’s correctly citing the 35’ maximum height prior to the Final Plat’s submission for review by the Planning Commission; and
4) The Site Data block’s correctly citing the front-side-rear setbacks (BRL’s) as 30’- 10’- 40 prior to the Final Plat’s submission for review by the Planning Commission.

A motion for approval with conditions was made by Mr. Johnston.
The motion was seconded by Mr. Mullen.

All approve. Motion carried.

REZONING:
FILE: 2016-01-  APPLICANT: Laurel P. & Kevin Jones.
REQUEST: Request to rezone 1.95 acres from Rural Residential, (RR) to Business General, (BG)
PROPERTY LOCATION: 94 Childs Road, Elkton, MD 21921, Election District: 3, Tax Map: 20, Parcel: 857.
PROPERTY OWNER: Laurel P. Jones.
PRESENTLY ZONED: Rural Residential, (RR).

WITHDRAWN, by the applicant.

GENERAL DISCUSSION:
None.

The meeting adjourned at 7:16 p.m.

NEXT PLANNING COMMISSION MEETING: Wednesday, February 17, 2016 at 6:00 p.m. located in the Perryville Room.

Respectfully submitted:

___________________________________
Jennifer Bakeoven
Administrative Assistant
CECIL COUNTY PLANNING COMMISSION  
MEETING MINUTES  
Wednesday, February 17, 2016  
6:00 p.m.

PRESENT: Pat Doordan, (Chairman), Ken Wiggins (Vice Chair), Wyatt Wallace, Chad Johnston, Roger Persons, Bill Miners, Joyce Bowlsbey (Ex-Officio), Cliff Houston (P&Z) and Jennifer Bakeoven (P&Z).

ABSENT: Tom Mullen (Alternate), Randy Jackson, Esq., Lloyd Harmon (DEH), Mark Woodhull (DPW), Tony Di Giacomo (P&Z) and Eric Sennstrom (P&Z),

MINUTES- Motion made by Mr. Wallace, seconded by Mr. Johnston and unanimously carried to approve the Wednesday, January 20, 2016, 6:00 p.m., minutes as mailed.

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

SPECIAL EXCEPTIONS:  
FILE: 3749 -  APPLICANT: Jeffrey J. Breza, Sr.  
FOR: Special Exception to operate a woodworking business.  
PROPERTY LOCATION: 256 Chestnut Springs Road, Chesapeake City, MD 21915, Election District: 2, Tax Map: 43, Parcel: 33.  
PROPERTY OWNER: Jeffrey J. Breza, Sr.  
PRESENTLY ZONED: Rural Residential, (RR).

Helene and Jeffrey Breza appeared and presented an overview of the application. Mrs. Breza explained that her woodworking business would consist mainly of the making of furniture. She gave a brief overview of the construction of the building that they plan to operate out of. She expects to be open Mondays – Saturdays from approximately 6:00 a.m. – 6:00 p.m., though operating hours will vary through the winter months; all operations will be conducted indoors. Mrs. Breza explained that the only traffic she expects to generate from this business is a few truck no bigger than a pick-up truck which will be dropping off lumber or picking up their order. She doesn’t expect the suppliers to haven anything bigger than a trash truck. Deliveries will be approximately once per week. There are expected to be about 4 employees in addition to Mr. & Mrs. Breza.

Mrs. Breza gave a brief overview of why they would like this Special Exception.

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

COMMENTS IN OPPOSITION: Persons speaking in opposition of this application, citing concerns with increased traffic, noise, unsafe road conditions as well as existing salvage on the said property were as follows: Carol Jones, 130 Chestnut Springs Road, Christine Crouse, 115 Chestnut Springs Road, Betty Luzitsky, 235 Chestnut Springs Road, Robert Chapman, 286 Chestnut Springs Road and Randy Boone, 144 Chestnut Springs Road, all of Chesapeake City, MD.
In addition, Ms. Crouse presented a petition with 26 signatures of residents in opposition of this application; photos of Chestnut Springs Road and the Breza property were also received. Mr. Houston stated that a letter of opposition was also received from Alexandria Myer of Warwick, MD who expressed the same concerns as the others who spoke in opposition. Ms. Myer was representing her mother who lives across the street from the applicants.

COMMENTS IN SUPPORT: None.

RECOMMENDATIONS:
Staff recommended approval, for two (2) years.

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

Mr. Wallace stated that he feels this operation may cause a disturbance to the residents that are on Chestnut Springs Lane. He feels that due to the large number of people in opposition, this application shouldn’t be approved. Mr. Johnston stated that he understands Mr. Wallace’s concern but the applicants would essentially be operating this business on 16+ acres of ground, therefore, the disturbance should be minimal.

VOTE: Member whom voted in favor of the recommendation of approval was Mr. Johnston. Members who voted in opposition of the recommendation of approval included Mr. Wallace, Mr. Miners, Mr. Persons and Mr. Wiggins.

Motion for the recommendation of approval denied.

ACTION: Motion made to recommend disapproval was made by Mr. Wiggins. Motion seconded by Mr. Wallace.

VOTE: Members who voted in favor of the recommendation of disapproved included Mr. Wallace, Mr. Miners, Mr. Persons and Mr. Wiggins. Member whom voted in opposition of the recommendation of disapproval was Mr. Johnston.

Motion for the recommendation of disapproval carried.

The next meeting for this application will be February 23, 2016 before the Board of Appeals.

GENERAL DISCUSSION:
None.

The meeting adjourned at 6:45 p.m.

NEXT PLANNING COMMISSION MEETING: Monday, March 21, 2016 at 6:00 p.m. located in the Elk Room.

Respectfully submitted:

______________________________
Jennifer Bakeoven
Administrative Assistant
Office of Planning and Zoning
PRESENT: Pat Doordan, (Chairman), Ken Wiggins (Vice Chair), Wyatt Wallace, Chad Johnston, Roger Persons, Bill Miners, Joyce Bowlsbey (Ex-Officio), Randy Jackson, Esq., Lloyd Harmon (DEH), Aaron Harding (DPW), Cliff Houston (P&Z), Tony Di Giacomo (P&Z), Eric Sennstrom (P&Z), and Jennifer Bakeoven (P&Z).

ABSENT: Tom Mullen (Alternate).

MINUTES- Mr. Wallace asked that on page 2 of the February minutes, the sentence in paragraph 5 which states “He feels that due to the large number of people in opposition, this application shouldn’t be approved.” Should read “He feels that due to the large number of people living in the surrounding residential neighborhoods in opposition, this application shouldn’t be approved.”

Motion made by Mr. Miners, seconded by Mr. Wiggins and unanimously carried to approve the Wednesday, February 17, 2016, 6:00 p.m., minutes with Mr. Wallace’s correction.

SUBDIVISIONS:
FY 2017-2021 – Capital Improvement Program – Craig Whiteford.
Eric Sennstrom, Director – Planning & Zoning, Scott Flanigan, Director – Public Works and Craig Whiteford, Budget Manager, appeared and gave an overview of the CIP. Mr. Whiteford provided the Commission with a summary of the new projects being introduced in this CIP (See attached). He stated that there are seven (7) new projects being introduced for inclusion for their first year of funding. Five (5) of those projects being for the Cecil County Public Schools (4 boiler replacements with shared State funding) while the other two (2) projects are for Public Works and Facilities Maintenance. He explained that this is a very spartan CIP as it compares to previous years.

Mr. Whiteford requested that the Commission find that the CIP as presented is consistent with the Comprehensive Plan.

A motion for approval, stating the consistency of the plan with the County’s Comprehensive Plan was made by Mr. Wiggins.
The motion was seconded by Mr. Johnston.

All approve. Motion carried.

ANNUAL REPORT - 2015
Eric Sennstrom, Director – Planning & Zoning appeared and gave an overview of the 2015 Annual Report. The Land Use Article of the Annotated Code of Maryland requires the Planning Commission to adopt an Annual Report and file it with the local legislative body by July 1st of each year. Mr. Sennstrom summarized the content of the report which includes various data concerning Major / Minor Subdivisions, Site Plans, Historic District applications, Rezonings, Agricultural Preservation, Special Exceptions, Variances, Appeals, Building Permits and Zoning Violations.
The 2015 Annual Report also contains the roster for the several commissions and boards that are associated with Planning & Zoning such as Planning Commission, Board of Appeals, Ag. Preservation Advisory Board, Historic District Commission, Ag. Reconciliation Committee and the staff of Planning & Zoning.

The next section contains the Appendixes which includes, maps highlighting each Election District 1-9, and the development activity that occurred within those districts, greater specificity provided as far as Major / Minor subdivision activity, Land Preservation, building permit, Site Plan for Commercial/ Industrial/ Institutional, Zoning enforcement and complaint, Special Exception / Variance / Appeals activities that has occurred within the county. Various maps are also included in the document.

Planning & Zoning, Department of Public Works and the Health Department offered no comments.

A motion for the adoption of the 2015 Annual Report was made by Mr. Johnston.
The motion was seconded by Mr. Miners.

All approve. Motion carried.

SUBDIVISIONS:
1. Chestnut Point Estates, Manufactured Home Park, Section 1, Sites 1-53, Final Plat, Carpenters Point Road, Carpenter Engineering, Fifth Election District.

Ronnie Carpenter, Carpenter Engineering and Jim Copes, Developer, appeared and presented an overview of the project.

Mr. Di Giacomo, P&Z, read the comments of the department:

Upon inspection, this proposal was found to be in compliance with §3.8 of the Subdivision Regulations regarding public notification signs.

With regard to the posting of plats on the County’s website, notice is hereby given the jpg file submissions can be only 11 inches, maximum, in any direction. Adherence to that requirement will enable the County to better serve the public.

Zoning: Overall: LDR, MH, MB & LDA
Section 1: LDR (nothing proposed), MH, & LDA

The Chestnut Point Estates MHP Concept Plat, proposing 86 MHP sites on approximately 24½ MH-zoned acres, was approved on 2/19/14, conditioned on:

1) All Health Department requirements being met;
2) All DPW requirements being met, including the completion of a road condition survey prior to the TAC’s review of any Preliminary Plat;
3) The fire hydrant locations’ being selected in consultation with DPW and the Charlestown Fire Company prior to the TAC’s review of any Preliminary Plat;
4) The TIS requirement being waived in favor of a road condition survey’s being completed prior to the TAC’s review of any Preliminary Plat;

1 This project site is situated within the 2010 Comprehensive Plan’s Low Density Growth land use district, as well as the LDR, MH, MB & LDA - zoning districts, and, as established by the County’s adoption of the Sustainable Growth and Agricultural Preservation Act’s (SB 236) tier map, this site is located within a Tier II area.
2 Any proposed creation of new lots, or re-subdivision or lot reconfiguration, in the Critical Area mandates strict observance of §194.d (1), (2), (3), & (4).
3 The original Concept proposal, including the word ‘marina’ in the title, was reviewed by the TAC on 12/4/13. However, the word ‘marina’ was omitted from the subsequent submittal for Planning Commission approval. 86 manufactured home ‘sites’ were approved as a Manufactured Home Park in the MH & LDA zones, with no development approved in the LDR & MB portions of the site.
4 Assuming 24½ acres, the approved MH density is 3.43:1.
5) The title block’s including the words “Manufactured Home Park” prior to the TAC’s review of any Preliminary Plat;
6) The Vicinity Map’s including the block, or grid, number prior to the TAC’s review of any Preliminary Plat;
7) The Preliminary SWM Plan’s being approved prior to the submission of any Preliminary Plat for review by the Planning Commission;
8) The Preliminary Forest Conservation Plan’s being approved prior to the submission of any Preliminary Plat for review by the Planning Commission;
9) The Preliminary Environmental Assessment’s being approved prior to the submission of any Preliminary Plat for review by the Planning Commission;
10) The Boundary Line Survey’s being completed prior to the TAC’s review of any Preliminary Plat;
11) The residential densities’ being corrected prior to the TAC’s review of any Preliminary Plat;
12) The word ‘lot’ being changed to ‘site’ in the Property and Zoning Summary block on Sheet 1 of 3;
13) The Legend’s graphics’ being modified to eliminate any errors and/or confusion prior to the TAC’s review of any Preliminary Plat; and
14) The concerns of the Critical Area Commission being satisfactorily addressed.

Manufactured Home Parks must adhere to the provisions of §’s 29 & 78 of the Zoning Ordinance and §6.6 of the Subdivision Regulations. Per §6.6, the review & approval process for manufactured home parks is the same as that for subdivisions, requiring the review and approval of Concept, Preliminary & Final Plats.

The Section 1 Preliminary Plat, for 54 sites, was approved on 3/16/15, conditioned on:
1) All Health Department requirements being met;
2) All DPW requirements being met;
3) All of the Critical Area Commission’s concerns being satisfactorily addressed;
4) The Section 1 Final SWM Plan’s being approved prior to the submission of any Section 1 Final Plat for review by the Planning Commission;
5) The Section 1 Final Forest Conservation Plan’s being approved prior to the submission of any Section 1 Final Plat for review by the Planning Commission;
6) The Section 1 Final Environmental Assessment’s being approved prior to the submission of any Section 1 Final Plat for review by the Planning Commission;
7) The MH Boundary Line Survey’s being completed and submitted prior to the submission of any Section 1 Final Plat for review by the Planning Commission;
8) All open space sensitive areas thresholds being calculated prior to the submission of any Section 1 Final Plat for review by the Planning Commission;
9) The contiguous to operating farms notice being deleted unless it is determined that there is a contiguous operating farm, that note is unnecessary;
10) The Final and Record Plats’ containing a statement, to be signed by the Health Department, approving authority; to the effect that use of the community water supply and community sewerage system is in conformance with the Comprehensive Water and Sewer Plan;
11) The Final and Record Plats’ containing a statement, to be signed by the owner, to the effect that such facilities will be available to all sites offered for lease or sale;
12) The Section 1 Landscape Plan being approved prior to submission of any Section 1 Final Plat for review by the planning Commission; and
13) All demolition debris should be removed from the property prior to the submission of any Final Plat for review by the Planning Commission.

Condition 7 of the Section 1 Preliminary approval has not been met.

As to the 7th condition, a boundary line survey always must be done in conjunction with the preparation of the Preliminary Plat for density calculation purposes, consistent with §4.1.8.2 and §4.1.20 (a). In this case, since all
the development is proposed in the MH-zoned portion of the property, we must determine the MH acreage in order to confirm the MH density.

In fact, the boundary line submitted was for the entirety of the property line, not for the MH-zoned component (which is what was needed), and, per §4.1.8.2 and §4.1.20 (a), it was required at the Preliminary Plat stage.

However, since (1) the project was being submitted in sections, and (2) Section 1 obviously not exceed the entirety of the MH portion’s permitted density, the Planning Commission approved the Section 1 Preliminary Plat, even though the requirements of §4.1.8.2 and §4.1.20 (a) had not been, but with the condition (#7) that it be met prior to the submission of the Section 1 Final Plat. It has not.6

Therefore, staff will recommend, as a condition of approval, that any subsequent section’s Preliminary Plat be preceded by a boundary survey of the MH section prior to TAC review.

This Section 1 Final Plat has been submitted per the §6.6.3 requirement, consistent with §4.2.

This Section 1 Final Plat is generally 1) west of the centrally-located stream, essentially consisting of the westerly cluster of sites7 and 2) consistent with the approved Concept Plat and the Section 1 Preliminary Plat except that it consists of only 53 MHP sites, rather than 54 (that were approved on the Section 1 Preliminary Plat).8

Section 1’s total acreage is cited as 17.416 acres.

The “Property Information” notes cite the Section 1 MH acreage and density to be 13.040. Based upon these 53 MHP sites on 13.04 acres, the proposed density would be 4.064:1, well within the 6:1 density limit. However, as yet, there is still no boundary line survey that certifies either the Section 1 or the entirety of the MH acreage.9,10

§4.2.13 requires that “each sheet shall be signed and sealed and include a signature approval block.”

The Preliminary Plat cited a Critical Area Section 1 MH acreage and density of 5.087 and 2.556:1, respectively.11

All 53 of the proposed sites meet or exceed §78.3’s 4,000 ft² minimum area requirement.

In addition to §78 of the Zoning Ordinance, the applicant is reminded that MHP’s must satisfy all the requirements of §6.6 of the Subdivision Regulations, as well.

§4.1.20 (a), in part, stipulates that “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.” Sheet 3 of 4 serves that function.

Block, or grid, information has now been included in the Vicinity Map, as required by §4.1.20 (b).

Consistent with General Note # 9, per §244-2 of the County Code, a manufactured home park license will need to be obtained.12

6The signed and sealed boundary line survey, completed by McCrone, Inc. and dated 4/16/14, certifies the entirety of the site to be 36.378 acres.

7 For the record, it is noted that a Chestnut Point Estates MHP Preliminary Plat was previously reviewed at the May, 2014 TAC meeting, and the ‘Phase 1’ Preliminary Plat was reviewed at the July, 2014 TAC meeting.

8 Per §4.0.9, Concept Plat approval establishes the proposal’s density and layout. Because the Chestnut Point Estates MHP Concept Plat that was approved for 86 dwelling units, the Preliminary Plat reviewed at the May 2014 TAC meeting proposed 87 MHP sites. As then commented, the 87-site proposal could not proceed to the Planning Commission because it was inconsistent with the approved Concept Plat.

9 §4.1.20 (r) requires that “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.”

10 The fourth bullet-point under “MH Zoning District – Zoning Requirement” Notes indicates that that a density of 3:1 is being proposed. That is incorrect and must be modified on the Record Plat.

11 That acreage has not been certified by a surveyor.

12 That can occur after the possible approval of the Final Plat(s).
The 4th ‘condition’ of Concept approval was the TIS requirement’s being waived in favor of a road condition survey’s being completed prior to the TAC’s review of any Preliminary Plat. A road condition survey was received by DPW prior to TAC review.

It is again noted that any future marina details must be an important component of any required, future TIS analysis. Therefore, at such time as a site plan for a marina may be submitted, any TIS will need to take into account the marina and the MHP sites.

Density: The LDR zone’s permitted density of 2 d.u./1 acre is moot in this case, as no dwellings are proposed on the LDR-zoned portion of Section 1.

There is no MB-zoned acreage within Section 1.

The MH zone permits a density of 6/1 in a manufactured home park. All 53 Section 1 dwelling units are proposed in the MH zone. Per the Density table on Sheet 3 of 4, the Section 1 MH-zoned acreage is 13.040, and the proposed density is 4.064/1 (which is within the permitted 6/1).

Development in the LDA-zoned portion of the property shall, at a minimum, strictly adhere to the provisions set forth in §200.

The LDA overlay zone permits a maximum density of 3.99/1. Per “Property Information” Notes 9 & 10, the Section 1 LDA overlay-zoned acreage is 9.46 acres (was 5.087), and, therefore, the proposed density is 0.788:1 (was 2.556/1). What accounts for the LDA acreage discrepancy between the Preliminary and Final Plats? Mr. Carpenter stated that the larger figure takes into account all the LDA acreage on the entire site.

Did the reduction in the number of sites (13→12) result in a new Lot Coverage calculation? (Where has it been included?) Mr. Carpenter said the Lot Coverage calculation can be found on sheet 3 of the submittal.

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.

The absence of slopes greater than 25% was previously established. §4.1.20 (v) 2 requires the delineation of any slopes 15% or greater in the Critical Area.

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

The Critical Area maps show that a portion of this site is classified Buffer Modified. That must be reflected on any Section 2 Preliminary Plat.

A 25’ buffer is required around all non-tidal wetlands present.

Permits are required from the (US Army) Corps of Engineers and MDE for any non-tidal wetland and stream impacts prior to recordation. JD’s are required in conjunction with permitting. If no permits are required, and if
the proposed project meets the policy standards established on 3/20/95 and revised on 1/16/96, 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. None appears required for this proposal.  

1.934 acres (15%) open space is required (§78.4); 47% is proposed in Section 1.20  

At a minimum, 15% of the required open space shall not consist of perennial or intermittent stream buffers, nontidal wetlands or buffers, steep slopes, or habitats of rare, threatened and endangered species. 

Is any of the open space proposed to include active recreational amenities? (If so, then where are the details provided?) Mr. Carpenter stated that they are not proposing any active open space for Section 1. 

No more than 20% of the forest or developed woodland may be removed in the Critical Area. When less than 15% of the site is in forest cover, at least 15% of the gross site area shall be afforested. No structure shall exceed 35’ in height. 15% landscaping is required by §29.3.c; §6.6 sets forth the soil & ground cover requirements. 

Bufferyard Standard C is required, outside the right-of-way, along the road frontages of Carpenter’s Point and Chestnut Point Roads. A 15’ Bufferyard is depicted, but not labeled on sheet 3 of 4. 

Rows of street trees with 10’ planting easements are required, outside the right-of-way, along both sides of all internal roads, as shown. 

The FSD and Conceptual SWM Plan were approved (for the area outside the Critical Area for the FSD) prior to the review and Concept approval by the Planning Commission. Likewise, the Conceptual Environmental Assessment (EA) was approved for the area inside the LDA zone prior to review and approval of the Concept Plat by the Planning Commission. 

The Preliminary Forest Conservation Plan (PFCP), Preliminary Environmental Assessment, and Preliminary SWM Plan have been approved. 

The Final Forest Conservation Plan (FCP), Landscape Plan, Final Environmental Assessment, and Final SWM Plan have been approved (§6.3.B(1)(a), Forest Conservation Regulations). 

A Landscape Agreement must be executed prior to recordation. 

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. 

As Chestnut Point Road is a private road, also serving the marina site and Parcel 349, and General Note # 6 addresses this issue. Are there any recorded agreements pertaining to this access issue? Mr. Carpenter stated that there is not a recorded agreement that he is aware of currently. 

Per §6.6.7(d)(1), all MHP roads are private, not County, roads, per General Note # 17. 

The Master Water & Sewer Plan includes this area as W1 and S2, per General Note # 11. 

20 No MB-zoned acreage (including the marina) or LDR-zoned acreage can be used to satisfy any open space requirement in the MH zone. 
21 In addition, conformity with §176.2.a shall be required. 
22 Per §29.3.c, §26.3.a, & §176.2.e & d. 
23 Which is exempt from the Forest Conservation Regulations per §3.2.B. 
24 The road name ‘Black Oak Drive’ was disapproved by the County 911 Emergency Center. In its stead, the name ‘Sawtooth Oak Drive’ was approved a/o 4/24/14. The approved road name, ‘Sawtooth Oak Drive,’ must be reflected on the plat prior to the Planning Commission’s review of any Preliminary Plat.
Verification of water allocation and sewer capacity has been received.

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

The Record Plats shall also contain a statement, signed by the owner, to the effect that such facilities will be available to all sites offered for lease.

Fire hydrant locations have been selected in consultation with DPW and the Charlestown Fire Company.

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Mr. Harding, DPW, read the comments of the department:
1. The final plans have received technical approval, and all outstanding items are administrative in nature. Therefore, the Department of Public works recommends plat approval.

Mr. Wiggins read the comments of the Health Department:
Sewer allocation must be obtained from the appropriate utility provider prior to final plat approval. The allocation letter must contain the following information:

1. The amount of flow allocated. If allocation is 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 given date.
3. Identify if any 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.

The water supply program requires public wells to be 50’ from sewer main. Artesian identified 2 wells, to be retained. The well closest to Carpenters Point Road is too close to the existing sewer force main. The second well is too close to proposed sewerlines and under a proposed road. Neither well can be used as a public supply wells. See comments that will need to be addressed to complete Water Appropriation and use Permit Application No. CE1968G010/04 in letter dated February 13, 2015.

Chairman Doordan asked if anyone would like to speak in favor or in opposition of this project. Kathy Thaeder, Artesian Water Co., appeared with documentation of the Groundwater Appropriation Permit as well as a letter from Artesian Water Co., agreeing to provide water to the project.

Discussion ensued regarding the density of the project as well as the required Boundary Line Survey.

Mr. Di Giacomo read the recommendation of the staff:
APPROVAL, conditioned on:
1) OPZ’s not accepting any subsequent Section’s Preliminary Plat for TAC review unless it has first been preceded by an MH-portion boundary survey;
2) All Health Department requirements being met (including adequate separations for the wells and sewer lines);
3) All DPW requirements being met;
4) All of the Critical Area Commission’s concerns being satisfactorily addressed;
5) The Record Plats’ containing a statement, to be signed by the Health Department, approving authority; to the effect that use of the community water supply and community sewerage system is in conformance with the Comprehensive Water and Sewer Plan;
6) The Record Plats’ containing a statement, to be signed by the owner, to the effect that such facilities will be available to all sites offered for lease or sale;
7) A Landscape Agreement’s being executed prior to recordation;
8) Deed restrictions for the long-term protection of the buffeyards, street trees & 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;
9) All future Sections adhering to the 86-site limit that was established at Concept Plat approval by the Planning Commission;
10) All future Section’s Preliminary and Final Plat’s LDA acreage figures being consistent with Section 1’s;
11) The fourth bullet-point under “MH Zoning District – Zoning Requirement” Notes on the Record Plat indicating the actual density that is being proposed; and
12) All §4.2.13 requirements being met.

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

All approve, motion carried.

REZONING:
REQUEST: Request to rezone 9.9195 acres from Rural Residential, (RR) to Business General, (BG)
PROPERTY LOCATION: E/S of Jacob Tome Hwy., Colora, MD 21917, Election District: 6
Tax Map: 10, Parcel: 25.
PRESENTLY ZONED: Rural Residential, (RR).

Stephen Beiler appeared and presented an overview of his request for this rezoning. He explained that he will only be requesting that 6.86 acres be rezoned to the BG zoning. He stated that he would like to operate a dog kennel on the property. He believes that due to the location as it relates to the heavily travel MD Route 274 and the need for more commercially zoned parcels in this area, a mistake was made during the 2011 Comprehensive Rezoning.

HEALTH DEPARTMENT:
The Cecil County Health Department has no objection to this request of rezoning. Contact the Health Department regarding the small dog kennel.

COMMENTS IN OPPOSITION: Charles Fasterling, 88 Wyatt Lane, Colora, MD, explained that he lives in close proximity to Mr. Beiler’s parcel. He stated that Mr. Beiler explained to him where he would like to place
the kennel, should his rezoning be approved. Mr. Fasterling stated that he does not have a problem with Mr. Beiler’s request as long as his operation will not affect the property value of his home.

COMMENTS IN SUPPORT: None.

Mr. Wallace asked why the applicant was not seeking a Special Exception to operate a dog kennel. Mr. Houston stated that dog kennels are only permitted in the NAR and SAR zoning districts when a Special Exception is granted. Mr. Beiler’s property is located in a RR zoning district, therefore he would have to rezone his property to commercial to operate a kennel.

Mrs. Bowlsbey advised the applicant to obtain a copy of the ordinance on dog kennels as it is very restrictive.

RECOMMENDATIONS:
Staff recommended disapproval, due to no demonstrated mistake in the 2011 Comprehensive Rezoning.

ACTION: Motion made to recommend disapproval, due to no demonstrated mistake in the 2011 Comprehensive Rezoning was made by Mr. Wallace.
Motion seconded by Mr. Person.

VOTE: Members voted unanimously in favor of the motion.

Motion for the recommendation of disapproval due to no demonstrated mistake in the 2011 Comprehensive Rezoning carried.

The next meeting for this application will be April 5, 2016 before the County Council.

SPECIAL EXCEPTIONS:
FILE: 3751 - APPLICANT: Jerry & Patricia Crutchfield.
    FOR: Special Exception to place a mobile home on the property for hardship purposes.
    PROPERTY LOCATION: 153 Murray Road, Elkton, MD 21921, Election District: 3,
    Tax Map: 19, Parcel: 369.
    PROPERTY OWNER: Jerry & Patricia Crutchfield.
    PRESENTLY ZONED: Northern Agricultural Residential, (NAR).

Jerry & Patricia Crutchfield appeared and presented an overview of their request. They explained that Mrs. Crutchfield’s mother is elderly, living alone and is in need of constant care. They request that they receive this Special Exception to move Mrs. Crutchfield’s mother on the property for her care.

HEALTH DEPARTMENT:
Perc tests are required to establish 10,000 square foot of sewage area for proposed mobile home and test for existing system for future repairs.

COMMENTS IN OPPOSITION: William Watkins, 5834A Stevens Road, White Marsh, MD 21162, spoke in opposition of this request. Mr. Watkins owns adjacent property to the Crutchfield’s land. He feels that the Crutchfield’s will be trespassing on his property through their egress and ingress to the location of the proposed mobile home. He also stated that he was told that the County will only allow a double wide mobile home with a permanent foundation.
COMMENTS IN SUPPORT: Linda L. French, 106 Murray Road, Elkton, MD 21921, spoke in support of the Crutchfield’s request for this Special Exception.

RECOMMENDATIONS:
Staff recommended approval for as long as the applicant’s own the property and Mrs. Crutchfield’s mother resides in the mobile home.

ACTION: Motion made to recommend approval, with staff’s conditions was made by Mr. Miners. Motion seconded by Mr. Persons.

VOTE: Members voted unanimously in favor of the motion.

Motion for the recommendation of approval for as long as the applicant’s own the property and Mrs. Crutchfield’s mother resides in the mobile home, carried.

The next meeting for this application will be March 29, 2016 before the Board of Appeals.

FOR: Special Exception Renewal for a home occupation to rent and sell equipment.
PROPERTY LOCATION: 430 Locust Point Road, Elkton, MD 21921, Election District: 2, Tax Map: 38, Parcel: 344.
PROPERTY OWNER: Glenn M. Sensenig.
PRESENTLY ZONED: Northern Agricultural Residential, (NAR).

Glenn Sensenig and John Sensenig appeared and presented an overview of the request. Mr. Glen Sensenig stated that they have been renting more equipment than what they sell. They planted the trees as requested at the last granting of a Special Exception for this operation.

HEALTH DEPARTMENT:
The Cecil County Health Department has no objection to this request of special exception.

COMMENTS IN OPPOSITION: None.

COMMENTS IN SUPPORT: None.

RECOMMENDATIONS:
Staff recommended approval for as long as the applicant owns the property and operates the business.

ACTION: Motion made to recommend approval, with staff recommendations was made by Mr. Wiggins. Motion seconded by Mr. Wallace.

VOTE: Members voted unanimously in favor of the motion.

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

The next meeting for this application will be March 29, 2016 before the Board of Appeals.
FILE: 3753 - APPLICANT: Frank Kaniecki.
    FOR: Special Exception to operate an in-home business.
    PROPERTY LOCATION: 321 Washington School House Road, Rising Sun, MD 21911,
    Election District: 5, Tax Map: 18, Parcel: 280.
    PROPERTY OWNER: Donald J. & Marlan L. White.
    PRESENTLY ZONED: Rural Residential, (RR).

Frank Kaniecki appeared and presented an overview of the request. Mr. Kaniecki explained that he currently
houses his equipment for his business on land in Southern Pennsylvania. He is looking to purchase 321
Washington School House Road in Rising Sun and house his equipment on the property.

Mr. Wallace asked if the equipment would be stored in a pole barn or building. Mr. Kaniecki stated that it will
not be stored in an enclosed structure.

HEALTH DEPARTMENT:
The Cecil County Health Department has no objection to this request of special exception.

COMMENTS IN OPPOSITION: Andrew Wooddell, 66 Willard Drive, North East, MD, stated that he was not
for or against the application. He asked if the Special Exception would be valid for all future owners of 321
Washington Schoolhouse Lane in Rising Sun. Mr. Houston stated that if the Special Exception is granted, it
would only be valid for Mr. Kaniecki; no future owners will be allowed to operate without their own Special
Exception.

COMMENTS IN SUPPORT: None.

RECOMMENDATIONS:
Staff recommended approval, for two (2) years.

ACTION: Motion made to recommend approval, with staff’s recommendation was made by Mr. Wallace.
Motion seconded by Mr. Wiggins.

VOTE: Members voted unanimously in favor of the motion.

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

The next meeting for this application will be March 29, 2016 before the Board of Appeals.

FILE: 3754 - APPLICANT: Lawrence Carver.
    FOR: Special Exception Renewal to operate a paint ball business.
    PROPERTY LOCATION: 2981 Old Telegraph Road, Chesapeake City, MD 21915,
    PROPERTY OWNER: Lawrence R., Jr. & Nancy M. Carver.
    PRESENTLY ZONED: Southern Agricultural Residential, (SAR).

William Riddle, Esq., Lawrence Carver and Nancy Carver appeared and presented an overview of the request.
Mr. Riddle explained that this request will be his client’s fourth (4) request for this Special Exception. Through
a series of questions, Mr. Carver established that the paintball facility is located at 2941 Old Telegraph Road,
Chesapeake City, MD, the paintball facility consists of approximately 60-75 acres. Mr. Carver gave a history of
paintball play and the activity he has seen at his establishment. He explained the safety measure they take to
ensure all players, staff and surrounding areas are not in danger from the paintball play.
Mr. Carver stated that his property has approximately 25 acres of off-street parking with the entrance to the park being off of Old Telegraph Road. He stated that his previous events haven’t created any traffic problems other than a one-time traffic jam due to the parking area being muddy causing the brief back-up. Mr. Riddle asked Mr. Carver if he has received any complaints in the previous years’ regarding the business. Mr. Carver explained that he has never received a complaint, personally, from anyone.

Ms. Carver stated that due to the limited approval of the previous Special Exceptions, it has proven difficult for the Carver’s to get financial loans from banks. They ask that they are granted a more permanent approval.

HEALTH DEPARTMENT:
The Cecil County Health Department has no objection to this request of special exception.

COMMENTS IN OPPOSITION: None.

COMMENTS IN SUPPORT: Greg Novosel, 106 Marley Road, Middletown, DE, Chris Abernathy, 2949 Old Telegraph Road, Chesapeake City, MD and Jeff Moore, 1811 Reindeer Place, Bear, DE spoke in favor of this application. They all feel that the Carver’s provide a fun and safe atmosphere for the patrons of the facility. Mr. Novosel explained that there are several war veterans that use this facility as an outlet. Mr. Abernathy explained that he lives in close proximity to this operation and it has never caused a disturbance to him. Mr. Moore testified that many of the local business benefit from the park. He feels this park is very important to many different organizations.

Discussion ensued regarding food and lavatory services on the property and the hours of operation.

RECOMMENDATIONS:
Staff recommended approval for as long as the applicant owns the property and operates the business.

ACTION: Motion made to recommend approval with staff’s conditions by Mr. Miners. Motion seconded by Mr. Johnston.

VOTE: Members voted unanimously in favor of the motion.

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

The next meeting for this application will be March 29, 2016 before the Board of Appeals.

GENERAL DISCUSSION:
None.

The meeting adjourned at 7:40 p.m.

NEXT PLANNING COMMISSION MEETING: Monday, April 18, 2016 at 6:00 p.m. located in the Elk Room.

Respectfully submitted:

___________________________________
Jennifer Bakeoven
Administrative Assistant
Office of Planning and Zoning
Following are project descriptions of the projects that we have requested Planning Commission support for inclusion for their first year of funding in the FY 2017 Proposed Capital Improvement Program.

Cecil County Public Schools

Bohemia Manor Middle/High School Boiler Replacement
The existing heating plant serving this facility consists of two (2) equally sized oil fired fire tube boilers rated at 50 BHP (1,670,000 BTUH) each. The boilers were manufactured by Cleaver Brooks and are twenty-two (22) years old. Scope includes replacing existing with two (2) new 80 BHP Cleaver Brooks fire tube boilers with enhanced efficiency as well as upgrading approximately 100 terminal controls (variable air volume (vav) boxes, unit heaters).

Kenmore Elementary School Boiler Replacement
Kenmore Elementary School is heated by a central hot water heating plant. Heat is generated by two (2) oil fired scotch marine fire tube style boilers. The boilers were manufactured in 1984 by Cleaver Brooks, Model CB 50 Boiler Horse Power (1,670,000 BTUH). Fuel oil is stored in an underground 10,000 gallon tank. The existing boilers are thirty-one (31) years old and are standard efficiency (80 - 82%) non-condensing style boilers with a 5:1 turndown ratio. Each boiler was sized for approximately two-thirds (2/3) of the entire building load. They also utilize a more expensive, less clean fuel source in #2 fuel oil. It is recommended that the two (2) existing oil fired boilers be replaced with four (4) equally sized 1,500,000 BTUH nominal capacity vertical fire tube gas fired high efficiency condensing boilers. Additionally a boiler sequencing controller is recommended and for it to be interfaced with the existing Johnson Controls Energy Management System. The existing underground fuel oil tank, fuel oil pumps and piping is recommended to be removed in its entirety. Also, the existing domestic water heater and master mixing valve will need to be replaced with a high efficiency gas fired condensing style.

Cherry Hill Middle School Boiler Replacement
Cherry Hill Middle School is heated by a central hot water heating plant. Heat is generated by two (2) oil fired scotch marine fire tube style boilers with propane pilots. The boilers were manufactured in 1967 by Cleaver Brooks, Model CB 100 Boiler Horse Power (3,340,000 BTUH). Fuel oil is stored in an underground 10,000 gallon tank. The existing boilers are forty-eight (48) years old and are standard efficiency (80 - 82%) non-condensing style boilers with a 5:1 turndown ratio. They also utilize a more expensive, less clean fuel source in #2 fuel oil. Natural gas is available to the building. It is recommended that the two (2) existing oil fired boilers be replaced with six (6) equally sized 1,500,000 BTUH nominal capacity vertical fire tube gas fired high efficiency condensing boilers. Each boiler shall be provided with an automatic isolation valve so they can be sequenced in lead lag fashion and rotated daily. Additionally a boiler sequencing controller is recommended and for it to be interfaced with the existing Johnson Controls Energy Management System. The existing undergrounds fuel oil tank, fuel oil pumps and piping is recommended to be removed in its entirety. Also, the existing domestic water heater and master mixing valve will need to be replaced with a high efficiency gas fired condensing style.

Thomson Estates Elementary School Boiler Replacement
Thomson Estates Elementary School is heated by a central hot water heating plant. Heat is generated by two (2) oil fired scotch marine fire tube style boilers with propane pilots. The boilers were manufactured in 1975 by Cleaver Brooks, Model CB 100 Boiler Horse Power (3,340,000 BTUH). Fuel oil is stored in an underground 10,000 gallon tank. The existing boilers are forty (40) years old and are standard efficiency (80 - 82%) non-condensing style boilers with a 5:1 turndown ratio. Each boiler was sized for the entire building load so one boiler functions as a standby. They also utilize a more expensive, less clean fuel source in #2 fuel oil. Natural
gas is available to the building. It is recommended that the two (2) existing oil fired boilers be replaced with four (4) equally sized 1,500,000 BTUH nominal capacity vertical fire tube gas fired high efficiency condensing boilers. The boilers also allow the building to be converted to variable primary flow thus enhancing operational efficiency during partial load conditions. The existing heating water pumps are recommended to be replaced in kind utilizing high efficiency inverter duty type motors which complies with IECC and controlled by a variable speed drive. Additionally a boiler sequencing controller is recommended and for it to be interfaced with the existing Johnson Controls Energy Management System.

New Chesapeake City Elementary School – Land Acquisition
Built in 1939, Chesapeake City Elementary once served as the area’s high school. In time, the higher grades were moved into a new location, and in 1972 the school received a single story addition of 12,000 sf. This addition was designed in the "open classroom" format and is currently a difficult teaching environment. Chesapeake City is also one of the last schools in the county that is not completely air conditioned and it does not meet current ADA conditions, as it does not have an elevator or accessible rest rooms. The building occupies 2 locally-owned relocatable classrooms and currently has limited resources for media, data networks, music and art. The building’s steam boiler is vintage 1939 and presents inconsistent heating control reflecting in safety concerns and IAQ issues. Studies are being conducted to determine other possible building locations in the area where water & sewer are available. It is intended to build a new replacement school on a less restrictive site.

DPW – Roads and Bridges

Replace Bohemia Church Road Culverts
This project consists of replacement of three (3) existing culverts that have deteriorated with new culverts along with minor drainage, site work, and roadway improvements. Culverts XCE1073, XCE1074, XCE1075.

Facilities Management

Health Department Parking Lot & Curbing
Mill away existing "semi-porous" asphalt parking lot, make necessary repairs & new installation to storm water drainage "system, install new concrete curbing, re-asphalt all parking lot surfaces and stripe new parking lot.
CECIL COUNTY PLANNING COMMISSION
MEETING MINUTES
Monday, April 18, 2016
6:00 p.m.

PRESENT: Pat Doordan, (Chairman), Ken Wiggins (Vice Chair), Chad Johnston, Roger Persons, Bill Miners, Joyce Bowlsbey (Ex-Officio), Randy Jackson, Esq., Brian Anderson, Esq., Lloyd Harmon (DEH), Aaron Harding (DPW), Steve O’Connor (P&Z), Tony Di Giacomo (P&Z) and Jennifer Bakeoven (P&Z).

ABSENT: Wyatt Wallace, Tom Mullen (Alternate) and Eric Sennstrom.

MINUTES - Motion made by Mr. Johnston, seconded by Mr. Miners and unanimously carried to approve the Monday, March 21, 2016, 6:00 p.m., minutes.

SUBDIVISIONS:
1. Turkey Point Properties, 27 Units, Preliminary Plat, MD Rte. 272 - Turkey Point Road, Carpenter Engineering, LLC, Fifth Election District.

Ronnie Carpenter, Carpenter Engineering, appeared and presented an overview of the project.

Mr. Di Giacomo, P&Z, read the comments of the department:
This proposal was found to be in compliance with §3.8 of the Subdivision Regulations regarding public notification.

With regard to the posting of plats on the County’s website, notice is hereby given the jpg file submissions can be only 11 inches, maximum, in any direction. Adherence to that requirement will enable the County to better serve the public.

Zoning: LDR & LDA

Density: The LDR zone permits a maximum density of 1 du/ 1 ac., or 2/1 with community facilities.

The Concept Plat, proposing 27 lotominiums (29 were proposed for August 2014 TAC review) on 19.910 acres,¹ for a proposed overall density of 1/0.737², was approved on 2/18/15, conditioned on:
1) Health Department requirements being met;
2) DPW requirements being met;
3) The specific names of the water and sewer providers being provided on the Preliminary and Final Plats;
4) The Preliminary Forest Conservation Plan (PFCP), the SWM Preliminary Plan, and the Preliminary Environmental Assessment being approved prior to Planning Commission’s review of the Preliminary Plat; and
5) The lotominium ‘lot’ lines being shown on the Preliminary and all subsequent plats.

This proposal was reviewed by the Technical Advisory Committee (TAC) on 5/6/15.

Pursuant to the 5th condition of Concept approval, this has now been submitted as a condominium, rather than as a lotominium, project.

¹ However, as pointed out at the Concept Plat’s TAC review, tax records indicate the aggregate acreage to be 21.476 acres. 15.300 acres for Parcel 274 and 6.176 acres for Parcel 1074. 15.300 + 6.176 = 21.476.
² Previously was 1/0.687.
§2.0 of the Subdivision Regulations defines “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 of 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.”

By precedent, the approval process for condominiums is different from that for lotominiums, with an approval process that was established in March 1991.

This process was predicated upon an approved Concept Plat, and then continued with a Preliminary Plat/Site Plan, which was to be reviewed and approved. The Preliminary Plat/Site Plan must be very specific, with actual construction drawings. From that approved site plan, building permits are then issued. Next, the units are built, and then, the plats come back to the Planning Commission as a Final Plat for approval, “as built.”

Since these units are now proposed as condominiums rather than as lotominiums, the condominium review and approval process that was established in 1991 applies. Therefore, since the approval of the Preliminary Plat/Site Plan would allow the obtaining of building permits, the standards for Preliminary and Final Plats shall apply.

Moreover, this proposal shall no longer follow the usual process of subdivision review and approval of Concept, Preliminary, and Final Plats, as set forth in §4.0, §4.1, and §4.2, respectively.

Per §6.5 of the Subdivision Regulations, the obtaining of a Variance shall be required prior to the issuance of any building permits.

This proposal’s location is situated within the 2010 Comprehensive Plan’s Low Density Growth land use district.4

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 II area.5,6

Per Site and Data Note #10, 14.94 of the 19.910 acres are in the Critical Area LDA overlay zone, which permits a maximum density of 3.99/1, or the density of the underlying zone, which is 2/1 with community facilities in the LDR zone.

Nine (9) dwelling units are (fully or partially) proposed within the LDA overlay zone’s 19.910 acres, for a Critical Area density of 1/1.610.

The proposed creation of new lots, or re-subdivision or lot reconfiguration, in the Critical Area mandates strict observance of §194.d (1), (2), (3), and (4).

3 Unlike a condominium, a lotominium’s owner owns the interior and exterior of his dwelling unit (and, therefore, is individually responsible for maintenance of his roof, for example), but his dwelling unit is situated on commonly-owned and maintained land, rather than on an individually-owned and maintained lot.
4 Defined in the Comprehensive Plan as “Residential densities are two or less dwelling units per acre.”
5 All of the proposed condominiums must be served by public sewer service.
6 Tier II areas are defined as those to be served by public sewerage systems in locally designated growth area 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 separate boundary line survey has been submitted to OPZ for the file.

Five (5) dwellings (#’s 23-27) are proposed within the 100-yr. floodplain, which has been depicted. The provisions of ARTICLE XI, PART III, shall apply.

The Critical Area Buffer has been depicted.

Per §196.3.b, there are to be no disturbances in the Buffer.

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.

Per Note # 21, there are no steep slopes.

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’.7

A 25’ buffer is required around all non-tidal wetlands and intermittent streams present. Permits are required from the (US Army) Corps of Engineers and MDE for all non-tidal wetland and stream impacts prior to recordation. JD’s are required in conjunction with permitting. If no permits are required, and if the proposed project meets the policy standards established on 3/20/95 and revised on 1/16/96, or if the FSD/Conceptual Environmental Assessment finds that there are 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 (in this case, Preliminary Plat/Site Plan) review by the Planning Commission, but required to be completed prior to recordation.

The habitats of rare, threatened, and endangered species must be avoided.

15% open space (2.987 acres) is required; per Note # 10, 8.814 acres is proposed. Exclusive of the conservation easement, 8.5 ac. of common open space is proposed.

At a minimum, 15% of the required open space shall not consist of perennial or intermittent stream buffers, nontidal wetlands or buffers, steep slopes, or habitats of rare, threatened and endangered species. No more than 40% of the common open space required shall consist of those areas designated as nontidal or tidal wetlands.

The open space sensitive areas threshold data has now been included.

The Landscape Plan, Forest Conservation Plan, and Environmental Assessment have been approved.

Per §200.12, development on steep slopes, greater than 15%, is prohibited. Per Note # 21, there are no steep slopes in areas of disturbance.

A 110’ tidal wetland and tidal waters Buffer shall be established in natural vegetation. This buffer shall be expanded to include contiguous sensitive areas featuring hydric soils, highly erodible soils on slopes greater than 15%, or areas of impact including streams, wetlands, or other aquatic environments.

No development is permitted in the tidal wetlands and tidal waters buffer, including septic systems, impervious surfaces, parking areas, roads, or structures.

7 Consistent with §174.1.b (1) (a) & (b), since this property is technically located in the Growth Corridor, as defined by the Cecil County Comprehensive Plan, the Planning Commission may waive the buffer requirement if evidence is provided that this design would provide the same level of water quality or better.
No more than 15% of the surface area can be converted to lot coverage/impervious surface in the LDA. The lot coverage coefficients are included in Note # 10.

No more than 20% of the forest or developed woodland may be removed.

The area inside the Critical Area is exempt, per §3.2.B.

In the critical area, no structure shall exceed 35’ in height. The separate height requirement for structures in the tidal floodplain creates a potential inherent conflict with the 35’ Critical Area height limitation.

A Landscape Agreement must be executed prior to recordation.

Note # 26 notwithstanding, 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 Preliminary Plat/Site Plan, Final, and Record Plat.

The ADC maps show the existing driveway as “Saginaw Circle,” and DES has confirmed that the name “Saginaw Circle” was previously approved.

The owners of these proposed condominiums must become members of the Condominium Maintenance Association for maintenance of common open space, cul-de-sac islands, roads, conservation easement area, and other common elements.

The Preliminary Plat/Site Plan, Final and Record Plat shall contain a statement to be signed by the Health Department, approving authority, to the effect that the project is in conformance with the Master Water and Sewer Plan. A revised plat containing that statement must be submitted prior to the issuance of building permits.

The Preliminary Plat/Site Plan, Final and Record Plat shall contain a statement to be signed by the owner to the effect that such facilities will be available to the buyers of all condominiums offered for sale. A revised plat containing that statement must be submitted prior to the issuance of building permits.

A Landscape Agreement must be executed prior to recordation.

The condominium documents covering these specific units must be accepted by the Secretary of State prior to recordation.

All proposed condominium units must access MD Route 272 via the interior road only.

§’s 169 and 198 of the Zoning Ordinance must be adhered to when and if the permit for the future proposed dock is submitted.8

Fire hydrant locations have now been submitted.

Documentation of water allocation and sewer capacity/allocation have submitted. The applicant is cautioned as to the 2-year agreement time limit contained in Article X.A of the Agreement with the Town of North East.

Construction drawings have been submitted.

OPZ has been unable to obtain comments from SHA. Have all SHA requirements been addressed? Mr. Carpenter said yes, a pre-application meeting was held. SHA requires that the entrance align with Schoolhouse Lane.

Mr. Harding, DPW, read the comments of the department:

8 Pursuant to §198.9.a(2)(a) & (b), the number of slips permitted will be the same, whether proposed now or subsequently.
Even though condominiums are able to obtain building permits after preliminary plat approval a grading permit cannot be issued until the final stormwater management plan is approved. The final SWM plan must be approved by all reviewing agencies prior to the issuance of a mass grading permit.

The Developer should be aware that a building permit for this project cannot be issued without an approved grading permit.

Our other comments are as follows:
1. While the water supply for this development will be provided by the Town of North East, the water lines must be reflected on the sanitary sewer plans and as-built.
2. It is understood that the proposed roads within this subdivision will be private as will the sanitary sewer lines & pump station.
3. Private pump stations are acceptable if it serves only one parcel; though, a Class 2 Waste Water Collection System Operator license must be attained.
4. The pump station must comply with all County specifications prior to serving more than one parcel.
5. If at any time the proposed pump station is used for more than one parcel, then, it must be deeded fee-simple to the County and the sections that become ‘shared’ must be protected by easement.
6. A PWA is required for the private force main connection to the existing County sanitary sewer system. The design of this connection must be submitted to the Department for review and must be approved prior final plat approval.
7. A Mass and Final Grading plan must be approved by the CCDPW prior to submittal for Final Plat Approval.
8. No SWM facilities may be located within the 100-Year Flood Plain.
9. Identify all SWM conveyance easements on the preliminary & final plats.
10. A Benefit Assessment as well as Connection Fees will apply for these lots.
11. Road and utility plans must be approved prior to building permit application.
12. All pervious paver details must comply with Maryland Department of the Environment’s Stormwater Design Manual (Chapter 5).
13. The following standard notes and requirements apply to this plat and project: The details of these notes and requirements will be identified in the record but will not be read at this time:
   8.1 The Final Plat Lot Grading, and Lot Grading Plan Construction Limits Notes.
   8.2 Requirements for Stormwater Inspection and Maintenance Agreements.
   8.3 Requirements for Final Plat - Public Sewer Allocation.

Notes and requirements identified for record:

1. The Final Plat must include the Lot Grading Plan standard note and a note indicating that sidewalk maintenance will be required of the adjacent property owner (if sidewalks are required). The Lot Grading Plan must include the standard construction limits note.
   a. Final Plat: “A lot grading plan has been approved by the CCDPW for the construction shown hereon. A site construction as built shall be submitted to the CCDPW prior to use and/or occupancy of any of the sites shown hereon. Any change to the Forest Retention, Forestation, and/or Reforestation will require a consistency review of the SWM approval, with CCDPW.”
   b. Grading Plan: “No clearing or grading is permitted beyond the limits of disturbance shown hereon. Any expanded clearing and/or grading in the absence of an approved revised lot grading plan may be considered non-compliance with Chapter 351 of the Cecil County Code and either or both the developer and/or Builder may be subject to the enforcement of the penalty provisions therein.”

2. An Inspection & Maintenance Agreement is required for the private SWM facilities.
3. Developer must request and obtain a public sewer allocation from the Department of Public Works before submitting a final plat to the Cecil County Planning Commission for approval.
Mr. Wiggins, read the comments of the Health Department:
Written documentation of water and sewer allocations have been submitted by their respective providers.
Final and record plats are required to have the following statements:

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

Chairman Doordan asked if anyone would like to speak in favor or in opposition of this project. Carl Walbeck, 47 Mallard Lane, Nancy Leizear, 28 Cherokee Drive, both of North East, MD spoke in opposition of this project. Mr. Walbeck feels a screening of cedar trees is needed to possibly shield traffic from the development. He also feels the entrance needs to be moved to a safer location so as not to need a traffic light. He feels that the proposed architecture of the buildings are unlike the surroundings. Ms. Leizear explained that she lives in the Harbours Subdivision that is across the street from this project. She worries that the new residents of this project would gain the Harbours water access unlawfully.

Discussion ensued regarding the difference between lotominiums and condominiums.

Mr. Di Giacomo read the recommendation of the staff:
APPROVAL, conditioned on:
1) Health Department requirements being met;
2) DPW requirements being met;
3) Obtaining a Variance for the private, condominium-owned roads prior to the issuance of any building permits;
4) A revised plat containing a statement, to be signed by the Health Department, approving authority, to the effect that the project is in conformance with the Master Water and Sewer Plan, being submitted prior to the issuance of any building permits;
5) A revised plat containing a statement, to be signed by the developer/owner, to the effect that the water and sewer facilities will be offered to all condominium units offered for sale, being submitted prior to the issuance of any building permits;
6) A revised plat, containing the title “Preliminary Plat/Site Plan” in the title block, being submitted prior to the issuance of any building permits;
7) The condominium documents covering these specific units being accepted by the Secretary of State prior to recordation;
8) 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 Final and Record Plats.
9) A Landscape Agreement’s being executed prior to recordation; and
10) The owners of these proposed condominiums becoming members of the Condominium Maintenance Association for maintenance of open space, cul-de-sac islands, roads, conservation easement area, and other common elements.

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

All approve, motion carried
2. Town of Chesapeake City, Wastewater Treatment Facilities, Growth Allocation, (RCA to IDA), KCI Technologies, Second Election District.

Brian Morgan, KCI Technologies, appeared and presented an overview of the project. Mr. Morgan explained that Chesapeake City currently has 2 wastewater treatment plants; 1 is going through an expansion. The goal is to expand the existing plant, removing some components and features within that plant then expanding the capabilities to allow for enhanced biological nutrient removal.

Mr. O’Connor, P&Z, read the comments of the department:
The total number of acres that may be utilized for Growth Allocation (GA) inside the towns of the County will be limited to a total of twenty-eight (28) percent of the total GA acreage available. Growth Allocation awarded to the Towns shall follow the following procedure:
1. A request for GA from the Towns shall be made to the Office of Planning & Zoning.
2. The Office of Planning & Zoning shall place the request on the meeting agendas for the Planning Commission and County Council.
3. The Planning Commission shall review the request and forward a recommendation to the County Council.
4. The County Council shall decide whether to grant the request.

Mr. Wiggins, read the comments of the Health Department:
The Cecil County Health Department has no objection to this plan for growth allocation provided by the construction of the new sewer plant and consolidation of the north and south plants.

Chairman Doordan asked if anyone would like to speak in favor or in opposition of this project. Lana Harrison, 26 Boat Yard Road, Chesapeake City, MD spoke in opposition to the project. Ms. Harrison is the neighbor directly east of this parcel. She fears that the noise and smell of the proposed sewer plant will cause a nuisance to her. She also is worried that the construction of this plant may affect her property value. Ms. Harrison explained that she has noticed a lot of water run-off coming from this property. She is unsure as to what is causing it.

Mr. Persons explained that it was recommended approximately 25 years ago that there be only one plant on the south side of the canal but the Corp of Engineers prevented it because of the need to go under the canal. At the present time, it’s possible with directional drilling. He feels that this is a positive move.

Mr. Wiggins asked for clarification on the location of the site. Mr. Morgan presented the Commission with a visual of the parcel.

Discussion ensued regarding the remaining 40.109 acres that is available for Growth Allocation.

Mr. O’Connor read the recommendation of the staff: Approval

A motion for approval was made by Mr. Miners.
The motion was seconded by Mr. Persons.

All approve, motion carried

The next meeting for this application will be May 3, 2016 before the County Council.
REZONING:
FILE: 2016-03- APPLICANT: Delmarva Power and Light, Co.
REQUEST: Request to rezone 4 acres with no current zoning classification to Light Industrial, (M1).
PROPERTY LOCATION: 315 W. Cecil Ave., North East, MD 21901, Election District: 5
Tax Map: 31, Parcel: 915.
PROPERTY OWNER: Mary Jane Barrett, LE and Virginia Patchell.
PRESENTLY ZONED: No current zoning classification.

Ryan Showalter, Esq. and David Seay, Delmarva Power & Light Co. appeared and presented an overview of the application. Mr. Showalter explained that this property which is the subject of this application is 4 acres of a 14 acre parcel. The 14 acre parcel consists of two separate tax accounts. The Town of North East annexed this property and it appears from the records that it was believed that the entire parcel was located within the Town of North East. Through Delmarva’s research, it was discovered that North East annexed the eastern most 10 acres of the property, leaving the remaining 4 acres in un-incorporated jurisdiction. From 1962-1969, the property was zoned R2, after that until 1993 the property was zoned M2. In 1993, the zoning of the property was changed to M1, which is the most recent County zoning. The rezoning in 2009 to the present omitted the property because it was believed to have been annexed by the town. It presently does not have any County zoning designation. The applicant is requesting M1 zoning designation.

Mr. Showalter added that there is an additional parcel, a railroad right-of-way that is also not currently zoned.

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

COMMENTS IN OPPOSITION: None.
COMMENTS IN SUPPORT: None.

Mr. O’Connor read into the record the Findings of Facts for this project as well as the comments received from the Critical Areas Commission. See file.

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

Mr. Wiggins asked Mr. O’Connor if the additional parcel (railroad right-of –way) mentioned early, should be included in the recommendation. Mr. O’Connor explained that only parcel listed on the application will be addressed at tonight’s meeting. Discussion ensued regarding the zoning requirements for railroad ROW’s and substations. Mr. O’Connor explained that railroad ROW’s are used as boundaries and substations are exempt from zoning requirements because of being a public utility.

ACTION: Motion made to recommend approval, due to a demonstrated mistake in the 2011 Comprehensive Rezoning was made by Mr. Wiggins.
Motion seconded by Mr. Johnston.

VOTE: Members voted unanimously in favor of the motion.

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

The next meeting for this application will be May 3, 2016 before the County Council.
SPECIAL EXCEPTIONS:
FILE: 3756 - APPLICANT: Scott Millar.
FOR: Special Exception to hold special events.
PROPERTY LOCATION: 435 Bohemia Church Road, Warwick, MD 21912, Election District: 1, Tax Map: 58, Parcel: 1.
PROPERTY OWNER: The Rounds Corporation.
PRESENTLY ZONED: Southern Agricultural Residential, (SAR).

Scott Millar appeared and presented an overview of the application. Mr. Millar explained that he would like to hold weddings on the said property.

HEALTH DEPARTMENT:
The Cecil County Health Department has no objection to this special exception request. Permits obtained to hold these events will require a proposal, so that it can be determined if the existing septic system is capable of treating the proposed flow.

Mr. O’Connor asked Mr. Millar where parking would be located on the property. Mr. Millar explained that the parking would be approximately 200’ in front of the house on both the right and left of the driveway. Mr. O’Connor asked where the trash receptacles and tents would be located. Mr. Millar stated that the tents would also be approximately 200’ from the house, the trash receptacle would be down further towards the driveway. Mr. O’Connor reminded the applicant that the Zoning Ordinance, should this application be approved, would limit the number of days of use to 180.

COMMENTS IN SUPPORT: Jack Sentman, 95 Riverside Drive, Elkton, MD (adjacent property owner) and Joe Hickman, 10057 Perkins Hill Road, Chestertown, MD, The Rounds Corporation offered their full support of this application.

COMMENTS IN OPPOSITION: Kenneth Holt, 303 Gwendolyn Road, Warwick, MD, spoke in opposition of this application. Mr. Holt believes that the proposed operation will have significant environmental impacts on the land, the Chesapeake Bay, as well as, wildlife in the area. He also feels that the increase in traffic and noise will cause a nuisance for surrounding properties.

RECOMMENDATIONS:
Staff recommended approval.

ACTION: Motion made to recommend approval, was made by Mr. Persons. Motion seconded by Mr. Johnston.

VOTE: Members whom voted in favor of the motion included Johnston, Miners and Persons. Wiggins voted in opposition of the motion for recommendation of approval.

Motion for the recommendation of approval carried.

The next meeting for this application will be April 26, 2016 before the Board of Appeals.
GENERAL DISCUSSION:

- Proposed “Age Restricted Adult Communities” provision to the Zoning Ordinance.

Harlan Williams, appeared and presented an overview of his suggestion of Age Restricted Adult Communities. Mr. Williams explained that the “baby boomers” generation is in desperate need of housing communities that accommodate their needs. He feels that a new zoning designation allowing for mixed housing types, i.e. townhouses, apartments, single family homes, duplexes, are in demand. Today’s zoning classifications do not allow for the mixed housing types unless a Planned Unit Development is created. With the proposed zoning designation, densities would not be increased. Discussion ensued regarding possible locations for the proposed developments.

Mr. Wiggins stated that the County currently has 55 and older developments available. Councilwoman Bowlsbey stated that the majority are apartment buildings. Mr. O’Connor stated that the County also has mobile home communities for the 55 and older residents. Councilwoman Bowlsbey stated that the County does not have any upscale developments for the older residents and is in desperate need of them; Mr. Miners concurred.

Councilwoman Bowlsbey believes that this is a great need in our County and supports the idea.

Mr. O’Connor stated that to proceed, Planning Commission can recommend to the County Executive direct staff to begin drafting an ordinance, conduct studies, etc. He explained that the Planning Commission could also create a subcommittee to discuss this as they did in the past for homeowners associations.

Mr. O’Connor asked Mr. Williams if he had any hard numbers for the need of these types of communities. Mr. Williams stated that it would be difficult to get hard numbers on this type, but due to his involvement through his work in real estate, there is a great demand for these types of communities all over the country.

ACTION: Mr. Johnston made a motion that the Planning Commission request that the County Executive to direct staff to draft a zoning ordinance to address adult communities in regard to the proposed provision. Motion was seconded by Mr. Miners.

VOTE: Members voted unanimously in favor of the motion.

The meeting adjourned at 7:23 p.m.

NEXT PLANNING COMMISSION MEETING: Monday, May 16, 2016 at 6:00 p.m. located in the Elk Room.

Respectfully submitted:

___________________________________
Jennifer Bakeoven
Administrative Assistant
Office of Planning and Zoning
CECIL COUNTY PLANNING COMMISSION
MEETING MINUTES
Monday, May 16, 2016
6:00 p.m.

PRESENT: Pat Doordan, (Chairman), Ken Wiggins (Vice Chair), Wyatt Wallace, Chad Johnston, Bill Miners, Joyce Bowlsbey (Ex-Officio), Eric Sennstrom, Steve O’Connor and Jennifer Bakeoven (P&Z).

ABSENT: Roger Persons, Tom Mullen (Alternate), Randy Jackson, Esq., Brian Anderson, Esq., Lloyd Harmon (DEH), Aaron Harding (DPW), and Tony Di Giacomo (P&Z).

MINUTES - Motion made by Mr. Wiggins, seconded by Mr. Miners and unanimously carried to approve the Monday, April 18, 2016, 6:00 p.m., minutes.

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

REZONING:
FILE: 2016-04-6
APPLICANT: TES Red Toad Solar, LLC.
REQUEST: Request to rezone 7.47 acres from Rural Residential, (RR) to Northern Agricultural Residential, (NAR).
PROPERTY LOCATION: Theodore Road, Port Deposit, MD 21904, Election District: 5
Tax Map: 24, Parcel: 266.
PROPERTY OWNER: Katherine A. Breslin.
PRESENTLY ZONED: Rural Residential, (RR).

Dwight Thomey, Esq., Katherine Breslin, owner and Steve Deets, Marathon Solar Development, appeared and presented an overview of the application. Mr. Thomey explained that they feel that with rezoning this property will make it consistent with surrounding properties to the east of Ms. Breslin’s property. The purpose of this rezoning request is for Ms. Breslin to lease a part of this property for solar panel energy usage. Mr. Deets explained that the property will be screened after installation of the panels. The panels will be on approximately 6.5 acres and should be around 14-15 ft or less in height.

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

COMMENTS IN SUPPORT: Linda Plott, 1963 Red Toad Road, Port Deposit, MD spoke in favor of this project. She stated that she is lives on a neighboring property and has no issues with the proposed use of this property.

COMMENTS IN OPPOSITION: None.

Mr. Wiggins stated that a rezoning is granted only if the applicant can prove a mistake in the 2011 Comprehensive Rezoning or demonstrate a change in the character of the area. Mr. Wiggins asked Mr. Thomey to state which he feels this falls under. Mr. Thomey stated that this property has historically been used for agricultural purposes and is adjacent NAR zoned area. Also, Mr. Thomey stated that when the requested zoning
is equivalent to a lesser use, the Maryland courts have held that the requirement to find a mistake or change is less of a burden.

Mr. O’Connor stated that a letter of opposition was received from Mr. Vernon Lee and Ms. Mary Louise Lee. Mr. O’Connor summarized the letter and stated that their main concerns are that their property values will go down due to a solar panel field.

RECOMMENDATIONS: Staff recommended disapproval, due to no demonstrated mistake in the 2011 Comprehensive Rezoning.

Discussion ensued regarding the screening that will be used for this project should it be approved.

ACTION: Motion made to recommend approval, due to a demonstrated mistake in the 2011 Comprehensive Rezoning was made by Mr. Miners.
Motion seconded by Mr. Wallace.

VOTE: Members voted unanimously in favor of the motion.

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

The next meeting for this application will be June 7, 2016 before the County Council.

AGRICULTURAL PRESERVATION DISTRICT:
FILE CE-16-05 -APPLICANT: Lindsay Haines.
FOR: Preservation District Establishment.
PROPERTY LOCATION: 838 Nesbitt Road, Colora, MD 21917, Election District: 6, Tax Map; 9, Grid: 24, Parcel: 131.
ACREAGE: 10.56
PROPERTY OWNERS: Steven C. & Lindsey G. Haines.
PRESENTLY ZONED: Northern Agricultural Residential, (NAR).

Lindsay Haines appeared and presented an overview of the application. Ms. Haines explained that her husband has farmed this land for many years. They would like to join the adjoining preserved properties in Ag. Preservation.

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

COMMENTS IN SUPPORT: None.
COMMENTS IN OPPOSITION: None.

RECOMMENDATIONS:
Both Staff and the Agricultural Preservation Advisory Board recommend approval.

ACTION: Motion made to recommend approval by Mr. Wallace.
Motion seconded by Mr. Wiggins.

VOTE: Members voted unanimously in favor of the motion.
Motion carried.

The next meeting for this application will be June 7, 2016 before the County Council.

**SPECIAL EXCEPTIONS:**

**FILE: 3759 -** APPLICANT: McCready Farm, LLC c/o David McCready
FOR: Special Exception to operate a produce stand/Farmer’s Market.
PROPERTY LOCATION: 41 Chandlee Road, Rising Sun, MD 21911, Election District: 9, Tax Map: 11, Parcel: 17.
PROPERTY OWNER: David McCready
PRESENTLY ZONED: Northern Agricultural Residential, (NAR).

David and Doris McCready, appeared and presented an overview of the application. Mr. McCready explained that he has an existing building on his property that he would like to utilize approximately 2500 sq. ft. of, to operate a produce stand. He stated that they have ample room for parking.

Mrs. Bowlsbey asked what the operating hours would be for the proposed operation. Mr. McCready stated that they would like to be open Monday - Saturday.

HEALTH DEPARTMENT: Please contact the Cecil County Health Department, Community Protection Program regarding to licensing if required.

COMMENTS IN SUPPORT: Clifford England, 966 Calvert Road and Clay McDowell, 328 Smith Road both of Rising Sun, MD spoke in favor of this application. They both feel that this will be an asset to the community.

COMMENTS IN OPPOSITION: None.

Mr. O’Connor stated that he received a letter from Ellen Larrimore, Rising Sun, in opposition of this application. Ms. Larrimore has several concerns about the proposed stand including where the produce is being grown, how long the market will be open and whether other vendors will be able to sell at this location.

Mr. O’Connor stated that he received comments from the Maryland Dept. of Agriculture. This parcel is located within a Maryland Agricultural Land Preservation Foundation (MALPF) easement. Their comments state that they approve of this application with the following conditions: 1. Must not interfere with other agricultural or silvicultural operations. 2. Must not limit future agricultural or silvicultural production. 3. Majority of the products must be grown on site: the remainder must be indigenous to MD. 4. Parking area must cover no more than 2% of the easement, or two acres, whichever is smaller. (In this case, 2 acres). 5. Parking area must pervious. 6. Accessory sales area must not exceed 600 sq. ft. and in no case shall be greater than the area used for the sale of agricultural and forestry items. In addition, the Foundation asks you to be aware that signs are limited to 4 feet by 4 feet per the Deed of Easement.

Mr. McCready stated that at least 50% of the produce will be grown on his farm with the other 50% being grown locally.

RECOMMENDATIONS:
Staff recommended approval, for two (2) years.

ACTION: Motion made to recommend approval with Staff’s and State’s conditions, was made by Mr. Wallace. Motion seconded by Mr. Johnston.
VOTE: Members voted unanimously in favor of the motion.

Motion for the recommendation of approval with the Staff’s and State’s conditions carried.

The next meeting for this application will be May 24, 2016 before the Board of Appeals.

FOR: Special Exception to operate a home occupation (Graphic Design & Printing).
PROPERTY OWNER: Steven A. Landau.
PRESENTLY ZONED: Low Density Residential, (LDR).

Tim Granger, American Land Consultants and Steve Landau, appeared and presented an overview of the project. Mr. Granger explained that Mr. Landau’s printing business has increased in volume so he would like to create a home office in his garage. Mr. Landau explained that he makes a low volume of his graphic that consists of publications that are intended for individuals inflicted with low vision and/or blindness. His products help doctors determine whether a patient can read Braille.

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

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: None.

RECOMMENDATIONS:
Staff recommended approval for two (2) years.

ACTION: Motion made to recommend approval per staff’s conditions was made by Mr. Miners. Motion seconded by Mr. Wiggins.

VOTE: Members voted unanimously in favor of the motion.

Motion for the recommendation of approval carried.

The next meeting for this application will be May 24, 2016 before the Board of Appeals.

FILE: 3761 - APPLICANT: Dean L. Weaver.
FOR: Special Exception to sell flowers & plants for a church fundraiser.
PROPERTY LOCATION: 973 Telegraph Road, Rising Sun, MD 21911, Election District: 9, Tax Map: 11, Parcel: 41.
PROPERTY OWNER: Dean L. & Vivian Weaver.
PRESENTLY ZONED: Northern Agricultural Residential, (NAR).

Dean Weaver appeared and presented an overview of the application. Mr. Weaver explained that he would like to sell flowers and plants on his property for a church fundraiser.

Mr. Doordan asked if this was a one-time sale. Mr. Weaver said yes.
Mrs. Bowlsbey asked why Mr. Weaver needed to get a Special Exception for this fundraiser. Mr. Sennstrom stated that Mr. Weaver is applying for a Special Exception under “festivals and events”. Should Mr. Weaver decide to hold this sale over several events, this Special Exception would cover them through the plant growing season. Mrs. Bowlsbey asked Mr. Weaver if he planned on holding the event more than once. Mr. Weaver stated that he does not plan on having multiple sales but he does foresee it taking several days to sell all the plants and flowers.

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

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: None.

Mr. O’Connor stated that he received a letter from Ellen Larrimore in opposition of this application. Ms. Larrimore would like to know how long they will be selling the plants and if they have to pay taxes on the products.

RECOMMENDATIONS:
Staff recommended approval for two (2) years.

ACTION: Motion made to recommend approval for a period not to exceed thirty (30) days per year, was made by Mr. Johnston.
Motion seconded by Mr. Wallace.

VOTE: Members voted unanimously in favor of the motion.

Motion for the recommendation of approval carried.

The next meeting for this application will be May 24, 2016 before the Board of Appeals.

FILE: 3762 - APPLICANT: Rose Bank Cemetery Association, Inc.
FOR: Special Exception to operate a cemetery.
PROPERTY LOCATION: Trinity Church Road, North East, MD 21901, Election District: 9, Tax Map: 11, Parcel: 364, Lot 1.
PROPERTY OWNER: Arlie J. Miller
PRESENTLY ZONED: Village Residential, (VR).

Clay McDowell, Clifford England and Bruce Yerkes, appeared and presented an overview of this application. Mr. McDowell explained that Rose Bank Cemetery was granted a Special Exception for a cemetery back in September 2015. They feel that this parcel will be a better location for the cemetery. Mr. McDowell also requested that they receive a waiver of the bufferyard C requirement for cemeteries. He feels that the required bufferyard is not appropriate for their cemetery. Mr. England provided the Board with example pictures of the proposed landscaping.

HEALTH DEPARTMENT: The Cecil County Health Department has no objection to this request of Special Exception. Recommend staying at least 50’ from the well located on Parcel on the corner of Cross Keys Road and Quaker Lane (Map 11 Parcel 162).
COMMENTS IN SUPPORT: Alberta May, 668 Trinity Church Road, North East, MD, spoke in favor of the application. Nathan Rancil, 33 Cross Keys, Rising Sun, MD, Charles Emery, 1212 Calvert Road, North East, MD, Christina Smith, 114 Quaker Lane, North East, MD, spoke in support of the waiver of the bufferyard C requirement, with Mr. Rancil also stating concern with SWM being addressed. Arlie Miller, 60 Cross Keys Road, North East, MD stated that he owns the property in question and also is the neighboring home to this property. He is in support of this application.

COMMENTS IN OPPOSITION: Janice Eggers Abel, 120 Quaker Lane, North East, MD, spoke in opposition of this application. She feels that it will decrease home values. She also is not in favor or the waiver of the bufferyard requirement as she would like to have this property properly screened should it be approved. Mr. Emery made an additional comment asking if there will be any large monuments in the proposed cemetery. Discussion ensued regarding option for cremation interment.

RECOMMENDATIONS:
Staff recommended approval, to include the bufferyard C waiver conditioned on a Landscape Plan being submitted and approved by the Planning & Zoning staff.

ACTION: Motion made to recommend approval per staff’s recommendations, was made by Mr. Miners. Motion seconded by Mr. Wallace.

VOTE: Members voted unanimously in favor of the motion.

Motion for the recommendation of approval with conditions carried.

The next meeting for this application will be May 24, 2016 before the Board of Appeals.

GENERAL DISCUSSION:
None.

The meeting adjourned at 7:10 p.m.

NEXT PLANNING COMMISSION MEETING: Monday, June 20, 2016 at 6:00 p.m. located in the Elk Room.

Respectfully submitted:

______________________________
Jennifer Bakeoven
Administrative Assistant
Office of Planning and Zoning
PRESENT: Pat Doordan, (Chairman), Wyatt Wallace, Chad Johnston, Roger Persons, Bill Miners, Randy Jackson, Esq., Lloyd Harmon (DEH), Mark Woodhull, (DPW), Eric Sennstrom (P&Z), Tony Di Giacomo (P&Z), Steve O’Connor (P&Z) and Jennifer Bakeoven (P&Z).

ABSENT: Ken Wiggins (Vice Chair), Tom Mullen (Alternate) and Joyce Bowlsbey (Ex-Officio).

MINUTES - Motion made by Mr. Wallace, seconded by Mr. Miners and unanimously carried to approve the Monday, May 16, 2016, 6:00 p.m., minutes.

CAPITAL IMPROVEMENT PROGRAM (CIP) – Amendment, Cecil Manor Elementary – Rebecca Anderson.

Rebecca Anderson, Budget Manager, gave an overview of the requested amendment. Mrs. Anderson explained the Public School’s broadband project, which was originally funded by capital bonds, received federal funds. This allowed some bond money to be used for a new waterline for Cecil Manor Elementary School. The installation of this waterline will eliminate storage tanks and well water. There will be no fiscal impact to the County.

Staff recommended approval is the amendment is consistent with the Comprehensive Plan.

A motion for the recommendation of approval, stating the consistency of the plan’s amendment with the County’s Comprehensive Plan was made by Mr. Wallace.

The motion was seconded by Mr. Johnston.

All approve. Motion carried.

SUBDIVISIONS:

1. Hawk’s Feather, Lots 1-7, Final Plat, Bailiff Road, Carpenter Engineering, Fifth Election District.

Ronnie Carpenter, Carpenter Engineering and Elmer Justice, III, owner, appeared and gave an overview of the project.

Mr. Di Giacomo, P&Z, read the comments of the department:

This proposal was found to be in compliance with §3.8 regarding public notification.

With regard to the posting of plats on the County’s website, notice is hereby given the jpg file submissions can be only 11 inches, maximum, in any direction. Adherence to that requirement will enable the County to better serve the public.

Zoning: LDR
Density: The LDR zone permits a maximum density of 1 du/1 ac., without community facilities. This Final Plat\(^1\) proposes 7 lots on 10.248 acres, for a density of 1/1.464.

This project’s location falls within the 2010 Comprehensive Plan’s Low Density Growth Area land use district.

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 II area.\(^2\), \(^3\), \(^4\)

Procedurally, §4.0.1 of the Subdivision Regulations allowed for the elimination of a Concept Plat for projects with fewer than 10 lots (7) or 25 acres (10.248 ac.).

The Preliminary Plat was approved on 1/20/16, conditioned on:

1) Health Dept. requirements being met;
2) DPW requirements being met;
3) The Site Data block’s correctly citing the 35’ maximum height prior to the Final Plat’s submission for review by the Planning Commission; and
4) The Site Data block’s correctly citing the front-side-rear setbacks (BRL’s) as 30’-10’-40’ prior to the Final Plat’s submission for review by the Planning Commission.

A boundary line survey has been completed.

Dwellings or impervious surfaces shall not occur on slopes with a grade of 25% or more covering a contiguous area of 10,000 ft\(^2\) 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.\(^5\)

There are some limited, steep slope areas on proposed Lots 1, 3, 4, 5, and 7.

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. JD’s are required in conjunction with permitting. If no permits are required, and if the proposed project meets the policy standards established on 3/20/95 and revised on 1/16/96, 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

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\(^1\) Reviewed by the TAC on 12/2/2015. Previously, a Hawk’s Feather Concept Plat was reviewed by the TAC on 5/2/12 and 6/6/12, and a Preliminary Plat underwent TAC review on 11/7/12. No Concept or Preliminary Plat was ever reviewed or approved by the Planning Commission; therefore, previous submissions have no standing.

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

\(^3\) Tier III areas are those 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 includes 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. If a minor subdivision is approved on the property after 31 December 2012, then no further subdivision can occur.

\(^4\) Tier IV areas are those not planned for sewerage service and are planned or zoned for land, agricultural, or resource protection, preservation or conservation as well as areas dominated by agricultural lands, forest lands, natural areas or rural legacy, priority preservation areas, or areas subject to covenants, restriction, conditions, or conservation easements for the benefit of or held by a State agency. The County may only approve minor subdivisions served by individual on-site sewage disposal systems. Major subdivisions may be approved if the State determines that the zoning density in the Tier IV area results in an overall yield of not more than 1 unit per 20 acres, as verified by the State. If a minor subdivision is approved on the property after 31 December 2012, then no further subdivision can occur.

\(^5\) 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\(^2\) or more. The Cecil County Forest Conservation Regulations define steep slopes as “areas with slopes greater than 25 percent slope.”
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.

The habitats of rare, threatened, and endangered species must be avoided.

No Common Open Space is required for fewer than 10 lots.

15% landscaping of the development envelope is required, per General Note #20.

Sidewalks are not recommended in this case. A concrete pad, possibly on proposed Lot 1, may need to be considered for a school bus stop.

Bufferyard Standard C is required, outside the right-of-way, along the road frontages of Bailiff Road. A 10’ Bufferyard Standard C has been depicted.

A Bufferyard Standard A will be required adjacent to any adjoining property on which an agricultural operation is occurring.

Rows of street trees with 10’ planting easements are required, outside the right-of-way, along both sides of all internal roads. Street tree graphics, but not the 10’ street tree planting easements, have not been depicted.\(^6\) Where feasible, the natural vegetative equivalent may be used to satisfy the bufferyard and street tree requirements.

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

The Forest Stand Delineation (FSD) (previously approved on 3/29/12), the Preliminary Forest Conservation Plan (PFCP), and the SWM Preliminary Plan have all been approved.

§4.1.22 (p) requires that a drainage schematic be shown, including any SWM facility locations. Is the applicant absolutely certain that there will be no SWM facilities?

The final Forest Conservation Plan (FCP)/Landscape Plan and SWM Final Plan have all been approved (§6.3.B(1)(a), Cecil County Forest Conservation Regulations; §251.12, 2009 Cecil County SWM Ordinance).

A Landscape Agreement must be executed prior to recordation.

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

The internal mini-road name has been approved by the County 911 Emergency Center.

Access to any possible common open space between or beside lots must be marked with concrete monuments.\(^7\)

A Mini-road Maintenance Association for maintenance of the mini road must be established prior to recordation, with the owners of all lots accessing the mini-road becoming members.

The contiguous operating farms notice has been provided as General Note # 21.

Mr. Woodhull, DPW, read the comments of the department:

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\(^6\) Per §4.1.22 (n), they must on any plat submitted for review by the Planning Commission.

\(^7\) Any Homeowners’ Association for maintenance of any possible common open space must be established with $50 per recorded lot placed in escrow for improvements prior to recordation.
1. The final SWM plan is technically complete therefore the Department has no objection to the Planning Commission granting final plat approval for this project. The Department will not sign the final plat until all outstanding administrative issues have been resolved to our satisfaction.

Mr. Johnston read the comments of the Health Department:
Final plat is satisfactory.
COMMENTS IN SUPPORT: None.
COMMENTS IN OPPOSITION: None.

Mr. Di Giacomo read the recommendation of the staff:
APPROVAL, conditioned on:
1) Health Dept. requirements being met;
2) DPW requirements being met;
3) A Landscape Agreement being executed prior to recordation;
4) 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; and
5) A Mini-road Maintenance Association, for maintenance of the mini road, being established prior to recordation, with the owners of all lots accessing the mini-road becoming members.

A motion for approval with conditions was made by Mr. Johnston.
The motion was seconded by Mr. Persons.

Discussion ensued regarding the responsibility of all lots for the maintenance of the mini-road.

All approve. Motion carried.


Amy DiPietro, Morris & Ritchie Associates, Inc. and Andy Freeman, KF Charlestown Crossing, LLC appeared and gave an overview of the project.

Mr. Di Giacomo, P&Z, read the comments of the department:
This proposal was found to be in compliance with §3.8 of the Subdivision Regulations regarding public notification.

With regard to the posting of plats on the County’s website, notice is hereby given the jpg file submissions can be only 11 inches, maximum, in any direction. Adherence to that requirement will enable the County to better serve the public.

Zoning: The re-zoning of the site of these proposed garden apartments, from M1 (light industrial) to RM (high-density residential), was approved on 8/15/15.

Density: The RM zone permits a density of up to 14 du/1 ac. for apartments. This submission proposes 92 dwelling units on 6.77 acres for a proposed density of 12.99/1.

A boundary line survey has been completed, and previous misspellings have been corrected.

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8 This site generally corresponds to the original employment component “J” of the Charlestown Crossing PUD. Therefore, the density of these 6.77 acres stands alone, unencumbered by that established by the PUD’s Special Exception.
9 Apartment projects must be consistent with §28 of the Zoning Ordinance and §6.3 of the Subdivision Regulations.
10 Previous references to “Multifamily Residential” instead of “High Density Residential” have been corrected (condition #.}
Apartment projects must be consistent with §28 of the Zoning Ordinance and §6.3 of the Subdivision Regulations – which requires that they be approved via the subdivision review and approval process.

Accordingly, the Concept Plat was approved11 on 12/21/15, conditioned on:

1) All Health Department requirements being met;
2) All DPW requirements being met;
3) The detailed parking plan’s being included within the Preliminary Plat, prior to TAC review;
4) The parking plan’s including details relating to §278.2 and §279;
5) The open space sensitive areas thresholds’ being calculated and included on the Preliminary Plat, prior to TAC review;
6) The requested (Site Data note # 17) design waivers relating to §28.4.a, §28.4.d, §28.4.h and §28.4.i being granted;
7) Site Data Note 16’s reference to “MUTGD” signage being corrected to “MUTCD;”
8) All references to “multifamily Residential” for the RM zone being corrected to “High Density Residential;”
9) The Parking Schedule’s ADA surface space count being made consistent with what is depicted on the plat;
10) The Land Use Summary’s spelling of “residents” being corrected;
11) The correct nomenclature, “open space”, being used in the entirety of all Preliminary and Final Plat submissions;
12) The correct spelling of “delineation” being used in Site Data note # 10 for all Preliminary and Final Plat submissions; and
13) Fire hydrant locations being selected in consultation w/Charleston Fire Co. and DPW prior to Preliminary Plat submission for TAC review.

Subsequently, the Preliminary Plat was reviewed by the Technical Advisory Committee (TAC) on 4/6/16, consistent with §’s 4.1.1 & 4.1.2.

In addition to this Preliminary Plat, a Site Plan for the same project was also submitted, which is redundant to the review and approval process. (Why?)

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.12

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

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. In this case, given the proposed wetland impacts, it must be obtained prior to Final Forest

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11 This project location is situated within the 2010 Comprehensive Plan’s Medium Density Growth Area land use district, and, 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 II area. 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.

12 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.”
Conservation Plan approval. If no permits are required, and if the proposed project meets the policy standards established on 3/20/95 and revised on 1/16/96, 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.

The habitats of any rare, threatened, and endangered species must be avoided.

20% open space is required in the RM zone; 49% is proposed. The “open space” sensitive areas thresholds have been calculated and included.

Per §28.5.a (1), a minimum of 25% of the development envelope shall be landscaped.

Sidewalks have been shown. Striped bike lanes and back racks should be considered.

Per §28.5.a, a 25’ Bufferyard standard is required around the perimeter of the development tract. Site Data note # 17 ‘requests’ a design waiver in this regard, which was granted by the Planning Commission in conjunction with Concept Plat approval.

Bufferyard Standard C is required, outside the right-of-way, along the US 40 frontage.

The fire hydrant locations have been selected in consultation with the Department of Public Works and the Charlestown Fire Company.

Apartment buildings shall be set back at least 20’ from all parking areas and internal roads (§28.4.h) and 50’ from arterial or collector roads (§28.4.i). Site Data note # 17 ‘requests’ design waivers in these regards – already granted by the Planning Commission.

No apartment building can be constructed closer to any property line of the development tract than a distance equal to the height of the building (§28.4.d). Site Data note # 17 also ‘requests’ the previously-granted design waiver in this regard. The maximum length of an apartment building is 300 feet (§28.4.j).

Where feasible, the natural vegetative equivalent may be used to satisfy the bufferyard requirements. In areas with community facilities, no street trees shall be planted within 20 feet of sewer laterals and cleanouts.

The FSD was approved on 9/17/04. It and the Conceptual Environmental Assessment were granted 5-year extensions on 12/6/10 and 11/4/15. The Conceptual SWM Plan has been approved.

The Preliminary Forest Conservation Plan (PFCP) and SWM Preliminary Plan have been approved (§6.2.B(1), Cecil County Forest Conservation Regulations; §251.12, 2009 Cecil County SWM Ordinance).

The final Forest Conservation Plan (FCP)/Landscape Plan and SWM Final Plan must (shall) be approved prior to Planning Commission review of the Final Plat (§6.3.B(1)(a), Cecil County Forest Conservation Regulations; §251.12, 2009 Cecil County SWM Ordinance).

A Landscape Agreement must be executed prior to recordation.

13 Upon FCP approval, a grading permit can be issued. However, grading cannot be permitted in a wetland area unless an MDE/Corps permit to do so has been issued.
14 §28.6.b.
15 At a minimum, 15% of the required open space shall not consist of perennial or intermittent stream buffers, nontidal wetlands or buffers, steep slopes, or habitats of rare, threatened and endangered species. No more than 40% of the common open space required shall consist of those areas designated as nontidal or tidal wetlands.
16 No waiver is requested in this regard.
17 A small portion of the Charlestown Crossing project is in the Critical Area.
18 Thus, extension were extended until 11/4/20.
19 A PFCP was approved on 2/14/05.
20 An FCP and Landscape Plan were approved on 4/29/08. A revised FCP and Landscape Plan were approved on 12/11/09 and 12/14/09, respectively.
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 Final and Record Plats.

A revised Traffic Impact Study (TIS) is not recommended; however, based upon previous SHA comments on the PUD, at the very least, an updated signal warrant analysis seems justified.\(^\text{21}\)

The new Zoning Ordinance that was adopted in 2011, includes Accessibility and Parking Requirements in Article XIV.

The proposed number of parking spaces is consistent with §274.9, which caps any excess at 20%.

Pursuant to §273.10, §273.11, and §274.9.b will any spaces be provided for use as electric vehicle recharging stations, as approved by the Maryland Electric Administration? Ms. DiPietro stated that the developers are still evaluating the need.

The parking plan and lighting plan have been submitted, per §274.8. Those needing ADA spaces will not be required to pay extra for a garage space.

This plat now conforms to the requirements §278.2 (regarding bicycle access and facilities) and §279 (regarding access as relates to the Americans with Disabilities Act).

The legend now contains a graphic for the depicted the ESD areas.

The Master Water and Sewer Plan classifies this site as W2 and S2.

Documentation of water allocation and sewer allocation/capacity must be provided by the applicant prior to the Planning Commission’s review of the Final Plat.

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

The Final and Record Plats shall also contain a statement, signed by the owner, to the effect that such facilities will be available to all units offered for lease or rent.

Mr. Woodhull, DPW, read the comments of the department:

1. The Department understands that the water supply for this development will be a private system. The water distribution system must be designed to meet or exceed the County’s standards. This includes providing fire flow and pressure throughout the development and the use of ductile iron water pipe, where called for in the Water & Sewer Code, for distribution. The serving fire company must review all fire hydrant spacing and locations provided on final construction drawings.

2. The Preliminary SWM plan for the apartment complex proposed is technically complete and only administrative issues remain outstanding.

3. Road & Storm Drain plan, Sanitary Sewer plan and a Mass and Final Grading plan must be approved by the CCDPW prior to submittal for final plat approval.

4. It is understood that the internal streets & associated parking will be privately owned and maintained.

5. The sewer lines within the proposed apartment complex will be privately owned and maintained. This private sewer line will connect to the existing public sewer in West Claiborne Road.

6. An I&M Agreement is required for all SWM facilities.

\(^{21}\) CCDPW & OPZ do not recommend that an update be required for this 92-unit project. SHA has not voiced the need for an updated TIS for these 92 units.
Any proposed active recreation will require a list of equipment submitted to the Department of Parks and Recreation as well as a PWA to cover the same.

Public Works Agreements will be required for all sanitary sewer shown and any road work completed in the County ROW.

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:

9.1 The Final Plat Lot Grading, and Lot Grading Plan Construction Limits Notes.
9.2 Requirements for Stormwater Inspection and Maintenance Agreements.
9.3 Requirements for Final Plat - Public Sewer Allocation.
9.4 Requirement for Public Works Agreements

Notes and requirements identified for record:

1. The Final Plat must include the Lot Grading Plan standard note and a note indicating that sidewalk maintenance will be required of the adjacent property owner (if sidewalks are required). The Lot Grading Plan must include the standard construction limits note.
   a. Final Plat: “A lot grading plan has been approved by the CCDPW for the construction shown hereon. A site construction as built shall be submitted to the CCDPW prior to use and/or occupancy of any of the sites shown hereon. Any change to the Forest Retention, Forestation, and/or Reforestation will require a consistency review, of the SWM approval, with CCDPW.”
   b. Grading Plan: “No clearing or grading is permitted beyond the limits of disturbance shown hereon. Any expanded clearing and/or grading in the absence of an approved revised lot grading plan may be considered non-compliance with Chapter 251 of the Cecil County Code and either or both the developer and/or Builder may be subject to the enforcement of the penalty provisions therein.”
2. An Inspection & Maintenance Agreement is required for the private SWM facilities.
3. Developer must request and obtain a public sewer allocation from the Department of Public Works before submitting a final plat to the Cecil County Planning Commission for approval.
4. A Public Works Agreement (PWA) will be required for any road work proposed within the County ROW, for the private sanitary sewer and for the sanitary sewer connection to the County system.

Mr. Johnston read the comments of the Health Department:
Water allocations must be obtained from Artesian Water Supply prior to final plat approval.

Sewer allocation must be obtained from the Cecil County Department of Public Works prior to final plat approval.

Owner’s signature block with required statements is required on Final Plat.

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: None.

Mr. Di Giacomo read the recommendation of the staff:
APPROVED, conditioned on:
1) All Health Department requirements being met;
2) All DPW requirements being met;
3) The requested (Site Data note # 17) design waivers relating to §28.4.a, §28.4.d, §28.4.h and §28.4.i being granted;
4) Documentation of water allocation and sewer allocation/capacity being provided by the applicant prior to the Planning Commission’s review of the Final Plat;
5) The Final and Record Plats’ containing a statement to be signed by the Health Department, “approving authority”, to the effect that use of the community water supply and community sewerage system is in conformance with the Master Water and Sewer Plan;
6) The Final and Record Plats’ also containing a statement, to be signed by the owner, to the effect that such facilities will be available to all units offered for lease or rent; and
7) The final Forest Conservation Plan (FCP)/Landscape Plan and SWM Final Plan being approved prior to Planning Commission review of the Final Plat.

A motion for approval with conditions was made by Mr. Wallace. The motion was seconded by Mr. Miners.

Discussion ensued regarding the need for an updated TIS for this project.

All approve. Motion carried.

SPECIAL EXCEPTIONS:
FILE: 3765 - APPLICANT: Rick Polansky.
FOR: Special Exception to place a Secondary Aluminum Sweat Furnace on the property and relief from the buffer requirement.
PROPERTY LOCATION: 1500 West Pulaski Hwy, Elkton, MD 21921, Election District: 5, Tax Map: 26, Parcel: 318.
PROPERTY OWNER: Charmie & Eric Polansky.
PRESENTLY ZONED: Heavy Industrial, (M2).

Karl Fockler, Esq., Richard J. Polansky, Complete Recycling Group President, Tom Peterson, Environmental & Engineering Solutions, Tom Goodie, Complete Recycling Group and Dave Conway (via Skype), Recycling Services International, appeared and gave an overview of the request. Mr. Fockler gave a background of the permitting process that the applicant has initiated through Maryland Department of the Environment and the Environmental Protection Agency. Through testimony from the gentlemen representing this application, they explained that a sweat furnace should not be considered under the regulations for a hazard waste incinerator. Mr. Polansky gave a step by step overview of the process of collecting the aluminum and how the sweat furnace works. Mr. Peterson explained the impacts that this sweat furnace would have on the environment and Mr. Conway gave an overview of the specifications of the actual unit. Exhibits were handed out to the Planning Commission members, which can be reviewed in the Office of Planning & Zoning.

Discussion ensued regarding the lack of classification in the County Code for Sweat Furnaces.

HEALTH DEPARTMENT:
An application for an air quality permit to construct the sweat furnace must be made to Maryland Department of the Environment. Before an application can be made, the project must be in compliance with local zoning. During review of the application, the opportunity for a public hearing on the project would be advertised. To obtain a permit, the applicant must demonstrate that off-site ground level air quality would meet Federal air quality standards for all regulated contaminants. The setback to a property line, the size and use of the furnace and the height of the emissions stack influence treatment requirements to meet air quality standards. If ground level air quality standards cannot be met, a permit to construct would not be issued by Maryland Department of the Environment.

COMMENTS IN SUPPORT: Earl Piner, Sr., Elkton Town Commissioner, 107 Whitehall Road and Paul Granger, 1600 W. Pulaski Hwy, both of Elkton, MD spoke in favor of this application. Both feel that the Polansky’s run a good business and that this is an opportunity to bring jobs to the county.

COMMENTS IN OPPOSITION: Daniel Goldstein (speaking on behalf of his parents whom reside at 2064 Theodore Road, Rising Sun, MD); Martha Harris, 1601 W. Pulaski Hwy, Elkton, MD; Mary Kay Parks, 1551

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22 An FCP and Landscape Plan were approved on 4/29/08. A revised FCP and Landscape Plan were approved on 12/11/09 and 12/14/09, respectively.
W. Pulaski Hwy., Elkton, MD; and Yvonne Fuller, 1633 W. Pulaski Hwy., Elkton, MD all spoke in opposition of this project. Collectively, the speakers have concerns of toxic emission coming from this operation that could be putting the public’s health in danger.

In Mr. Goldstein’s comments, he asked how the proposed unit compares to the other units mentioned in early testimony. Mr. Conway stated that this unit is considered a small sweat burn in comparison to others. The chamber holds 5000 lbs of aluminum. They will only be permitted to charge 3000 lbs per hour.

Mr. O’Connor stated that Mr. Fockler provided him with fifteen (15) letters of support for this application.

RECOMMENDATIONS:
Staff recommended approval, conditioned on all Federal and State regulations being followed and copies of all MDE and EPA approvals being submitted to the Office of Planning & Zoning.

ACTION: Motion made to recommend approval with Staff’s conditions, was made by Mr. Miners. Motion seconded by Mr. Wallace.

Mr. Wallace asked if the conditions of the Health Departments are included in the Staff’s recommendation. Mr. O’Connor stated that they were not included but the Planning Commission may include them to their recommendation.

ACTION: A revised motion made to recommend approval with Staff’s conditions as well as the Health Departments conditions, was made by Mr. Miners. Revised motion seconded by Mr. Wallace.

VOTE: Members voted unanimously in favor of the motion.

Motion for the recommendation of approval with the Staff’s and Health Departments’ conditions carried.

The next meeting for this application will be June 28, 2016 before the Board of Appeals.

FOR: Special Exception to place a mobile home on the property for hardship purposes.
PROPERTY LOCATION: 2145 Crystal Beach Road, Earleville, MD 21919, Election District: 1, Tax Map: 56, Parcel: 4.
PROPERTY OWNER: Timothy & Deanna Price
PRESENTLY ZONED: Southern Agricultural Residential, (SAR).

Timothy Price appeared and gave an overview of the application. Mr. Price explained that he would like to place a mobile home on his property for his daughter as he is in need of her assistance in taking care of Mrs. Price.

HEALTH DEPARTMENT:
Best Available Technology (BAT) tank is required along adequate drainfield.

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: None.

RECOMMENDATIONS:
Staff recommended approval, for two (2) years.
ACTION: Motion to recommend approval with Staff’s conditions, was made by Mr. Wallace. Motion seconded by Mr. Miners.

VOTE: Members voted unanimously in favor of the motion.

Motion for the recommendation of approval with the Staff’s conditions carried.

The next meeting for this application will be June 28, 2016 before the Board of Appeals.

GENERAL DISCUSSION:
None.

The meeting adjourned at 7:45 p.m.

NEXT PLANNING COMMISSION MEETING: Monday, July 18, 2016 at 6:00 p.m. located in the Elk Room.

Respectfully submitted:

Jennifer Bakeoven
Administrative Assistant
Office of Planning and Zoning
PRESENT: Pat Doordan, (Chairman), Ken Wiggins (Vice Chair), Chad Johnston, Bill Miners, Joyce Bowlsbey (Ex-Officio), Randy Jackson, Esq., Lloyd Harmon (DEH), Mark Woodhull, (DPW), Eric Sennstrom (P&Z), Tony Di Giacomo (P&Z), Steve O’Connor (P&Z) and Jennifer Bakeoven (P&Z).

ABSENT: Wyatt Wallace, Roger Persons and Tom Mullen (Alternate).

MINUTES - Motion made by Mr. Johnston, seconded by Mr. Miners and unanimously carried to approve the Monday, June 20, 2016, 6:00 p.m., minutes as mailed.

TEXT AMENDMENT – ZONING ORDINANCE
Article V, Part V, Section 96 - Theater – Drive-in.

Eric Sennstrom, Director of Planning & Zoning, gave an overview of the text amendment. This proposed amendment was created through conversations the County Executive has had with members of the community concerning existing language as it pertains to drive-in theaters (§ 96). Concerns were expressed that the currently language is too restrictive. Through the direction of the County Executive, new language was created to widen the scope for a drive-in theater to be realized within the County. The following is the proposed amendment:

[Addition]
{Deletion}

Article V, Part V, Section 96 Theater – Drive-in

Theaters – drive-in, open air theaters, and amphitheaters {shall} [may] be permitted as a special exception in the [NAR, SAR, LDR,] BG, and BI zones provided:

1. The picture face of the screen shall be so located that the picture will not be visible from adjacent roads and dwellings.
2. The screen shall be setback not less than two hundred (200) feet from all property lines.
3. The provision of food, refreshments, and entertainment limited 3 days in any ninety (90) day period, whether consecutive or not, may be allowed in connection with such use.
4. The access for the use is located on an arterial or collector street and not located on a local street.
5. All outdoor lighting shall be located, shielded, landscaped, or otherwise buffered so that no direct light shall constitute an intrusion into any residential area.
6. A Bufferyard meeting the C standard of Appendix B shall be provided between the use and adjoining residential developments.
7. The proposed site shall be of sufficient size to accommodate the use without affecting adjacent land uses.
8. Automobile parking areas shall not be closer than fifty (50) feet to any adjacent residential lots.]
The Department of Public Works and the Health Department had no comments.

COMMENTS IN FAVOR: Kevin Miksis, 807 Ridge Road, Rising Sun, MD, Brian Heusser, 524 Virtue Blvd, Bear, DE, Justin Freed, 220 West Locust St., Oxford, PA and Paul Carronton, 119 South Tartan Drive, Elkton, MD, spoke in support of the Text Amendment. All four gentlemen work in connection with the Mason Dixon Pro-tainment Co. Mr. Miksis, through a prepared statement, explained that they have received a lot of positive feedback on the idea of a drive-in located in Cecil County. He feels that Cecil County needs more family friendly activities and that a drive-in would be welcomed by many. He believes this amendment is needed due to the limitations that are currently in place for placement of drive-in theaters. Mr. Heusser also stated that they have received positive feedback from many people in regard to the potential of a drive-in. Mr. Freed explained that he is the contractor that will provide the material and labor for the Mason Dixon Pro-tainment Co. He explained that he feels that Mr. Miksis and Mr. Heusser are being very thorough in their research for this venture and he offered his full support to this business. Lastly, Mr. Carronton explained that they held an event in Elkton, located in close proximity to homes. He stated that they received no negative feedback or complaints from the surrounding neighbors; the sound is contained within the individual’s cars and the screen was not a nuisance to the homes in the area. He believes that this open up more opportunities for jobs in the county.

COMMENTS IN OPPOSITION: Richard Canzoneri, 1991 Blue Ball Road, Elkton, MD, spoke in opposition of this text amendment. Mr. Canzoneri feels that if a drive-in movie theater will be allowed in areas such as the Blue Ball – Leeds Roads areas, it will have a negative impact on traffic, noise, pollution, resale values, etc. He stated that he is not against a drive-in movie theater but he feels they should only be located in commercial zoned areas.

Mr. Johnston stated that the board was not deciding on a specific site or a Special Exception, only an amendment to the language in the Zoning Ordinance. Mr. Sennstrom agreed and added that this is just general language to be added to the Zoning Ordinance. If Council adopts this and an individual decides to pursue it, they will need to go through the Special Exception process.

Councilwoman Bowlsbey asked for an explanation of the third condition regarding food. Mr. Sennstrom stated that this condition was in regard to holding entertainment events on a night when they would not be showing a movie. The vagueness of that language was pointed out to staff after the amendment was advertised therefore it was too late to correct it. It was intended to limit non-drive-in events to three (3) days in a ninety (90) day period.

RECOMMENDATIONS:
Staff recommended approval.

ACTION: Motion made to recommend approval, was made by Mr. Johnston. Motion seconded by Mr. Miners.

VOTE: Members voted unanimously in favor of the motion.

Motion for the recommendation of approval carried.

SUBDIVISIONS:
1. Lands of J. Thomas Armour, 1 Lot, Razor Strap Road, Preliminary – Final Plat, Will Whiteman Land Surveying, Inc., Fifth Election District.

Will Whiteman, Land Surveyor and J. Thomas Armour, owner, appeared and presented an overview of the project.
Mr. Di Giacomo, P&Z, read the comments of the department:
This proposal was found to be in compliance with §3.8 of the Subdivision Regulations regarding public
notification.

With regard to the posting of plats on the County’s website, notice is hereby given the jpg file submissions can
be only 11 inches, maximum, in any direction. Adherence to that requirement will enable the County to better
serve the public.

Zoning: UR

Density: The UR zone permits a density of 4 du/ 1 ac., with community facilities. This Preliminary-Final Plat
proposes 2 lots on 1.322 acres, for a proposed density of 1.513/1.

This project location is situated within the 2010 Comprehensive Plan’s Medium High Density Growth land use
district, and the site is located within a Tier I area.1, 2, 3, 4

§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., and §2.0 o allows for a combined Preliminary-Final Plat if there are from 1 to 5
lots.

The boundary line survey has been completed. General Note # 8 notes the source of soils information.

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.5

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

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. JD’s are required in conjunction with permitting. If no permits are required, and if the proposed
project meets the policy standards established on 3/20/95 and revised on 1/16/96, 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

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1 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.

2 Tier III areas are those 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 includes 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. If a minor subdivision is approved on the property after 31
December 2012, then no further subdivision can occur.

3 Tier IV areas are those not planned for sewerage service and are planned or zoned for land, agricultural, or resource protection, preservation or conservation as well as
areas dominated by agricultural lands, forest lands, natural areas or rural legacy, priority preservation areas, or areas subject to covenants, restriction, conditions, or
conservation easements for the benefit of or held by a State agency. The County may only approve minor subdivisions served by individual on-site sewage disposal
systems. Major subdivisions may be approved if the State determines that the zoning density in the Tier IV area results in an overall yield of not more than 1 unit per
20 acres, as verified by the State. If a minor subdivision is approved on the property after 31 December 2012, then no further subdivision can occur.

4 As established by the County’s adoption of the Sustainable Growth and Agricultural Preservation Act’s tier map.

5 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.”
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.

The habitats of rare, threatened, and endangered species must be avoided.

No open space is required.

Sidewalks are required, per §27.5. Staff has no objection to that requirement’s being waived.

Per §187.2, the Planning Commission may require bufferyards to separate different zoning districts from one another.

15% landscaping is required, per §27.6.

Rows of street trees with 10’ planting easements are required, outside the right-of-way, along both sides of all internal roads, per §27.4.b. Staff has no objection to that requirement’s being waived.

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

The Forest Stand Delineation (FSD) and SWM Concept Plan must (shall) be approved prior to Planning Commission review of the Concept Plat (§5.1.C, Cecil County Forest Conservation Regulations; §251.12, 2009 Cecil County SWM Ordinance).

The Preliminary Forest Conservation Plan (PFCP) and SWM Preliminary Plan must (shall) be approved prior to Planning Commission review of the Preliminary Plat (§6.2.B(1), Cecil County Forest Conservation Regulations; §251.12, 2009 Cecil County SWM Ordinance).

The final Forest Conservation Plan (FCP)/Landscape Plan and SWM Final Plan requirements have been satisfied.

What is the proposed disposition of the portion of the wooden fence located within the proposed Natural Regeneration Area? Mr. Whiteman asked that a waiver be granted to allow for the wooden fence to remain.

A Landscape Agreement must be executed prior to recordation.

Deed restrictions for the long-term protection of 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.

Internal road names are not an issue.

Per §4.2.13 (i), these lot sizes have been expressed as square feet.6

What is the proposed disposition of the existing structures, some of which are inside the BRL’s? Mr. Whiteman stated that Mr. Armour would like the barn to remain where it is; the shed can be moved.

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

The Master Water and Sewer Plan classifies this site as W1 and S1.

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

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6 Per Article VI, the minimum lot size is 6,500 ft².
Documentation of water allocation from the Town of North East has been provided.

DPW has confirmed sewer allocation/capacity.

For subdivisions proposed on property contiguous to operating farms, notice shall be provided on the plat that an agricultural operation is being conducted on a contiguous property and said agricultural operation is protected from nuisance claims provided the conditions of Article I, § 4 are being complied with.

Mr. Woodhull, DPW, read the comments of the department:
1. The purpose of this subdivision is for land transfer only therefore, no SWM plan approval is required at this time. However, any further development on either Lot 1 or Lot 2 will be required to address the stormwater management requirements of the current ordinance.
2. The Sanitary Sewer Major Facilities Fee will be payable at the time any structure on proposed Lot 2 is connected to the county sewer.
3. With these conditions the Department has no objection to the granting of final plat approval to this project.

Mr. Wiggins read the comments of the Health Department:
Water allocations are required from the Town of North East prior to final plat approval.
Sewer allocation must be obtained from the Cecil County Department of Public Works prior to final plat approval.

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: None.

Mr. Di Giacomo read the recommendation of the staff:
APPROVAL, conditioned on:
1) Health Dept. requirements being met;
2) DPW requirements being met;
3) The sidewalk requirements’ being waived;
4) The street tree requirements being waived;
5) The Record Plat’s containing a statement to be signed by the Health Department, approving authority, to the effect that use of the community water supply and community sewerage system is in conformance with the Master Water and Sewer Plan; and
6) The Record Plat’s also containing a statement, to be signed by the owner, to the effect that such facilities will be available to any lot/home offered for sale.

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

All approve. Motion carried.

SPECIAL EXCEPTIONS:
FILE: 3768 - APPLICANT: Justin Richard Ragan.
FOR: Special Exception to operate a home occupation (Firearms Dealer).
PROPERTY LOCATION: 10 Hawthorne Drive, Port Deposit, MD 21904, Election District: 6,
Tax Map: 17, Parcel: 199, Lot 23.
PROPERTY OWNER: Justin Richard Ragan.
PRESENTLY ZONED: Rural Residential, (RR).
Justin R. Ragan appeared and gave an overview of the application. Mr. Ragan explained that there will be no signage in the yard and the office will be located within the home. He expects little to no change in traffic with a maximum of 2-3 per week or 2-4 cars a month. Parking will be located in the driveway of the property. In regard to safety, Mr. Ragan explained that everyone coming to the home will have a Federal background check to be able to make a purchase. There will be no loaded guns in the home as well as no discharging of firearms on the property. The majority of the orders will be done on-line though customers will be picking up at the home.

HEALTH DEPARTMENT:
The Cecil County Health Department has no objection to this request of special exception.

COMMENTS IN SUPPORT: Alan Miller, 35 Heather Road, Port Deposit, MD, and Kevin Allgood, 167 Peppermint Drive, spoke in favor of this application. Mr. Miller explains that he is Mr. Ragan’s closest neighbor. He feels that Mr. Ragan will run a clean operation and will be extremely responsible with his business as well as safety. Mr. Allgood explained that there are several other businesses in the area. He stated that he has no issues with Mr. Ragan running his business.

COMMENTS IN OPPOSITION: None.

RECOMMENDATIONS:
Staff recommended approval, for two (2) years.

ACTION: Motion made to recommend approval with Staff’s conditions, was made by Mr. Miners. Motion seconded by Mr. Johnston.

VOTE: Members voted unanimously in favor of the motion.

Motion for the recommendation of approval with the Staff’s conditions carried.

The next meeting for this application will be July 26, 2016 before the Board of Appeals.

FILE: 3770 - APPLICANT: SolarCity, c/o Matt Gitt.
FOR: Special Exception for a solar power generation facility.
PROPERTY LOCATION: 1079 Firetower Road, Colora, MD 21917, Election District: 8, Tax Map: 17, Parcel: 3.
PROPERTY OWNER: The West Nottingham Academy in Cecil County, c/o Stephen Brotschul.
PRESENTLY ZONED: Northern Agricultural Residential, (NAR).

Matt Gitt, and Kathleen Caiati, SolarCity appeared and presented an overview of the application. Ms. Caiati presented a PowerPoint presentation of the application (see file). This project will be on a portion of a 56.42 acre parcel of land owned by West Nottingham Academy. Ms. Caiati explained that the proposed placement already had an existing buffer around the project site. The PowerPoint included pictures of proposed space. Mr. Gitt explained the location and the process of installation of the panels.

HEALTH DEPARTMENT:
The Cecil County Health Department has no objection to this request of special exception.

COMMENTS IN SUPPORT: Gary Huss, 6 Overbrook Lane, Bel Air, MD spoke in favor of the application. Mr. Huss explained that he is the Business Manager for the West Nottingham Academy. He explained that in
recent years, enrollment has been decreasing. By creating this solar generating facility, additional income will be created to help the school with operation costs as well as help decrease the school’s energy costs.

COMMENTS IN OPPOSITION: None.

RECOMMENDATIONS:
Staff recommended approval.

ACTION: Motion to recommend approval, was made by Mr. Miners. Motion seconded by Mr. Wiggins.

VOTE: Members voted unanimously in favor of the motion.

Motion for the recommendation of approval carried.

The next meeting for this application will be July 26, 2016 before the Board of Appeals.

GENERAL DISCUSSION:
None.

The meeting adjourned at 7:01 p.m.

NEXT PLANNING COMMISSION MEETING: Monday, August 15, 2016 at 6:00 p.m. located in the Elk Room.

Respectfully submitted:

___________________________________
Jennifer Bakeoven
Administrative Assistant
Office of Planning and Zoning
PRESENT:  Pat Doordan, (Chairman), Ken Wiggins (Vice Chair), Chad Johnston, Wyatt Wallace, Roger Persons, Tom Mullen (Alternate), Joyce Bowlsbey (Ex-Officio), Lloyd Harmon (DEH), Eric Sennstrom (P&Z), Steve O’Connor (P&Z) and Jennifer Bakeoven (P&Z).

ABSENT:  Bill Miners, Randy Jackson, Esq., Tony Di Giacomo (P&Z) and Mark Woodhull, (DPW).

MINUTES - Motion was made by Mr. Wallace, seconded by Mr. Wiggins and unanimously carried to approve the Monday, July 18, 2016, 6:00 p.m., minutes as mailed.

CAPITAL IMPROVEMENT PROGRAM –
Amendment, Department of Public Works – Port Deposit Inflow and Infiltration project.

Becky Anderson, Budget Manager and Scott Flanigan, Director of Public Works, appeared and presented the proposed amendment. Mr. Flanigan explained that the proposed amendments pertain to the provision of sanitary sewer service in the greater Port Deposit area, including the Bainbridge site. They are proposing to amend the project description and the expenditure schedule of project number 55061 and the title, project description and expenditure schedule of project number 55069. Mr. Flanigan provided the Commission with a map of the area showing the existing Port Deposit Wastewater Treatment Plant (WWTP), proposed pump station, proposed forcemain, proposed new WWTP and the proposed outfall (See file for map and additional documents).

Mr. Flanigan stated that the existing Port Deposit WWTP is located in the floodplain and has reached the end of its useful life. The department feels that rather than putting more funds into the aging plant that is currently located in the floodplain, it would be more fiscally responsible to replace the plant in a better location (on the Bainbridge site). Mr. Flanigan gave a brief overview of how the wastewater treatment plant operates. Once all parts are constructed and in operation, the plan calls for the existing WWTP to be decommissioned, demolished and the site returned to the Town of Port Deposit.

Mr. Flanigan explained that the proposed amendment addresses the Inflow and Infiltration (I&I), Project number 55061. I&I refers to the water that gets into a sanitary sewer system that should not be there. This is a problem because the excess water consumes WWTP capacity and increases the operating costs for the system. In its current form, Project number 55061, I&I Port Deposit, contains two components. The first is to make some I&I repairs to the existing Port Deposit sewer collection system, the second calls for the rehabilitation of an existing sewer line that runs down Route 222. Due to the proposed replacement of the new plant, those repairs would not be required. This amendment will revise the project description so it is focused solely on addressing I&I problems within the Port Deposit sewer collection system. The amendment also makes some changes to the expenditure schedule to reflect the revised project budget.

Ms. Anderson added that the amount of $1,120,000.00 will move off of this project and the sole funding will be $180,000.00 to address the I&I in Port Deposit. Through discussion, it was stated that the remaining funds from project 55061 will be used for project 55069.
HEALTH DEPARTMENT: The Health Department supports efforts to reduce groundwater and storm water infiltration to the Port Deposit wastewater system, and notes that this is an issue identified as a problem in the Master Water and Sewer Plan.

COMMENTS IN FAVOR: None.
COMMENTS IN OPPOSITION: None.

RECOMMENDATIONS:
Staff recommended approval; the amendment is consistent with the Comprehensive Plan.

A motion for the recommendation of approval, stating the consistency of the plan’s amendment with the County’s Comprehensive Plan was made by Mr. Wallace.
The motion was seconded by Mr. Wiggins.

All approve. Motion carried.

Amendment, Department of Public Works – Port Deposit, Wastewater Treatment Plant Replacement.

Becky Anderson, Budget Manager and Scott Flanigan, Director of Public Works appeared to present the amendment. This amendment pertains to project number 55069 which is currently titled “Repair Port Deposit Wastewater Treatment Plant”. This amendment will change the name of the project to “Replace Port Deposit Wastewater Treatment Plant”. The current CIP calls for the repair of the existing steel tank to address structural deficiencies in that tank. As stated earlier, the department has concluded that they don’t believe it is wise to invest more funds in the existing plant as a complete replacement would be a more fiscally responsible choice. In addition to the name of the project, this amendment will also change the project description to describe the plan as shown on the graphic and it also revises the expenditure schedule to reflect the revised budget and proposed source of funds.

Ms. Anderson stated that this amendment will take the I&I funding of $1,120,000.00 and move it to the “Replace the Port Deposit Wastewater Treatment Plant”, however, it did not seek any funding in Fiscal Year (FY) 2017. This project will have to come in front of the County Executive and County Council for construction in FY 2018.

Discussion ensued regarding the funding schedule and future capacity of the proposed plant.

Mr. Flanigan explained that this plan is predicated upon the assumption that there will be re-development at the Bainbridge site. Discussion ensued. He also explained that the County will not be bearing the entire cost of the project. The expenditure explains the cost share for the project and exactly where the funds will be coming from for this project. Mr. Flanigan stated that this proposed WWTP will not only serve the greater Port Deposit area but is seen as a regional plant serving other surrounding areas with future development.

HEALTH DEPARTMENT: The Health Department supports the relocation and upgrading the Port Deposit Wastewater Treatment Plant.

COMMENTS IN FAVOR: None.
COMMENTS IN OPPOSITION: None.

RECOMMENDATIONS:
Staff recommended approval; the amendment is consistent with the Comprehensive Plan.
A motion for the recommendation of approval, stating the consistency of the plan’s amendment with the County’s Comprehensive Plan was made by Mr. Wallace. The motion was seconded by Mr. Johnston.

All approve. Motion carried.

**MASTER WATER & SEWER PLAN –**

**Amendment – Section 4.1.7 – Port Deposit, revision to the proposed improvement section, Revisions to Table 13 & Table 7.**

Eric Sennstrom, Director of Planning & Zoning, explained that this agenda item concerns the next administrative procedures process following the CIP amendments that were just heard. This amendment is proposing to add language to Section 4.1.7 of Chapter 4 of the County’s Master Water & Sewer Plan (MWSP). The proposed improvement section would reflect the Capital Improvement Project presented by Director Flanigan and Budget Manager Anderson. The proposed amendment is as follows:

“4.1.7 Port Deposit

B. Proposed Improvements

Cecil County and the Town of Port Deposit have executed an agreement that contemplates potential decommissioning of the existing plant and the construction of a pump station and conveyance sewer line to the North East River Advanced Waste Water Treatment Plant. However, this scenario is contingent on an adequate funding source being identified and in place by a finite deadline. For the time being, the County has decided to replace the existing plant with a new package plant. **[The existing Port Deposit Wastewater Treatment Plant (WWTP) is 40+ years old, is located on the banks of the Susquehanna River within the 100 year floodplain, has reached the end of its useful life, and needs to be replaced. The County will construct an Enhanced Nutrient Removal packaged WWTP at a new location on the grounds of the former Bainbridge Naval Training Center. The WWTP will have an initial capacity of 250,000 Gallons per day but will be sited, designed, and built such that it can be readily expanded in steps over time as needed to accommodate increased flows. The project will also include the construction of a sewer pumping station and force main to convey sewage from Port Deposit up to the site of the replacement WWTP; an outfall to convey the treated effluent from the WWTP to the existing outfall which will continue to be used; and the decommissioning and demolition of the existing Port Deposit WWTP once the replacement WWTP is operational. The project will serve existing Port Deposit residents, provide wastewater treatment plant capacity needed to support the redevelopment of the Tome School and Bainbridge sites, and other users within its service area.]**

[Addition]”

In addition to the proposed language of Section 4.1.7, there is a proposed amendment to Table 7 (part of appendixes of the document) and Table 13 (part of the appendixes of the document). These tables would reflect the contemplated and proposed upgrades to the Port Deposit WWTP and reflect those changes. This amendment is necessary because as the project moves forward and construction permits are applied for, the Maryland Department of the Environment (MDE) will consult the County’s MWSP for consistency with that document and if this language is not included in the proposed improvements and the tabular information is not included to reflect the project, then MDE will suspend review of the necessary construction permits.

Mr. Sennstrom explained that if approval is recommended, this amendment will be presented to County Council. If County Council approves, it will be sent to MDE for final review and approval pursuant to the Environment Article of the Annotated Code of Maryland.
HEALTH DEPARTMENT: The Health Department supports the revision.

COMMENTS IN FAVOR: None.
COMMENTS IN OPPOSITION: None.

RECOMMENDATIONS:
Staff recommended approval, the amendment is consistent with the Comprehensive Plan.

A motion for the recommendation of approval, stating the consistency of the plan’s amendment with the County’s Comprehensive Plan was made by Mr. Wiggins.
The motion was seconded by Mr. Johnston.

All approve. Motion carried.

Amendment – Section 3.2.10.2 – Artesian Water Maryland – Port Deposit, Water System proposed improvements, Revisions to Tables 6, 14, 15 & 17 and Map revisions.

Eric Sennstrom, Director of Planning & Zoning, stated that this proposed amendment concerns Chapter 3 of the MWSP document, specifically Section 3.2.10.2 (Port Deposit Water System). This amendment is proposing to add language to the document concerning proposed improvements to the Port Deposit Water Treatment Plant that are being proposed by Artesian Water Company as well as tabular and mapping changes to reflect the upgrades to that plant.

Joseph Dinunzio, Executive Vice President – Artesian Water Company, appeared to present the proposed amendment. Mr. Dinunzio provided the Commission with the revised tabular information and mapping (See File). He explained that the reason for the proposed change to the MWSP on the water side is because of a change in the focus of the nature of development at Bainbridge in Port Deposit. Originally, the Bainbridge parcel was proposed to be a mixed use, 2800 unit development, it is now proposed to be predominantly industrial and commercial development. That change makes a significant change in the future water needs for development of the site and the timetable for implementation of water supply, treatment, storage and other related facility improvements. Sections 3.2.10.2 (A & B) have been revised to reflect both the change in the nature of development and reflect how the increase water supply and infrastructure needs will be addressed.

HEALTH DEPARTMENT: The Health Department recognizes the need for water and sewer capacity for commercial and industrial development of the former Bainbridge Center. It is noted that the Water Service map revisions have significant changes outside the Port Deposit area. Changes include areas to be served north of I-95, south or Rte 7 and along Mountain Hill road, and along Old Elk Neck Road. In addition services areas have been removed between North East and Hances Point. The Health Department has no objections to the added service area, but questions whether advertising the Planning Commission discussion as “Port Deposit Water System” adequately informed the public of what is being proposed. The Health Department has concerns that the properties south of North East and west of Rte 272, which had previously been mapped as W-2, are no longer shown in future service area. This area has numerous small lots with shallow wells and onsite sewage disposal that would greatly benefit from the availability of public water.

COMMENTS IN FAVOR: None.
COMMENTS IN OPPOSITION: None.
Discussion ensued regarding the areas being reflected on the maps. Mr. Dinunzio stated that as a point of clarification, the maps are going to be changed to reflect the change of the Bainbridge parcel. This application is limited to just the Bainbridge parcel.

RECOMMENDATIONS:
Staff recommended approval, with all service areas outside of the Artesian franchise or service area remaining as W-3 on the two maps. The amendment is consistent with the Comprehensive Plan.

A motion for the recommendation of approval, stating the consistency of the plan’s amendment with the County’s Comprehensive Plan conditioned on the maps being revised to show only the Bainbridge parcel as W-2 was made by Mr. Wiggins.
The motion was seconded by Mr. Wallace.

All approve. Motion carried.

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

SPECIAL EXCEPTIONS:
FILE: 3774 - APPLICANT: James E. Backert, Jr.
FOR: Special Exception to place a mobile home on the property for hardship purposes.
PROPERTY OWNER: James, Jr. & Marlene Backert.
PRESENTLY ZONED: Rural Residential, (RR).

James Backert appeared and presented an overview of the application. Mr. Backert explained that his mother-in-law currently lives in Essex, Maryland. Her home is in need of repair and is no long safe for her to live in alone. He requests that he be allowed to place a mobile home on his property for her to live in. He explained that she is unable to move within his existing home due to the lack of bedrooms on the first floor. Mr. Backert stated that the mobile home would not be seen from the road.

HEALTH DEPARTMENT: Percolation tests are required to define additional sewage area. Application for testing has been made.

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: None.

RECOMMENDATIONS:
Staff recommended approval, for two (2) years.

ACTION: Motion made to recommend approval with Staff’s conditions, was made by Mr. Wallace.
Motion seconded by Mr. Wiggins.

VOTE: Members voted unanimously in favor of the motion.

Motion for the recommendation of approval with the Staff’s conditions carried.

The next meeting for this application will be August 23, 2016 before the Board of Appeals.
FILE: 3777 - APPLICANT: Linda S. Pierce.
FOR: Special Exception to hold festivals / events on the property.
PROPERTY LOCATION: 99 Slicers Mill Road, Rising Sun, MD 21911, Election District: 6,
Tax Map: 10, Parcel: 118.
PROPERTY OWNER: Linda & Timothy Pierce.
PRESENTLY ZONED: Northern Agricultural Residential, (NAR).

Linda Pierce appeared and presented an overview of her application. She explained that she would like to
operate and outdoor event venue. She stated that tents may be used for certain events. She expects no more
than 200 guests at each event. Parking will provided in the field, with parking attendants provided. There is an
existing trash receptacle and they would provide bathroom facilities through a vendor. She believes there is a
possibility that music will be played at some events. The events that she is looking to hold is weddings, corporate events, reunions, etc.

Mr. Wiggins asked how many events per year would be held. Mrs. Pierce expects to hold events from mid
April through Mid October, anticipating one event per weekend depending on the demand.

HEALTH DEPARTMENT: Prior to any festivals or events contact the Cecil County Health Department
regarding to possible catering services.

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: None.

RECOMMENDATIONS:
Staff recommended approval, for two (2) years.

ACTION: Motion to recommend approval with Staff’s conditions, was made by Mr. Wallace.
Motion seconded by Mr. Johnston.

VOTE: Members voted unanimously in favor of the motion.

Motion for the recommendation of approval with Staff’s conditions carried.

The next meeting for this application will be August 23, 2016 before the Board of Appeals.

GENERAL DISCUSSION:
None.

The meeting adjourned at 6:55 p.m.

NEXT PLANNING COMMISSION MEETING: Monday, September 19, 2016 at 6:00 p.m. located in the Elk Room.

Respectfully submitted:

___________________________________
Jennifer Bakeoven
Administrative Assistant
Office of Planning and Zoning
PRESENT: Pat Doordan, (Chairman), Bill Miners, Chad Johnston, Wyatt Wallace (arrived at 6:26 p.m.), Tom Mullen (Alternate), Joyce Bowlsbey (Ex-Officio), James Dellmyer, Esq., Lloyd Harmon (DEH), Mark Woodhull, (DPW), Eric Sennstrom (P&Z), Tony Di Giacomo (P&Z), Steve O’Connor (P&Z) and Jennifer Bakeoven (P&Z).

ABSENT: Ken Wiggins (Vice Chair) and Roger Persons.

MINUTES - Motion was made by Mr. Johnston, seconded by Mr. Mullen and unanimously carried to approve the Monday, August 15, 2016, 6:00 p.m., minutes as mailed.

Mr. O’Connor announced the File 3780 would be moved to the end of the agenda.

SUBDIVISIONS:
Charlestown Crossing, Phase Two - Apartments, 92 Units, Final Plat, Pulaski Hwy, Morris & Ritchie Associates, Inc., Fifth Election District.

Amy DiPietro, Morris & Ritchie Associates and Andy Freeman, Klein Enterprises appeared and presented an overview of the project.

Mr. Di Giacomo, P&Z, read the comments of the department:
This proposal was found to be in compliance with §3.8 of the Subdivision Regulations regarding public notification.

With regard to the posting of plats on the County’s website, notice is hereby given the jpg file submissions can be only 11 inches, maximum, in any direction. Adherence to that requirement will enable the County to better serve the public.

Zoning: The re-zoning of the site of these proposed garden apartments, from M1 (light industrial) to RM (high-density residential), was approved on 8/15/15.

Density: The RM zone permits a density of up to 14 du/ 1 ac. for apartments. This Phase 2 submission proposes 92 dwelling units on 6.77 acres for a proposed density of 12.99 / 1.

The boundary line survey has been completed, and previous misspellings have been corrected.

Apartment projects must be consistent with §28 of the Zoning Ordinance and §6.3 of the Subdivision Regulations – which requires that they be approved via the subdivision review and approval process.

Accordingly, the Phase 2 Concept Plat was approved on 12/21/15, conditioned on:

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1 This site generally corresponds to the original employment component “J” of the Charlestown Crossing PUD. Therefore, the density of these 6.77 acres stands alone, unencumbered by that established by the PUD’s Special Exception.

2 Apartment projects must be consistent with §28 of the Zoning Ordinance and §6.3 of the Subdivision Regulations.

3 Previous references to “Multifamily Residential” instead of “High Density Residential” have been corrected (condition #.

4 Phase 1 consisted of 332 apartment units and was recorded on.
1) All Health Department requirements being met;
2) All DPW requirements being met;
3) The detailed parking plan’s being included within the Preliminary Plat, prior to TAC review;
4) The parking plan’s including details relating to §278.2 and §279;
5) The open space sensitive areas thresholds’ being calculated and included on the Preliminary Plat, prior to TAC review;
6) The requested (Site Data note # 17) design waivers relating to §28.4.a, §28.4.d, §28.4.h and §28.4.i being granted;
7) Site Data Note 16’s reference to “MUTGD” signage being corrected to “MUTCD;”
8) All references to “multifamily Residential” for the RM zone being corrected to “High Density Residential;”
9) The Parking Schedule’s ADA surface space count being made consistent with what is depicted on the plat;
10) The Land Use Summary’s spelling of “residents” being corrected;
11) The correct nomenclature, “open space”, being used in the entirety of all Preliminary and Final Plat submissions;
12) The correct spelling of “delineation” being used in Site Data note # 10 for all Preliminary and Final Plat submissions; and
13) Fire hydrant locations being selected in consultation w/Charleston Fire Co. and DPW prior to Preliminary Plat submission for TAC review.

Subsequently, the Phase 2 Preliminary Plat was reviewed by the Technical Advisory Committee (TAC) on 4/6/16, consistent with §’s 4.1.1 & 4.1.2.

The Phase 2 Preliminary Plat was approved on 6/20/16, conditioned on:
1) All Health Department requirements being met;
2) All DPW requirements being met;
3) The requested (Site Data note # 17) design waivers relating to §28.4.a, §28.4.d, §28.4.h and §28.4.i being granted;
4) Documentation of water allocation and sewer allocation/capacity being provided by the applicant prior to the Planning Commission’s review of the Final Plat;
5) The Final and Record Plats’ containing a statement to be signed by the Health Department, “approving authority”, to the effect that use of the community water supply and community sewerage system is in conformance with the Master Water and Sewer Plan;
6) The Final and Record Plats’ also containing a statement, to be signed by the owner, to the effect that such facilities will be available to all units offered for lease or rent; and
7) The final Forest Conservation Plan (FCP)/Landscape Plan and SWM Final Plan being approved prior to Planning Commission review of the Final Plat.

The plat submitted for Final Plat approval is confusing because:
1) The one-sheet plat submitted is labeled as sheet 5 of 5;
2) The Title Block states that this is Phase 3, not Phase 2;
3) The Title Block cites this as a “first revised Final Plat”, although only a Preliminary Plat has been approved for Phase 2;
4) General Note # 10 refers to the previously recorded subdivision, although only a Preliminary Plat has been approved for Phase 2;

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5 This project location is situated within the 2010 Comprehensive Plan’s Medium Density Growth Area land use district, and, 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 II area. 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.

6 In addition to the Preliminary Plat, a Site Plan for the same project was also submitted, which was confusing and redundant to the review and approval process.

7 An FCP and Landscape Plan were approved on 4/29/08. A revised FCP and Landscape Plan were approved on 12/11/09 and 12/14/09, respectively.
5) General Note # 11 also erroneously refers to this as a revised plat;
6) An unnumbered note references “lots created by this subdivision”, although, no new lots are created with the approval of a multi-family apartment site plan;
7) General Note # 1 cites the zoning as RM and M1, although apartment are not permitted in the M1 zone – which is not a residential zone;
8) Ditto for Subdivision Data Note # 5;
9) General Note # 1 incorrectly describes the RM zone as “multifamily residential;” a condition of Concept Plat approval was to correct the same mistake, previously made;8
10) There is no graphic explaining the “MB #” notations;
11) §4.2.13(l) requires the citation of required setbacks; in addition, a note citing the previously-granted design waivers must be included;
12) A bold line needs to demark the proposed structures; and
13) There is no explanatory note detailing all of the differences between the approved Preliminary Plat and this proposed Final Plat.

At least part of the problem appears to be that sheet 5 of 5 of the Phase 1 Apartments Record Plat also covers this site, and, subsequent to its recordation, the need arose to revise the delineation of non-tidal wetlands.

That could have been effectuated administratively, and then recorded – with this Final Plat’s reflecting those changes.

Or, this Final Plat’s containing those modifications and a note to the effect that the recordation of this modifies and supplants the previously-recorded sheet 5 of 5 for the Phase 1 Charlestown Crossing Apts.

Moreover, the purpose of a Final Plat submittal is to secure Final Plat approval. Any ancillary details that would supplant details on previously-recorded plats for projects that partially, geographically overlap the Final Plat boundary are secondary to that purpose, and, therefore, can be otherwise effectuated, as stated above.

As things now stand, and assuming Planning Commission approval, the Record Plats, upon submission for signatures, must:

1) Any sheet(s) submitted being labeled to start as sheet 1 of … ;
2) The Title Block citing this as Phase 2;
3) The Title Block citing this as a “Final Plat” (a note can state that with the recordation of this plat, the non-tidal wetland details of the previously recorded Phase 1’s sheet 5 of 5 is thus supplanted);
4) General Note # 10 being revised or struck so as not to erroneously convey that a Phase 2 Plat was previously recorded;
5) General Note # 11 also being revised or struck so as not to erroneously convey that a Phase 2 Plat was previously recorded;
6) The unnumbered note referencing “lots created by this subdivision” being corrected;
7) General Note # 1 citing the zoning as RM;
8) Subdivision Data Note # 5 citing the zoning as RM;
9) General Note # 1 being corrected to describe the RM zone as “High Density Residential;”
10) Adequate explanatory graphics being provided;
11) The inclusion of a citation of required setbacks9 in addition to a note citing the previously-granted design waivers being included;
12) The structures’ be demarked by a bold line; and
13) A note being included that fully explains all detail changes between the approved Preliminary Plat and the Final/Record Plat.

8 Failure to comply with a condition of a previous approval is grounds for DISAPPROVAL of a Final Plat.
9 This is required, per §4.2.13(l).
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.¹⁰

Any slopes greater than 25% must be shown on the Preliminary Plat.
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. In this case, given the proposed wetland impacts, it must be obtained prior to Final Forest Conservation Plan approval.¹¹ JD’s are required in conjunction with permitting. If no permits are required, and if the proposed project meets the policy standards established on 3/20/95 and revised on 1/16/96, 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.

The habitats of any rare, threatened, and endangered species must be avoided.

20% open space is required¹² in the RM zone; 49% was proposed. The “open space” sensitive areas thresholds were calculated and included on the Preliminary Plat.¹³

Per §28.5.a (1), a minimum of 25% of the development envelope shall be landscaped.

Some sidewalks have been shown. Striped bike lanes and bike racks should be considered.

Per §28.5.a, a 25’ Bufferyard standard C is required around the perimeter of the development tract. A design waiver in this regard, which was granted by the Planning Commission in conjunction with Concept Plat approval.

Bufferyard Standard C is required, outside the right-of-way, along the US 40 frontage.¹⁴

The fire hydrant locations have been selected in consultation with the Department of Public Works and the Charlestown Fire Company.

Apartment buildings shall be set back at least 20’ from all parking areas and internal roads (§28.4.h) and 50’ from arterial or collector roads (§28.4.i). Design waivers in these regards – already granted by the Planning Commission.

No apartment building can be constructed closer to any property line of the development tract than a distance equal to the height of the building (§28.4.d Design waivers were previously granted in this regard. The maximum length of an apartment building is 300 feet (§28.4.j).

Where feasible, the natural vegetative equivalent may be used to satisfy the bufferyard requirements. In areas with community facilities, no street trees shall be planted within 20 feet of sewer laterals and cleanouts.

¹⁰ 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.”
¹¹ Upon FCP approval, a grading permit can be issued. However, grading cannot be permitted in a wetland area unless an MDE/Corps permit to do so has been issued.
¹² §28.6.b.
¹³ At a minimum, 15% of the required open space shall not consist of perennial or intermittent stream buffers, non tidal wetlands or buffers, steep slopes, or habitats of rare, threatened and endangered species. No more than 40% of the common open space required shall consist of those areas designated as non tidal or tidal wetlands.
¹⁴ No waiver is requested in this regard.
The FSD was approved on 9/17/04. It and the Conceptual Environmental Assessment were granted 5-year extensions on 12/6/10 and 11/4/15. The Conceptual SWM Plan has been approved.

The Preliminary Forest Conservation Plan (PFCP) and SWM Preliminary Plan have been approved (§6.2.B(1), Cecil County Forest Conservation Regulations; §251.12, 2009 Cecil County SWM Ordinance).

The final Forest Conservation Plan (FCP)/Landscape Plan and SWM Final Plan have been approved (§6.3.B(1)(a), Cecil County Forest Conservation Regulations; §251.12, 2009 Cecil County SWM Ordinance).

A Landscape Agreement must be executed prior to recordation.

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 Final and Record Plats.

A revised Traffic Impact Study (TIS) was not recommended; however, based upon previous SHA comments on the PUD, at the very least, an updated signal warrant analysis seems justified.

The new Zoning Ordinance that was adopted in 2011, includes Accessibility and Parking Requirements in Article XIV.

The proposed number of parking is consistent with §274.9, which caps any excess at 20%.

Pursuant to §273.10, §273.11, and §274.9.b will any spaces be provided for use as electric vehicle recharging stations, as approved by the Maryland Electric Administration?

The parking plan and lighting plan were previously submitted, per §274.8.

Those needing ADA spaces will not be required to pay extra for a garage space.

The Preliminary Plat conformed to the requirements §278.2 (regarding bicycle access and facilities) and §279 (regarding access as relates to the Americans with Disabilities Act).

The Preliminary Plat’s legend contained a graphic for the depicted the ESD areas. There is no graphic, or even a legend, explaining the “MB #” notations.

The Master Water and Sewer Plan classifies this site as W2 and S2.

Documentation of water allocation and sewer allocation/capacity has been provided.

The Final and Record Plats shall contain a statement to be signed by the Health Department, “approving authority”, to the effect that use of the community water supply and community sewerage system is in conformance with the Master Water and Sewer Plan, as now shown.

The Final and Record Plats shall also contain a statement, signed by the owner, to the effect that such facilities will be available to all units offered for lease or rent, as now shown.

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15 A small portion of the Charlestown Crossing project is in the Critical Area.
16 Thus, extension were extended until 11/4/20.
17 A PFCP was approved on 2/14/05.
18 An FCP and Landscape Plan were approved on 4/29/08. A revised FCP and Landscape Plan were approved on 12/11/09 and 12/14/09, respectively.
19 CCDPW & OPZ do not recommend that an update be required for this 92-unit project. SHA has not voiced the need for an updated TIS for these 92 units.
Mr. Woodhull, DPW, read the comments of the department:
The Department of Public Works (DPW) has no objection to the approval of the final plat presented here conditioned on the following:

1. The final SWM plan for the apartment complex proposed is technically complete and only administrative issues remain outstanding. However, The DPW will not sign the final plat until these have been addressed to the Department’s satisfaction.
2. In addition the Road & Storm Drain plan, Sanitary Sewer plan and a Mass and Final Grading plan must be approved by the CCDPW prior to the DPW signing the final plat.

Mr. Johnston read the comments of the Health Department:
Documentation of Water and Sewer allocations has been received. Final and record plats are required to have the following statements:

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

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: None.

Councilwoman Bowlsbey remarked that one of the notes on the plat submitted has “Board of County Commissioners” in it; the note should read “Cecil County Government”.

Mr. Di Giacomo read the recommendation of the staff:
APPROVAL, conditioned on:

1) All Health Department requirements being met;
2) All DPW requirements being met;
3) Any sheet(s) submitted being labeled to start as sheet 1 of … ;
4) The Title Block citing this as Phase 2;
5) The Title Block citing this as a “Final Plat” (a note can state that with the recordation of this plat, the non-tidal wetland details of the previously recorded Phase 1’s sheet 5 of 5 is thus supplanted);
6) General Note # 10 being revised or struck so as not to erroneously convey that a Phase 2 Plat was previously recorded;
7) General Note # 11 also being revised or struck so as not to erroneously convey that a Phase 2 Plat was previously recorded;
8) The unnumbered note referencing “lots created by this subdivision” being corrected;
9) General Note # 1 citing the zoning as RM;
10) Subdivision Data Note # 5 citing the zoning as RM;
11) General Note # 1 being corrected to describe the RM zone as “High Density Residential;”
12) Adequate explanatory graphics being provided;
13) The inclusion of a citation of required setbacks in addition to a note citing the previously-granted design waivers being included;
14) The structures’ be demarked by a bold line;
15) A note being included that fully explains all detail changes between the approved Preliminary Plat and the Final/Record Plat.

20 This is required, per §4.2.13(l).
16) The Record Plats’ containing a statement to be signed by the Health Department, “approving authority”,
to the effect that use of the community water supply and community sewerage system is in conformance
with the Master Water and Sewer Plan;
17) The Record Plats’ also containing a statement, to be signed by the owner, to the effect that such facilities
will be available to all units offered for lease or rent;
18) The Landscape Agreement’s being executed prior to recordation;
19) Deed restrictions for the long-term protection of the Forest Retention/ Afforestation Areas (FRAs) being
recorded and noted on the plat prior to recordation, with the metes and bounds description of the FRA
being shown on the Record Plats; and
20) All references to “Board of County Commissioners” being revised to read “Cecil County Government”.

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

All approve. Motion carried.

REZONING:
FILE: 2016-05-
APPLICANT: Carolyn Diane Merriman.
REQUEST: Request to rezone 47 acres from Low Density Residential (LDR) to Northern
Agricultural Residential, (NAR).
PROPERTY LOCATION: 159 Waibel Road, Port Deposit, MD 21904, Election District: 7
PROPERTY OWNER: Carolyn D. Merriman and Ellen C. Johnson.
PRESENTLY ZONED: Low Density Residential, (LDR).

Carolyn Merriman and Ellen Johnson appeared and presented an overview of the application. Ms. Johnson
explained that their property was rezoned from Northern Agricultural Residential (NAR) to Low Density
Residential (LDR) in the 2011 Comprehensive Rezoning. They were unaware of the change in rezoning until
recently. They request that the property be reverted back to the NAR zoning designation. Ms. Merriman
explained that they have had a difficult time financially maintaining the property. They are looking into
possibly placing a solar panel array, if they receive an approval on the rezoning request.

HEALTH DEPARTMENT: Solar panels cannot be constructed in the approved sewage reserve area. Well must
be protected during installation of panels.

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: Steve Phillips, 755 Rock Run Road, Port Deposit, MD explained that his
property borders the subject property. He expressed his concern about the possibility of the forested areas being
torn down should solar panels be installed. He asked that trees remain if the applicants move forward with the
solar panels.

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

ACTION: Motion made to recommend approval, due to a demonstrated mistake in the 2011 Comprehensive
Rezoning was made by Mr. Miners.
Motion seconded by Mr. Wallace.

VOTE: Members voted unanimously in favor of the motion.
Motion for the recommendation of approval due to a demonstrated mistake in the 2011 Comprehensive Rezoning carried.

The next meeting for this application will be October 4, 2016 before the County Council.

SPECIAL EXCEPTIONS:
FILE: 3779 - APPLICANT: Christopher Hahn.
  FOR: Special Exception to operate a Bed & Breakfast.
  PROPERTY LOCATION: 5667 Augustine Herman Hwy., Earleville, MD 21919, Election District: 1, Tax Map: 57, Parcel: 54.
  PROPERTY OWNER: Christopher Hahn.
  PRESENTLY ZONED: Southern Agricultural Residential, (SAR).

Christopher Hahn appeared and presented an overview of the application. He explained that he purchase this business / property in 2014 which was (and currently is) operating under the name “The Anchorage”. Special events are currently held on the property. The two previous owners all sought and received a Special Exception for this operation. Mr. Hahn is seeking to do the same.

HEALTH DEPARTMENT: The Cecil County Health Department has no objection to this request of Special Exception. Contact Cecil County Health Department regarding food preparation and bringing the existing drilled well into compliance with the installation of insect proof well cap.

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: None.

RECOMMENDATIONS:
Staff recommended approval for as long as the applicant owns the property and operates the business.

ACTION: Motion made to recommend approval with Staff’s conditions, was made by Mr. Mullen. Motion seconded by Mr. Johnston.

VOTE: Members voted unanimously in favor of the motion.

Motion for the recommendation of approval with the Staff’s conditions carried.

The next meeting for this application will be September 27, 2016 before the Board of Appeals.

  FOR: Special Exception Renewal to operate an in-home business.
  PROPERTY OWNER: Gary L. & Dawn M. Crouse.
  PRESENTLY ZONED: Low Density Residential, (LDR).

Gary Crouse appeared and presented an overview of the application. Mr. Crouse stated that he received a Special Exception approval two years ago to conduct his gunsmith business. He has not had issues in the past two years of operation.
Mr. Wallace asked if Planning & Zoning has received any complaints regarding this business. Mr. O’Connor said no.

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

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: None.

RECOMMENDATIONS:
Staff recommended approval, for as long as the applicant owns the home and operates the business.

ACTION: Motion made to recommend approval with Staff’s conditions, was made by Mr. Miners. Motion seconded by Mr. Johnston.

VOTE: Members voted unanimously in favor of the motion.

Motion for the recommendation of approval with the Staff’s conditions carried.

The next meeting for this application will be September 27, 2016 before the Board of Appeals.

FILE: 3780 - APPLICANT: Chesapeake Feline Association Inc.
FOR: Special Exception Renewal to operate an in-home business.
PROPERTY LOCATION: 88 Spring Hill Lane, North East, MD 21901, Election District: 5,
Tax Map: 37, Parcel: 428, Lot 8.
PROPERTY OWNER: 88 Spring Hill Lane, LLC c/o Dawn Cowhey.
PRESENTLY ZONED: Rural Residential, (RR).

Jay Emery, Esq. and Karen Burkhardt appeared and presented an overview of the application. Mr. Emery stated that the Chesapeake Feline Association (CFA) received a Special Exception in 2015 to operate a cat rescue. He explained that the association has made much progress on the maintenance of the property. Ms. Burkhardt added that over the past year, they received one complaint which was unfounded. She explained that they do not accept drop offs at this facility and when they do rescue a cat, once the feline is spayed/neutered, they are returned to the location at which they were picked up. Mr. Emery requested that the Chesapeake Feline Association received an approval for as long as they operate out of this location.

Mr. Emery stated that Dawn Cowhey was attending a Planning Commission in Perryville, MD regarding a site for a spay/neuter facility within the town limits.

Discussion ensued regarding the cat population at Perry Point.

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

COMMENTS IN SUPPORT: Irena Hanlon, 100 Mt. Rocky Lane, Colora, spoke in favor of this application citing the positive changes that CFA has made with the feral cats in the county. She stated that, in the past, she also rescued cats in the area; she now volunteers at CFA.
Also in favor of this application was Alma Faul, 8 Spring Hill Lane, North East, MD. She feels that the concerns that she had last year are no longer warranted. She stated that she has only seen one stray cat in the neighborhood. She feels that CFA has improved the condition of the home and yard.

COMMENTS IN OPPOSITION: Bert Krasman, 56 Spring Hill Lane, North East, MD spoke in opposition citing numerous stray cats in the neighborhood for the past year. He believes cats are being dropped off to 88 Spring Hill Lane.

Discussion ensued regarding the statistics given by CFA on the cat rescues thus far.

RECOMMENDATIONS:
Staff recommended approval, for as long as the owner owns the property and the applicant operates the business.

ACTION: Motion made to recommend approval with Staff’s conditions, was made by Mr. Mullen. Motion seconded by Mr. Johnston.

VOTE: Members whom voted in favor of the motion included Mr. Johnston, Mr. Mullen and Mr. Miners. Mr. Wallace was the sole opposing vote.

Motion for the recommendation of approval with the Staff’s conditions carried.

The next meeting for this application will be September 27, 2016 before the Board of Appeals.

GENERAL DISCUSSION:
None.

The meeting adjourned at 6:56 p.m.

NEXT PLANNING COMMISSION MEETING: Monday, October 17, 2016 at 6:00 p.m. located in the Elk Room.

Respectfully submitted:

___________________________________
Jennifer Bakeoven
Administrative Assistant
Office of Planning and Zoning
CECIL COUNTY PLANNING COMMISSION
MEETING MINUTES
Monday, October 17, 2016
6:00 p.m.

PRESENT: Pat Doordan, (Chairman), Bill Miners, Chad Johnston, Wyatt Wallace, Ken Wiggins (Vice Chair) Joyce Bowlsbey (Ex-Officio), Eric Sennstrom (P&Z), Steve O’Connor (P&Z) and Jennifer Bakeoven (P&Z).

ABSENT: Roger Persons, Tom Mullen (Alternate), James Dellmyer, Esq., Lloyd Harmon (DEH), Mark Woodhull, (DPW) and Tony Di Giacomo (P&Z).

MINUTES - Motion was made by Mr. Miners, seconded by Mr. Wiggins and unanimously carried to approve the Monday, September 19, 2016, 6:00 p.m., minutes as mailed.

MASTER WATER & SEWER PLAN (MWSP) – MAP AMENDMENTS
- 2014 Water Service Districts – Chesapeake City
- 2014 Sewer Service Districts – Chesapeake City

MASTER WATER & SEWER PLAN (MWSP) – TEXT AMENDMENTS
- Chapter 1, Section 1.2
- Chapter 1, Section 1.3.1.K
- Chapter 4, Section 4.1.4.B

PRIORITY FUNDING AREAS – MAP AMENDMENT – Chesapeake City Growth Area.

Eric Sennstrom, Director – Planning & Zoning, presented an overview of the amendments. Mr. Sennstrom stated that the first three items on the agenda (MWSP Map and Text Amendments and the Priority Funding Areas Map Amendment) all deal with the project that the Town of Chesapeake City is pursuing to create a new wastewater treatment plant on the north side of town. They plan to decommission the plant on the south side of town, pump the sewage from the south side to the north side, having one treatment plant instead of two. Previously, this Commission had a request for growth allocation pertaining to this plan. As part of this project, that Town has been pursuing State funding assistance to help achieve their goals with the consolidation of the plants. Part of that review by Maryland Dept. of the Environment (MDE) and Maryland Dept. of Planning (MDP), brought to the Town and County’s attention that there were some areas that are within the proposed service area for the consolidated wastewater treatment plant that were not presently shown in the County’s Master Water & Sewer Plan or on the County’s Priority Funding Area Map. Pursuant to those discussions between the Town, County and MDP staff, revisions were created to the Water Service Area Map, Sewer Service Area Map and the Priority Funding Area Map to correct all the omission that were identified and to add proposed language to be added to the text that would satisfy any concerns that the Dept. of Planning had with the amendment.

If the proposed amendments are approved by Council, all properties that are proposed to be served within the service districts for the new plant will be included on both maps to be shown as future service areas and all properties will also be included on the County’s Priority Funding Area Map so there will be no objection to State funding for the project. The proposed language to be inserted into Chapter 1 Sections 1.2, 1.3.1.K and Chapter 4 Section 4.1.4.B would be language that MDP requested to be inserted to give them greater comfort in
recommending to MDE that the project is consistent with the Priority Funding Area laws and that they would have no objection to the State funding a significant portion of this project.

HEALTH DEPARTMENT: The Cecil County Health Department has no objection to this proposal of amendments.

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: None.

RECOMMENDATIONS:
Staff recommended approval; the amendments are consistent with the Comprehensive Plan.

ACTION: Motion made to recommend approval, stating the consistency of the plan’s amendments with the County’s Comprehensive Plan was made by Mr. Miners.
The motion was seconded by Mr. Wiggins.

VOTE: Members voted unanimously in favor of the motion.

Motion for the recommendation of approval carried.

The next meeting for this application will be December 6, 2016 before the County Council.

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

SPECIAL EXCEPTIONS:
FOR: Special Exception Renewal to operate an in-home occupation.
PROPERTY LOCATION: 1191 Doctor Jack Road, Conowingo, MD 21918, Election District: 7, Tax Map: 22, Parcel: 165.
PROPERTY OWNER: William J. Morrow and Elke Binder.
PRESENTLY ZONED: Rural Residential, (RR).

William Morrow appeared and presented an overview of his application. He stated that we would like to continue operating his massage business out of his home.

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

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: None.

RECOMMENDATIONS:
Staff recommended approval for as long as the applicant owns the property and operates the business.

ACTION: Motion made to recommend approval with Staff’s conditions, was made by Mr. Wallace.
Motion seconded by Mr. Johnston.
VOTE: Members voted unanimously in favor of the motion.

Motion for the recommendation of approval with the Staff’s conditions carried.

The next meeting for this application will be October 25, 2016 before the Board of Appeals.

FOR: Special Exception to place a single wide mobile home on the property for hardship purposes.
PROPERTY OWNER: Waibel Wood, LLC c/o Walter Clark.
PRESENTLY ZONED: Northern Agricultural Residential, (NAR).

Walter Clark appeared and presented an overview of this request. Mr. Clark explained that there was a doublewide mobile home previously located on the property but was lost in a fire. He stated that he would like to replace the doublewide mobile home with a singlewide mobile home for his Aunt and Uncle to live in due to their medical and financial hardship.

HEALTH DEPARTMENT: Permit # 201624033 has been approved by the Health Department to replace the existing mobile home that was damaged by fire. Health Department has no objection to this special exception request.

COMMENTS IN SUPPORT: None.
COMMENTS IN OPPOSITION: None.
RECOMMENDATIONS:
Staff recommended approval, for two (2) years.

ACTION: Motion made to recommend approval, was made by Mr. Wiggins.
Motion seconded by Mr. Johnston.

VOTE: Members voted unanimously in favor of the motion.

Motion for the recommendation of approval carried.

The next meeting for this application will be October 25, 2016 before the Board of Appeals.

FILE: 3790 - APPLICANT: Marianne F. Bitner.
FOR: Special Exception to place a double wide mobile home on the property for agricultural purposes.
PROPERTY LOCATION: 1550 Hopewell Road, Port Deposit, MD 21904, Election District: 6, Tax Map: 17, Parcel: 19.
PRESENTLY ZONED: Northern Agricultural Residential, (NAR).

John Meck appeared and presented an overview of the application. Mr. Meck explained that the property located at 1550 Hopewell Road currently has a singlewide mobile home on the property that was occupied by
tenants. Due to size constraints, the tenants had to move from the mobile home. If they are approved for a doublewide mobile home, the tenants would be able to move back to the property or at the very least have greater accommodations for others to live there and help with the farm.

HEALTH DEPARTMENT: A conversation with Ms. Bitner on October 13, 2016 revealed that this request is to replace a singlewide mobile home with a doublewide mobile home that has 3 bedrooms. Permit # C5514-90 was issued for an existing mobile home with two (2) bedrooms for relocation. The septic system installed at that time is adequate for a three (3) bedroom mobile home. Health Department has no objection to this special exception request.

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: None.

RECOMMENDATIONS:
Staff recommended approval, for two (2) years.

ACTION: Motion made to recommend approval, was made by Mr. Johnston.
Motion seconded by Mr. Miners.

VOTE: Members voted unanimously in favor of the motion.

Motion for the recommendation of approval carried.

The next meeting for this application will be October 25, 2016 before the Board of Appeals.

Discussion ensued regarding the clarification of the recommendations for File # 3788 – Waibel Wood, LLC and File # 3790 – Marianne Bitner.

Mr. Wiggins explained that his recommendation should read “approval for as long as the applicant owns the property and the Aunt and Uncle live in the mobile home”.
Mr. Johnston seconded the amended recommendation.

All members voted unanimously in favor of the amended recommendation.

Mr. Johnston clarified that his motion in regard to File #3790 should read “approval for as long as the property owner owns the property and an agricultural operation is conducted on the property”, creating an amended motion.
Mr. Miners seconded the amended recommendation.

All members voted unanimously in favor of the amended recommendation.

GENERAL DISCUSSION:
None.

The meeting adjourned at 6:20 p.m.

NEXT PLANNING COMMISSION MEETING: Monday, November 21, 2016 at 6:00 p.m. located in the Elk Room.
Respectfully submitted:

___________________________________
Jennifer Bakeoven
Administrative Assistant
Office of Planning and Zoning
CECIL COUNTY COMPREHENSIVE PLAN – MAP AMENDMENT

- Amend Chapter 3 – Land Use - Amendment to incorporate Tier Map.

Eric Sennstrom, Director of Planning and Zoning, appeared and presented an overview of the amendment. Mr. Sennstrom explained that in the Legislative Session of 2012, the Maryland General Assembly passed legislation that is known as Senate Bill 236. That bill established a tier system for the County’s tiers 1-4 with tier 1 being the areas that are existing sewer service areas and tier 4 being in the rural area; each tier between 1-4 step down in the order of magnitude of what is permitted. That legislation set a deadline of December 31, 2012 for an adoption of a tier map for the counties that chose to do so. During the time, the County was under a Commissioner form of government with the five members unable to come to a consensus on a map to adopt. Once the county transitioned to Charter Government, the County Executive chose to adopt a tier map in order to allow individuals to continue to make decisions as to what is best for their property and to protect property rights in the county. If the county had not adopted a tier map by the deadline, major subdivision could only occur in the tier 1 areas that are served by existing sewer. The SB236 mandated that if a map was adopted, the State could comment on it, although they would have no authority to approve or disapprove the map. The State did comment on the map and per regulations, the Planning Commission had to hold a hearing on the comments. The State voiced their displeasure with the map submitted; a hearing was held in February 2013. With that, the requirements of the legislation were met as far as the adoption and subsequent public hearings that were required. Subsequent to the 2012 adoption, the staff as well as the Executive have met with the Department of Planning both at the Secretarial and Staff level to come up with a successor to the adopted tier map. Nine different versions of the map have been presented to the State over that time. Unfortunately, none of those versions were agreed upon.

In the legislative session of 2013, legislation was passed, know as Act 521. Act 521 states that if the Counties were still on a 6 year review cycle for their Comprehensive Plans, they would be required to incorporate their adopted tier map into the Comprehensive Plan in order to continue on allowing subdivisions to occur outside of tier 1 areas. Since the negotiations have not been successful in reaching a compromise with the State, the Executive is aware of the December 31, 2016 deadline. She has decided to incorporate the currently adopted tier map to our Comprehensive Plan into Chapter 3.

The purpose of this request is to seek a recommendation from the Planning Commission to the County Council who will consider this matter in December. The goal is to incorporate the adopted map into the Comprehensive Plan so that the property rights in the county are protected and that our goals and objectives of the current Comprehensive Plan are not negated by the legislation passed by the State.
Chairman Doordan asked what will happen if the map is not incorporated into the current Comprehensive Plan. Mr. Sennstrom stated that on January 1, 2017 the only areas that a major subdivision could be approved in the county would be in the tier 1, in areas that are presently served by public sewer. The rest of the county would only be allowed to have minor subdivisions approved. By doing this, the landowners seeking preservation would be unable to as their land would have no value, therefore no preservation offers would be made by the State. Also, if subdivision potential has been exhausted on the land, the landowners would not be able to further subdivide, again leaving the land with no value from a development prospective.

Mr. Wallace asked Mr. Sennstrom to explain that State’s objections to the adopted tier map. Mr. Sennstrom stated that the map was not expansive enough, especially in the tier 4 areas. They would like to see a more broad approach and a more expansive tier 4 area. Mr. Sennstrom stated that the map adopted in December 2012 included only properties that were currently in preservation or properties owned by governmental entities into tier 4.

Mr. Wiggins explained that the intent of SB236 was to reduce pollutants in the Bay. If that cannot be accomplished with the tier map, he asked if an alternative was established. Mr. Sennstrom stated that the target of this was developments occurring on septic systems. The total amounts of pollutants that are generated from those are a small percentage from Maryland that goes into the Bay. Discussion ensued regarding the Watershed Implementation Plan. Mr. Wiggins expressed his belief that a citizen committee should be implemented to help create a new tier map.

Mr. Johnston asked if an extension could be given for the incorporation of the map. Mr. Sennstrom said no, the law states a deadline of December 31, 2016. Mr. Johnston asked if the map could be amended at a later date. Mr. Sennstrom said that it could if negotiations continue with the State, the process could be repeated. If an agreeable solution is reached between the County and the State, the County Council has the ability to amend portions of the Comprehensive Plan without any set time table to do so.

HEALTH DEPARTMENT: The Cecil County Health Department has no comment.

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: The following are the individuals that spoke in opposition of this amendment: Emmitt Duke, 26925 Mallard Road, Chestertown, MD (Sassafras River Keeper); George Kaplan, 35 Oak St., Colora, MD; Rupert Rossetti, 215 Dr. Jack Road, Port Deposit, MD; Kimberly Brant, 1209 Calvert St., Baltimore, MD (1000 Friends of Maryland); Eric Fisher, 102 East Dover St., Easton, MD (Chesapeake Bay Foundation); Jonathan Quinn, 445 Church Road, Warwick, MD (President, Cecil County Farm Bureau); Josh Hastings, 114 South Washington St., Easton, MD (Eastern Shore Land Conservancy); Jeremy Rothwell, 36 Harkins Lane, Chesapeake City, MD (Cecil Land Trust); Jill Burke, 268 Nottingham Road, Elkton, MD; and Chuck Foster, 40 Two Rivers Lane, Chesapeake City, MD. Collectively, the opponents of this amendment felt that this was not the proper map to be incorporated into the Comprehensive Plan. They feel that more time should be spent with the possible creation of a citizen committee to come up with a different version of the tier map. Many feel that the adopted map has not preserved enough of the land in the county. Several of the speakers asked that the Planning Commission table the amendment for further review by both the Commission and the citizens. Letters and hand outs were received from Mr. Duke, Mr. Kaplan and Mr. Quinn (see file).

Mr. O’Connor stated that letters were received in regard to this agenda item; the authors of the letter spoke at the meeting. Mr. O’Connor responded to some of the concerns of the opponents. Discussion ensued regarding Colora Farms.
Mr. Sennstrom stated that per law, 60 day notice letters were sent to all 8 municipalities, the surrounding counties as well as the State Department of Planning regarding the hearing. The only entity that sent comments was Chester County, PA. They had no objections to the tier map.

Discussion ensued regarding the letters sent into the County regarding this agenda item.

RECOMMENDATIONS:
Staff recommended approval for incorporation of the tier map into the Comprehensive Plan.

ACTION: Motion made to recommend the tabling of this item until a deliberative process has taken place to provide a tier map that meets the requirements of the Comprehensive Plan was made by Mr. Wiggins. The motion was seconded by Mr. Miners.

VOTE: Members voted unanimously in favor of the motion.

Motion for the recommendation of tabling carried.

The next meeting for this application will be December 6, 2016 before the County Council.

CECIL COUNTY ZONING ORDINANCE – TEXT AMENDMENTS
• Amend language in Section 101 (Campgrounds and Recreational Vehicle Parks (5.05.000)) to include the addition of the Low Density Residential (LDR) zoning classification

Eric Sennstrom, Director of Planning and Zoning appeared and presented an overview of the amendment. Mr. Sennstrom stated that the County Executive received correspondence from individuals who were looking at Section 101 of the County’s Zoning Ordinance, specific to campground regulations. Those individuals made suggestions as to amendments that should be made to that section so that a different type of campground could be proposed in the county. Specifically, their suggestion was geared towards transient/recreational vehicle parks. See page 9 for amendment being proposed.

Dwight Thomey, Esq. appeared as a representative for the proponents of this language change. Mr. Thomey introduced Todd Burbage, Blue Water Development Corporation, Joe Gorrell, Gorrell Construction and Jeff Clark, Land Tech. Mr. Burbage gave a PowerPoint presentation (see file) regarding his existing campgrounds that are similar to what is being proposed within this amendment.

Discussion ensued regarding Critical Area requirements with this type of use.

HEALTH DEPARTMENT: The Cecil County Health Department has no comment.

COMMENTS IN SUPPORT: Dean Geracimos, Mayor – Chesapeake City, 333 Walnut Drive, Chesapeake City, MD and Joe Zang, Mayor – Cecilton, 202 Ariel Ave., Cecilton, MD, spoke in favor of this proposal. They both felt that this would be a good addition to the regulations. Mr. Geracimos feels that this will be a true economic engine for the County and the Towns within. Mr. Zang stated that he feels this project would bring people to the county to spend money but not tax our infrastructure and schools.

COMMENTS IN OPPOSITION: None.

Mr. O’Connor read a letter that was received from Lisa Webb, Director – Economic Development. See file.
RECOMMENDATIONS:
Staff recommended approval.

ACTION: Motion made to recommend approval, by Mr. Miners. The motion was seconded by Mr. Wallace.

VOTE: Members voted unanimously in favor of the motion.

Motion for the recommendation of approval carried.

The next meeting for this application will be December 20, 2016 before the County Council.

- **Amend language in Section 115 (Communication Towers (8.04.000) to permit towers in the Open Space (OS) zoning classification).**

Eric Sennstrom, Director – Planning and Zoning appeared and gave an overview of the amendment. Mr. Sennstrom stated that this amendment will insert the Open Space (OS) zoning district into the list of zoning districts in the introductory sentence in which communication towers are permitted as a Special Exception. The OS zoning districts are properties that are owned by governmental entities such as Cecil County municipalities, the State or Federal government. It is being proposed so that if an individual desires to lease space from the County to place a communication tower on County owned property, the Zoning Ordinance would be permissible of that type of activity.

HEALTH DEPARTMENT: The Cecil County Health Department has no comment.

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: None.

RECOMMENDATIONS:
Staff recommended approval.

ACTION: Motion made to recommend approval by Mr. Wallace. The motion was seconded by Mr. Johnston.

VOTE: Members voted unanimously in favor of the motion.

Motion for the recommendation of approval carried.

The next meeting for this application will be December 20, 2016 before the County Council.

SUBDIVISIONS:
No subdivision submittals were received for review by the Planning Commission.
Will Riddle, Esq., and Martin Imperial appeared and presented an overview of the request. Mr. Riddle explained that Mr. Imperial owns Elkton Recycling on Dogwood Road in Elkton. The property that he is requesting to have rezoned was subdivided off of that property. The present zoning designation is M2, Mr. Imperial would like to have the property rezoned to BG. The size of the property in question is approximately .5 acres. Mr. Imperial is looking to operate a used car lot on the property. Mr. Riddle explained that his client feels that there has been a change in the character of the neighborhood, due to the surrounding BG zoned parcels as well as a car repair facility located in close proximity to this parcel that operates under a Special Exception.

HEALTH DEPARTMENT: The Cecil County Health Department has no objection to this request of Rezoning.

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: None.

Mr. O’Connor explained that a letter was received by and adjoining property owner, Lenape Properties, expressing that they have no objection to this rezoning application.

RECOMMENDATIONS:
Staff recommended approval based on a substantial change in the character of the neighborhood since the 2010 Comprehensive Rezoning.

ACTION: Motion made to recommend approval with Staff’s conditions, was made by Mr. Johnston. Motion seconded by Mr. Wallace.

VOTE: Members voted unanimously in favor of the motion.

Motion for the recommendation of approval with the Staff’s conditions carried.

The next meeting for this application will be January 3, 2017 before the County Council.
SPECIAL EXCEPTIONS:
FOR: Special Exception to erect a communication tower on the property.
PROPERTY LOCATION: 164 Cherry Grove Road, Earleville, MD 21919, Election District: 1, Tax Map: 52, Parcel: 498, Lot: 2.
PROPERTY OWNER: Gene W., Jr. & Jennifer Franceschina.
PRESENTLY ZONED: Southern Agriculture Residential, (SAR).

John Tracey, Esq., Michael Cleary, P.E., James Rogers, Real Estate Project Manager, Verizon Wireless and Andrew Peterson, Radio Frequency Design Engineer, DBM Engineering, appeared and presented an overview of the application. Mr. Tracey explained that his client is seeking to erect a 130’ tall communications tower with a 5’ lighting rod on the property. The proposed tower will be made to look like a tree. Mr. Tracey provided the Commission with numerous documents pertaining to health, property values, etc., in relation to a cell tower installation (see file). Mr. Peterson gave an overview of the need for the tower while Mr. Rogers explained how he came to choose this particular property. Mr. Cleary presented to the Commission how the tower will be built.

HEALTH DEPARTMENT: The Health Department has no objection to this request of Special Exception.

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: The people that spoke in opposition of this application are as follows: Carl Dolde, 230 Cherry Grove Road; Michael Snyder, 240 Cherry Grove Road; Steve and Laura Preston, 307 Stoney Battery Road; Jane Lloyd, 201 Cherry Grove Road; Ray Woodie, 233 Cherry Grove Road; Janine Park, 584 Fingerboard Schoolhouse Road; Aaron Esh, 170 Cherry Grove Road, all of Earleville, MD. Collectively, the opponents felt that this is not a good location for a tower as they feel it will be an eye sore in the area. Some also feel that it may be dangerous for their health. Some speakers expressed not having an issue with a tower being used in the area though they feel that a different location needs to be sought.

RECOMMENDATIONS:
Staff recommended approval.

ACTION: Motion to recommend approval, was made by Mr. Wallace. Motion seconded by Mr. Johnston.

VOTE: Members voted in favor of the motion: Miners, Johnston, Wallace and Persons. Wiggins was the sole opposing vote.

Motion for the recommendation of approval carried.

The next meeting for this application will be November 29, 2016 before the Board of Appeals.
Sumit Gupta, owner, appeared and presented an overview of the application. Mr. Gupta explained that he recently purchased an existing daycare. He is requesting a Special Exception to continue to operate said daycare.

HEALTH DEPARTMENT: Permit number 201624277 was issued on October 1, 2016. The Health Department has no objection to this request of Special Exception.

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: None.

RECOMMENDATIONS:
Staff recommended approval, for as long as the property owner owns the property and operates the business.

ACTION: Motion to recommend approval with staff’s conditions, was made by Mr. Johnston. Motion seconded by Mr. Miners.

VOTE: Members voted unanimously in favor of the motion.

Motion for the recommendation of approval carried.

The next meeting for this application will be November 29, 2016 before the Board of Appeals.
ACTION: Motion to recommend approval with staff’s conditions, was made by Mr. Miners. Motion seconded by Mr. Johnston.

VOTE: Members voted unanimously in favor of the motion.

Motion for the recommendation of approval carried.

The next meeting for this application will be November 29, 2016 before the Board of Appeals.

GENERAL DISCUSSION:
None.

The meeting adjourned at 8:42 p.m.

Due to a lack of agenda items, there will not be a December meeting of the Planning Commission.

NEXT PLANNING COMMISSION MEETING: Wednesday, January 18, 2017 at 6:00 p.m. located in the Elk Room.

Respectfully submitted:

___________________________________
Jennifer Bakeoven
Administrative Assistant
Office of Planning and Zoning
Due to a lack of agenda items, there was not a December 2016 meeting of the Planning Commission.