Technical Advisory Committee 2005
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Technical Advisory Committee

January 5, 2005, 9:00 a.m.

PRESENT: DiGiacomo, Funk, Latham, Mandras, Markwardt, Moore, Orr, Ouano, Roop, Woodhull and Jones

ABSENT: Ancel, Carter and Davis

Mr. DiGiacomo stated that during the interim of the Citizens Representative seat being filled comments may be sent to the OPZ. Comments were received from Owen Throne on the W. Harris Construction and MSM Investments, LLC projects which will be read when the project is reviewed.

1. Tollen Van Stan and Warren Harris presented W. Harris Construction, Inc, Barksdale Road, Concept Plat, Ramesh C. Batta Associates, PA, Fourth Election District

Mr. Van Stan stated this project will connect to public sewer once it becomes available. The plans have been revised in the hope of maximizing the lots.

Mr. Funk provided the applicant with a copy of the Soil Conservation Report stating the area consists of hydric soils that poorly drain that area and rate very limited for homes with, or without basements.

Mr. Woodhull of DPW stated that this property is outside of the Master Water & Sewer Plan (MWSP) coverage area. Therefore the applicant will need to request an amendment to the MWSP Plan. This is a public process involving hearings before the Planning Commission and the ultimate decision, to be made by the Board of County Commissioners of Cecil County.

If this site is brought into the Master Water & Sewer Master Plan both sewer and water allocations must be requested from DPW.
No water or sewer allocation is available to this site at this time. The ability of the existing water distribution system, together with the proposed extensions, to provide adequate fire flow and pressure must be demonstrated through an update to the Engineering Report of Meadow View – Highlands Water System Analysis prepared by Gregg, Miles, & Buhr, LLC in October 2004. A copy of this report may be obtained from the CCDPW.

Mr. Woodhull asked if any consideration had been given as to where the on-site sanitary sewer system would tie into the existing Highlands WWTP. Mr. Van Stan replied between Lots 44 and 45. This would be part of the Aston Pointe sewer line.

Mr. Woodhull stated any sanitary sewer lines run outside of County ROW must be ductile iron and located in a utility easement of sufficient width to allow access.

A SWM Plan, Road & Storm Drain Plan, Sanitary Sewer Plan, Water Distribution Plan, and a Mass and Final Grading Plan must be approved by the CCDPW prior to submittal for Final Plat approval. The Final Plat must include the standard note recognizing the applicability of the Lot Grading Plans. (“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.”)

The Lot Grading Plan must include the standard note addressing the limits of construction. (“No clearing or grading is permitted beyond the limits of disturbance show 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.”)

General Note #3 located on the plat is not required on the plat.

If stormwater discharge is directed off of the site on to adjacent property it is the responsibility of the Developer to obtain appropriate easements from the affected property owners per Section 251-13 of the Cecil County SWM Ordinance. Any and/or all structures, such as dwellings, outbuildings, driveways, etc., on down-gradient properties so impacted must be identified on the SWM Plans.

The downstream conveyance of storm water must be analyzed in accordance with Section 251-9 A. (5) of the County’s SWM Ordinance. This analysis must include the culvert under Barksdale Road. Special care must be given to the design if a concentration of runoff will result from the SWM facilities.
The Lot Grading Plan and SWM Plan must address how the conveyance of drainage from the proposed road will be handled.

The filling of the wetland identified on Lot 28 must be accomplished so as to address any potential adverse impact on the dwelling constructed thereon.

If SWM structural BMPs are required for this site, they must be provided for within Common Open Space (COS).

Access must be provided to each SWM facility on site.

All conveyance and access easements must be identified on the Final Plat. The standard easement width is 20’ however they may need to be wider depending on the type of conveyance and/or the combination of access and conveyance that is incorporated.

Any applicable Road Code Variance must be requested prior to submittal for Preliminary Plat approval.

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

Sight distance measurements will be required at the intersection of the proposed road and Barksdale Road. The centerline of the proposed entrance location must be marked in the field.

The entrance geometry is of concern to DPW and must comply with the appropriate sections of the Road Code. In particular, Section 3.07 b. 4, which is Intersection Angles, states that intersections should be preferably 90° but shall not be less than 70°. Justification for angles other than 90° must be made to the satisfaction of the Department. The Department wants to see the entrance geometry prior to Preliminary Plat submittal.

The requirements of Section 3.07.15 of the Road Code requires that Barksdale Road be upgraded to Minor Collector road standard for 100’ either side of the proposed entrance.
The applicant must conduct a Category 3 Protocol road condition survey along Barksdale Road from its intersection with Appleton Road to its intersection with Valley Road. The Department may require the applicant to perform off-site upgrades to Barksdale Road based on the findings of this condition survey.

Mr. Woodhull asked if the applicant had had any discussions with any of the adjacent property owners you propose connectivity with. Mr. Van Stan replied no. Mr. Woodhull stated this Department is aware of a conceptual layout for the Walter & Florence Barczewski property and it does not reflect tying into this site. The Department strongly recommends that if connectivity is pursued the Developer discuss the issue with each of the impacted adjacent owners.

With 45 lots proposed the access road would normally qualify as a “Minor Road” classification.

Mr. DiGiacomo stated a draft of the most conceptual proposal had been shared with the DPW by Barczewski, but had not been presented to TAC.

Mr. Woodhull stated because of the likely connectivity with adjacent properties the access road must be classified as a “Minor Collector” at a minimum.

Unless the Planning Commission approves connectivity to the Barczewski property, the Catholic Diocese Foundation Property, and/or the Land of the Cecil County BOCC property the road stubs serving Lots 4-9 and Lots 21-26 must be terminated as cul-de-sacs, per the Road Code, and the stub to the Lands of Barczewski eliminated completely. The Department would entertain a Road Code Variance to the size of the required cul-de-sac bulbs required. However if the Planning Commission approves any or all of the proposed connections then the road stubs may be temporarily terminated in “Tee Turnarounds” per the Road Code. The stub adjacent to Lots 20 & 21 would be terminated at the P.C.’s of the intersection without the need for a Tee-Turnaround. Lots 23 & 24 must be denied access to the unnamed street except for the southernmost 30’ of frontage.

With the minimum lot frontage being 65’ on Lot 11, Section 2.07 of the Road Code requires that a curbed road section be used throughout the development.

All driveways must be paved at least to the right of way. If the access road qualifies as a “Minor Collector” classification all lots must access the least major internal road wherever practical. Those that must front a “Collector” road must be provided with turnaround capability. The driveway paving, within the ROW, must be complete for all lots at the time when the surface course for the internal roads is installed (80% of Lots are...
built-out). The Developer/Contractor must establish the driveways for any lots not built-out at that time. In addition any driveway in excess of 5% up-gradient-slope must be paved to the crest and the Developer/Contractor will be responsible for this at the time of surface course installation. If the development is phased this requirement will apply to each phase when 80% of the lots are built-out. All of this must be so indicated on the Lot Grading Plan.

Lots 1 & 45 must be denied access to Barksdale Road along their entire road frontage. And both lots must also be denied access to the proposed road for the first 75’ as measured from the P.I. with Barksdale Road. All denied access must be identified on the Final Plat as well as the Lot Grading Plan.

Mr. Woodhull asked what existing rights and/or obligation did the owners of Parcels 223, 356 & 711 have in regards to the existing access drive. Mr. Van Stan stated all of these parcels were served by a 16½’ wide easement along the east line.

Mr. Woodhull asked if this access would be owned in fee simple or was it an access easement. What is the proposed disposition of the access to these Parcels? This information must be provided to the DPW prior to Preliminary Plat approval. Mr. Woodhull asked if the existing access lane owned in fee simple by any particular owner. Mr. Van Stan replied it was portion shared driveway.

Mr. Woodhull stated the access to Torres & Miller properties (Parcels 223, 356 & 711) must be brought into the proposed street at a 90° angle.

Any Tot Lots or active recreation areas required by the Planning Commission must be included in a PWA and have approved construction plans. A PWA is required for the Roads and Storm Drains. A PWA will also be required for the Sanitary Sewer and Water.

An I&M Agreement is required for SWM facilities.

Mr. Ouano, Conectiv, stated before the removal of the existing overhead electric, a new distribution facility would need to be installed within the subdivision.

Ms. Latham, MDE, asked if the water did not materialize, did the applicant plan to move forward with individual lots served by individual wells. Mr. Van Stan replied he hoped that would not be necessary as community service was a must. Ms. Latham stated individual wells would require larger lot sizes, approximately 29 lots versus 45 lots.
Mr. Markwardt stated bus service would be provided at the corner of Barksdale Road and the yet to be named street due to the short distance.

He questioned the size, price range and construction commencement of homes. Mr. Van Stan stated the size would be 2800 ft² range with a price range of $300,000 and up. Project would start ASAP.

Mr. Mandras, State Highway Administration, stated the project did not have access to a state highway therefore; they had no objection to its approval.

Mr. Moore read the Health Department comments, a copy attached for reference.

Mr. Roop of the (US Army) Corps of Engineers stated any filling in the in the non tidal, intermittent stream or adjacent wetlands required a Department of Army (DOA) permit. No Jurisdictional Determination (JD) has been issued.

Mr. DiGiacomo stated he had received comments from Owen Thorne, on behalf of himself and as the chairperson of ARCA. Mr. Thorne objects to the number of proposed lots permitted, should the Master Water and Sewer Plan be changed to accommodate the development as proposed. It is his opinion that the more appropriate place for the water and sewer service and higher density would be in the I-95/Route 40 corridor. A copy of the email is attached for reference and has been placed in the OPZ subdivision file.

Mr. DiGiacomo stated no comments had been received from the Singerly Volunteer Fire Department.

Mr. DiGiacomo of OPZ stated the zoning was SR which permits a maximum base density of 1 dwelling unit of 1 acre. With community facilities, a density of 2/1 would be permitted.

There is a discrepancy between the total tract acreage listed on the concept plat (29.615 acres) and the total tract acreage according to tax assessment records (25.78 acres total – 24.4 acres for parcel 45 and 1.38 acres for parcel 288). Mr. DiGiacomo asked if a boundary line survey been conducted. Mr. Van Stan replied yes, the acreage had been based on a physical survey.
Mr. DiGiacomo state if tax records are correct, this concept plat proposes 45 lots on 25.78 acres, for a proposed density of 1 unit per 0.57 acres. If the acreage on the plat is correct, this concept plat proposes 45 lots on 29.615 acres, for a proposed density of 1 unit per 0.66 acres.

A boundary line survey, for density calculation purposes, must be done prior to preliminary plat review by the TAC, which has already been completed.

Given the density of the proposed subdivision, this concept plat appears to indicate that community facilities are proposed, even though nothing is explicitly noted on the plat. The proposed method and location of water supply and sewerage disposal facilities must be noted on the Concept Plat submitted for Planning Commission review.

Verification of water and sewer allocation must be received prior to the Planning Commission’s review of the Final Plat. The identity of the waste water treatment plant must be included on the Final and Record Plats. The name of the water service provider providing the water must also be included on the Final and Record Plats.

The Master Water and Sewer Plan must be amended prior to Final Plat review.

The Record Plats shall contain a statement, signed by the owner, to the effect that water and sewer facilities will be available to all lots and houses offered for sale.

Since this plan was reviewed by the TAC in August 2004, parcel 288, owned by Venus Wilson, has been incorporated into the concept plan. The owner and deed reference information for parcel 288 will need to be included on the plat prior to being reviewed by the Planning Commission.

Existing zoning and deed reference numbers of adjacent properties must be shown on the concept plat submitted for review by the Planning Commission.

The line style used to denote soil classification boundaries must be identified in the legend.

The road dedication label must be revised to read: “To be dedicated to the Board of County Commissioners of Cecil County.”
Per Section 4.0.13(f) of the Subdivision Regulations, a north arrow must be shown on the plan.

The internal road names will need to be approved by the County 911 Emergency Center prior to Planning Commission review of the Concept Plat. Road names are required on Concept Plats, per Section 4.0.13 (h) of the Subdivision Regulations. There are currently no proposed road names indicated on the plat.

All existing easements on site, especially those mentioned in Deeds NDS 273/262, WLB 653/923, and WLB 837/248, must be shown on the plat, per Section 4.0.13 (h) of the Subdivision Regulations.

The lot dimensions of all sides of the lots are required, per Section 4.0.13 (j) of the Subdivision Regulations.

Near the “access to Torres and Miller” label, two triangular areas of questionable status are shown. Are these areas intended to be added to the Lands of Torres and/or the Lands of Miller? If so, the add-ons must be explicitly identified, add-on hooks must be shown, the acreages of these areas must be provided, and Torres and/or Miller must sign the record plat. Mr. Van Stan stated it was the applicant’s intent to deed that property to the Torres. Mr. DiGiacomo asked if there is a reduction in the acreage for the property it would need to be noted on the plat as well as the revised density calculation being based on the acreage.

Mr. DiGiacomo stated proposed Lot 1 must be denied access to Barksdale Road, as noted on the plan.

To reiterate on DPW’s concerns about access to adjacent property owners, those access points need to be coordinated between the developer and the adjacent property owners. The concept plat submitted by Walter Barczewski as part of his failed attempt to amend the Master Water and Sewer Plan does not show a stub road in the vicinity of the stub road shown on this plan, Mr. Woodhull indicated.

Sidewalks are recommended on at least one side of all internal roads.

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. 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. A Jurisdictional Determination (JD) must be done prior to preliminary plat review by the Planning Commission.

Given the size and location of the wetland on proposed Lot 28, Lot 28 appears to be unbuildable. The habitats of rare, threatened, and endangered species must be avoided.

The SR zone requires a minimum of 15% common open space. None is shown on the concept plat. The 11.7 acres of common open space listed in the site data column occur in the proposed subdivision and all common open space must be explicitly labeled as such on the Concept Plat prior to being reviewed by the Planning Commission.

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. These percentages must be verified on the preliminary plat submitted for TAC review.

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

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

A landscape plan must be approved prior to Planning Commission review of the Final plat, and the landscape plan must include:

1) A Bufferyard C, outside the right of way, along the Barksdale Road frontage;

2) Rows of street trees, with 10’ planting easements, outside the right-of-way, along both sides of all internal roads. Where feasible, the natural vegetative equivalent may be used to satisfy the bufferyard and street tree requirements.

3) Calculations indicating that 20% of the development envelope has been landscaped.

A Landscape Agreement must be executed prior to recordation.

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The Forest Stand Delineation (FSD) must be approved prior to Planning Commission review of the Concept plat. The Preliminary Forest Conservation Plan (PFCP) must be approved prior to Planning Commission review of the Preliminary Plat. The final Forest Conservation Plan (FCP) and Landscape Plan must be approved prior to Planning Commission review of the Final Plat.

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

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. The metes and bounds description of the FRA must be shown on the record plat. Barksdale Road is a collector road and therefore will require a 50’ setback. This will have an impact on proposed Lots 1 and 45.

The applicant was reminded of the Monday noon submission deadline for review by the Planning Commission this month.

There were no further comments.

2. Stan Granger presented Port Venture (180-190 North Main Street located in the Town of Port Deposit), Concept Plat, American Engineering & Surveying, Inc., Seventh Election District

Mr. Granger stated this was a townhouse project. The constructions plans are being reviewed by the Town. Conditional approval has been received by SHA. Conditional approval for stormwater quality has been give by Soil Conservation, DPW and the Chesapeake Bay Critical Area Commission as there is no room for stormwater. The property is located in the IDA zone.

Mr. Funk, Soil Conservation, stated the district had already received and reviewed the area in the Sediment Control Plan and therefore he had no comments.

Mr. Woodhull of DPW stated that The SWM Plan and Lot Grading Plan are technically approved, however administrative items remain outstanding. The CCDPW requests that the Town of Port Deposit not approve
the Final Plat until this Department has signed the final SWM plan submittal.

The I&M Agreement with associated fees and financial surety must be received by the CCDPW prior to the Director signing the SWM Plan.

Mr. Ouano, Conectiv, had no comments.

Ms. Latham, MDE, stated that a Water Appropriation Permit would not be required.

Mr. Markwardt questioned the size, price range and construction commencement of homes. Mr. Granger replied the homes would consist of three floors, the bottom floor being the garage. The project start should be 2005.

Mr. Mandras, read the State Highway Administration comments, a copy attached for reference.

Mr. Moore read the Health Department comments, a copy attached for reference.

Mr. Roop of the (US Army) Corps of Engineers stated based on the plan there are no waters of the U.S. including non-tidal wetlands; therefore a Department of Army (DOA) permit is not required. A JD has not been issued.

Mr. DiGiacomo stated he had received a telephone call from Wayne Tome of the Water Witch Volunteer Fire Department. Mr. Tome had expressed three concerns: (1) The townhouses should contain sprinklers; (2) Access to the rear of the buildings for firefighters should they need to again access to the rear of the property with a hose and/or ladder; and (3) The request for a hydrant being placed directly across the street in a general location of the water valve.

Mr. DiGiacomo of OPZ stated this subdivision is proposed in the Town of Port Deposit. The Cecil County TAC, as a courtesy to the towns in the County, occasionally reviews site plans and subdivisions proposed within the towns’ corporate limits.
The Office of Planning & Zoning’s comments relating to this Final Plat are predicated on the assumption that the Town’s Subdivision Regulations allow for redevelopment plans in lieu of conventional concept, preliminary, and final plats. That should be verified with the Town. Redevelopment plans comments/questions are as follows. The Town Zoning is TR.

It is recommended that the specific stage of subdivision (i.e., concept, preliminary, or final) be added to the plat, unless otherwise not required by the Town’s Subdivision Regulations.

If these proposed lots are partially located in the Critical Area, then the Critical Area boundary should be shown.

If these proposed lots are partially located in the Critical Area, it should be so noted on the Plat, the Critical Area density should be noted on the plat, the Critical Area designation should be noted on the plat, and it is recommended that the Town, in consultation with the circuit rider, thoroughly check the plat for consistency with the Town’s Zoning Ordinance and Subdivision Regulations as they relate to developments proposed within the Critical Area.

It is recommended that the proposed density be stated on the plat, and it should be confirmed that the density proposed is allowed in the TR zone.

It should be confirmed that the proposed lot sizes meet the minimum lot size and density requirements of the Town’s Zoning Ordinance and/or Subdivision Regulations for this zoning classification.

It appears that the only way to access the rear yards of 2-4 and 7-9 is through the dwellings. It should be confirmed that that layout is permitted in the Town’s Zoning Ordinance and/or Subdivision Regulations.

It should be confirmed that the setbacks are consistent with the Town’s Zoning Ordinance for this zoning classification.

Any specific growth allocations, special exceptions, rezonings, or variances required should be cited on the plat.
The floodplain boundary should be depicted, and it should be confirmed that the proposal is consistent with the provisions of the Town’s Zoning Ordinance and/or Subdivision Regulations for subdivisions in the flood plain.

The habitats of rare, threatened, and endangered species should be avoided. Mr. DiGiacomo asked if an environmental assessment been done. Mr. Granger replied yes.

Mr. DiGiacomo stated it should be confirmed that any landscaping proposed is consistent with the landscaping requirements of the Town’s Zoning Ordinance and Subdivision Regulations, if required.

If required, it is recommended that no street trees be planted within 20 feet of any sewer laterals and cleanouts.

It is recommended that any Landscape Plan be approved prior to final subdivision approval. It is recommended that any Landscape Agreement be executed prior to recordation.

It should be confirmed that all aspects of the proposed street design and layout are consistent with the Town’s Subdivision Regulations and Public Works street code.

It is recommended that the ownership of the areas between the “additional parking” areas and the townhouses be clarified. It now appears that those “additional parking” areas belong to specific adjacent town homes. If they are meant to be shared by all, then that should be explicitly noted on the plat.

It should be confirmed that the number of parking spaces proposed for each lot meets at least the minimum number required by the Town’s Zoning Ordinance and Subdivision Regulations.

It should be confirmed that all proposed building heights do not exceed the maximum height established in the Town’s Zoning Ordinance and Subdivision Regulations.

Consideration should be given to soliciting review and comment on the subdivision access by the Port Deposit Water Witch Fire Company who has already commented.
Any fire hydrant locations should be consistent with the Town’s Zoning Ordinance and Subdivision Regulations.

Each lot should be checked for compliance with any Town requirements regarding minimum road frontage.

Water and sewer capacity should be confirmed by the Town prior to final approval.

It is recommended that the Record Plat contain a statement signed by the Health Department, approving authority, to the effect that the proposed water and sewer services are consistent with the County Master Water & Sewer Plan.

It is recommended that the Record Plat contain a statement signed by the developer, to the effect that the proposed water and sewer services are to be made available to all lots offered for sale.

It is recommended that a Homeowners’ Association for maintenance of common open space be established prior to recordation, with a per-lot amount of money, as prescribed by Town regulations, being placed in escrow for improvements.

There were no further comments.

3. Jim Ryan and Natalie Ricci presented MSM Investments, LLC (f/n/a: Valley Estates), Valley Road, Preliminary/Final Plat, Will Whiteman Land Surveying, Inc., Fourth Election District

Mr. Ryan stated this project was a four lot subdivision on Valley Road, located south of the Highlands subdivision with two proposed combined driveway entrances. The County has advised that two trees be removed for purpose of site distance, which has been done. DPW and Soil Conservation Service have reviewed the water and sewer design, grading, SMW, sediment and erosion control plans. This project had previously been reviewed and approved at the concept level as a six lot subdivision.

Ms. Ricci stated this project is a resubmitted of an approved Concept Plat originally prepared by McCrone. The applicant purchased the property from the previous developer and had revised the project to make it more palpable for everyone.
Mr. Funk, Soil Conservation, stated as the applicant had already stated they have reviewed the initial Erosion and Sediment Control Plan and therefore has no comment.

Mr. Woodhull of DPW stated that the SWM Plan, Sanitary Sewer Plan, Water Distribution Plan, and a Mass and Final Grading Plan submittals have been reviewed with the latest Departmental comments being sent out on 11/23/04. There is a major issue which must be addressed to the Department’s satisfaction prior to the Plans being able to obtain technical approval. This technical approval must be obtained from the CCDPW prior to submittal to Planning Commission for Final Plat Approval. The major issue still outstanding concerns the project status in regards to amending the Master Water & Sewer Plan (MWSP) to include this entire site within existing water & sewer districts. Has the MWSP been amended to include this development within the Highlands Sewer District and the Meadow View Water District? Mr. Ryan stated the houses were not in located the plan area. Mr. Woodhull asked if an amendment had been pursued. Mr. Ryan replied Mr. Whiteman is scheduled to address this issue at Planning Commission. The Department, in its 10/29/03 letter, granted a wastewater allocation for a maximum design flow of 876 gallons per day (4 ELU) however this allocation cannot be activated until the MWSP is amended. Therefore once the plan is amended the allocation can go forward.

Note #6 on the Preliminary/Final Plat submitted must be modified to the standard note recognizing the applicability of the Lot Grading Plans. (“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.”)

The Lot Grading Plan must include the standard note addressing the limits of construction. (“No clearing or grading is permitted beyond the limits of disturbance show 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.”)

This plat layout reflects a proposed combined two driveways for the four lots.

The Final Plat must indicate that Lots 1 & 4 are denied access to Valley Road along their frontage and must use the shared access with Lots 2 & 3 only.

PWA’s are required for the Water Lines, and Sanitary Sewer Lines. The Applicant must request permission from the BOCC for constructing sewer on BOCC property.

January 5, 2005, 9:00 a.m.
An Inspection and Maintenance Agreement is required for SWM facilities. Amend plat easements per the DPW 11/23/04 comment letter.

Preliminary Plats must show all information required by Section 4.1.22 of the Subdivision Regulations. Section 4.1.22 k, m, n, & p are relevant in this case and the required information must be shown on the Preliminary Plat submitted for Planning Commission review.

Mr. Ouano, Conectiv, asked what the address was for the existing dwelling on Lot 2. Mr. Ouano asked if relocation was considered would the electric facilities be relocated to the existing dwelling. Ms. Ricci stated the address was 800 Valley Road.

Ms. Latham, MDE, asked if the Highlands had guaranteed the applicants water. Mr. Ryan replied they had an allocation for water and sewer from the DPW but were not in the Comprehensive Water & Sewer Plan. Ms. Latham stated that the lot acreage were too small for individual wells. An average of one acre is required.

Mr. Markwardt asked if there would be a walking or pedestrian access from the four lots to the Highlands. Mr. Ryan replied no. Mr. Markwardt questioned the size, price range and when construction commencement of homes would begin. Ms. Ricci replied 2500 ft² and up with the project starting ASAP.

Mr. Markwardt stated bus service would be provided at one of the two driveways.

Mr. Mandras, State Highway Administration, stated the project was not on a state highway therefore, they had no objection to its approval.

Mr. Moore read the Health Department comments, a copy attached for reference.

Mr. Roop of the (US Army) Corps of Engineers stated based on the plans a Department of Army (DOA) Permit was not required since there were no non-tidal wetlands or waters of the US present on the property. A Jurisdictional Determination (JD) hasn’t been issued.
Mr. DiGiacomo stated he had received a comment from Mr. Owen Throne on behalf of himself and the chairperson for ARCA stating the density would not be achievable without amendment of the Master Water & Sewer Plan and such amendments were inappropriate. The County should focus its attention on the growth corridor, I-95/Rte 40 alignments. A copy of the email is both attached for reference and already in the OPZ subdivision file.

Mr. DiGiacomo of OPZ stated the zoning was SR.

Concept Plats for this property were previously reviewed under the names “Fair Hill Builders, Inc.” and “Valley Estates.” A Concept Plat for 6 lots was approved on 4/21/03, and it is still valid.

Density: The SR zone permits a maximum base density of 1 dwelling unit one acre or 2/1 with community facilities. This Preliminary-Final Plat proposes 4 lots on approximately 3 acres, for a proposed density of 1.33/1.

The proposed lot and parcel acreages have not been included on the plat.

Lot 2 does not have the requisite 25’ of road frontage.

Mr. DiGiacomo asked if a boundary line survey had been done. Mr. Ryan replied yes.

Mr. DiGiacomo asked what the disposition of the existing dirt lane would be. Mr. Ryan replied it was to be abandoned.

Mr. DiGiacomo asked what the disposition of the existing dwelling and shed would be. Mr. Ryan replied to be torn down.

Mr. DiGiacomo stated per §4.0.1 of the Subdivision Regulations allows for the elimination of a Concept Plat for projects with fewer than 10 lots and 25 acres. §2.0 of the Subdivision Regulations allow for a combined Preliminary-Final Plat if there are from 1 to 5 lots.
This is a Preliminary-Final Plat. Mr. DiGiacomo asked if it would be proposed that the subdivision be known as the MSM Investments, LLC subdivision.

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.

Slopes greater than 25% must be shown on the preliminary plat. Mr. DiGiacomo asked if there were any steep slopes on the property. Mr. Ryan replied no.

Mr. DiGiacomo stated a 110’ perennial stream buffer is required from any 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 any 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. Mr. DiGiacomo asked if a Jurisdictional Determination (JD) been done. Mr. Ryan replied there were no wetlands located on the property. Mr. DiGiacomo stated that they had just heard that the nearby Barczewski property was extremely wet and wetlands are located on that property. Mr. Ryan stated to his knowledge there were no wetlands located on their property and he will obtain a letter stating so.

Mr. DiGiacomo stated the site contains no habitats of rare, threatened, and endangered species.

This proposal technically does not require common open space since fewer than 10 lots are proposed. However, the approved Concept Plat proposes the stormwater management easement on common open space rather than an individual lot. Mr. DiGiacomo questioned why this design has deviated from that arrangement. Mr. Orr stated while DPW normally frowns upon this design after reviewing the technical submittals and asked that the easement be clearly defined and noted on the final plat.

Mr. DiGiacomo stated a minimum 20% landscaping of the development envelope is required in the SR zone.

Sidewalks are not recommended since there are no interior roads proposed. Bufferyard Standard C is required, outside the right-of-way, along the road frontages of Valley Road. The Bufferyard C should be depicted on the Preliminary-Final Plat and any deviations should be requested for site distance purposes from

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the Planning Commission,

Where feasible, the natural vegetative equivalent may be used to satisfy the bufferyard requirements.

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

The Forest Stand Delineation (FSD) was approved on 4/9/03.

The final Forest Conservation Plan (FCP) and Landscape Plan must be approved prior to Planning Commission review of the Preliminary-Final Plat (§6.3.B(1)(a), Forest Conservation Regs.). These documents have not yet been submitted, and this Preliminary-Final Plat does not provide the necessary forest conservation details.

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. The metes and bounds description of the FRA must be shown on the record plat.

The Master Water and Sewer Plan must be amended to include this parcel as W1 and S1. Mr. DiGiacomo verified with Mr. Ryan that a letter dated 12/14/04 had been sent to the OPZ requesting to be placed on the Planning Commission agenda for the Master Water and Sewer Plan Admendment.

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 condominiums and townhouses offered for sale and should be noted on the Preliminary-Final Plat prior to review of the Planning Commission.

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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. Although Mr. Barczewski has plans to subdivide the property is still agricultural use and should be noted the plat.

The applicant was reminded of the Monday noon submission deadline for review by the Planning Commission this month.

There were no further comments.


Mr. Vaughn stated this project consist of 252 acres, 30 acres of which were zoned business and commercial. The balance of the acreage is proposed under a PUD concept. The project will be different than the existing PUD ordinance as they will be working under a general PUD concept and not the existing ordinance per SE.

Mr. Davis stated the submission package included both the plans and a short report detailing the design. He went on to describe the various types of homes that would be constructed as well as the neighborhood layout.

Mr. Funk provided the applicant with a copy of the Soil Conservation Report. He stated the project consisted of three hydric soils which could affect the stream buffers in some areas. Butlertown, Keyport and Loamy Clayey Land were rated as very limited as they are highly erodible. The areas where lots or SWM facilities are located on these soils may require extra engineering efforts in order to ensure that the erosion sediment control was handled properly. The Elkton, Fallsington, Loamy Clayey and Mixed Alluvial soils are very limited for dwellings with or without basements. The applicant will need to pay close attention to lots on these soils ensuring that they are not to wet and/or that any factors that could limit or hinder the building of structures on these lots. Soils on this site are rated as very limited for shallow excavations, such as SWM ponds, basins or sediment control basins, due to the steepness of the slopes depth of the saturation.

Mr. Woodhull of DPW stated that this property is outside of the Master Water & Sewer (MWSP) coverage area. Therefore the applicant will need to request an amendment to the MWSP Plan. This is a public process involving hearings before the Planning Commission and the ultimate decision, to be made by the Board of County Commissioners of Cecil County.
The Department understands that the water supply for this development will be provided water via a private, on-site water system. Depending on the well yields the Department may want to see another area or areas reserved for well fields. The CCDPW requires that the water distribution system 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 pipe. We also require that the developer request that the serving fire company review fire hydrant spacing and locations.

An MDE Permit will be required for the private water system proposed. A copy of the approved permit must be provided to the CCDPW prior to Final Plat approval.

A SWM Plan, Road & Storm Drain Plan, Sanitary Sewer Plan, Water Distribution Plan, and a Mass and Final Grading Plan must be approved by the CCDPW prior to submittal for Final Plat Approval. The Final Plat must include the standard note recognizing the applicability of the Lot Grading Plans. (“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.”)

Mr. Woodhull asked if any of the Townhouse units (THU) proposed as being condominiums as indicated in the layout details provided Sheet 1 of the Plat. Mr. Davis replied yes. Mr. Woodhull stated if so and they are in fact intended to be built in Phases I, II, & III as identified on the plat all of the plans referenced in the previous comment must be, at a minimum, technically approved by this Department prior to the Applicant making a Preliminary Plat submission for Planning Commission review.

The Lot Grading Plan must include the standard note addressing the limits of construction. (“No clearing or grading is permitted beyond the limits of disturbance show 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. Woodhull asked if the neighborhood park would be an active recreation or perhaps a walking trail. Mr. Davis stated they were currently in discussion with the County. The applicant spoke on the possibility of building ball fields and/or an EMS building but stated there are many issues that would need to be addressed. Mr. Woodhull stated DPW would like assurance that all ground cover changes are included in the SWM Plan.

If stormwater discharge is directed off of the site on to adjacent property owners it is the responsibility of the Developer to obtain appropriate easements from the affected property owners per Section 251-13 of the Cecil County Code.
County SWM Ordinance. Any and/or all structures (i.e. dwellings, outbuildings, driveways, etc…) on down-gradient properties so impacted must be identified on the SWM Plans.

The downstream conveyance of storm water must be analyzed in accordance with Section 251-9 A. (5) of the County’s SWM Ordinance. Special care must be given to the design if a concentration of runoff will result from the SWM facilities.

The 100-year flood plain must be plotted by elevation (rather than graphically from the FEMA maps) as it is suspected that several areas of the improved site may be impacted by the floodplain.

The Taylor Wiseman & Taylor (TWT) report on sanitary sewer requirements must be revised to reflect the development proposed on the Preliminary Plat as well as provide additional alternatives to the two (2) presented. The Department does not concur with Alternate Number 2 as being the most practical solution to sanitary sewer conveyance to the Seneca Point WWTP without other alternatives being investigated. Formal comments on the TWT Report are forthcoming.

A Utility Easement, in the vicinity of Lot 339, must be provided to the western property line providing for sanitary sewer connection to the proposed Cool Springs development.

DPW requests that the proposed water system be stubbed out to U.S. Route 40 and MD Route 7 with a valved interconnect and temporary blow-off assembly or preferred a fire hydrant.

An existing over vertical east of the entrance is of some concern to the Department of Public Works. Mr. Woodhull asked if SHA would require removed by the applicant. Mr. Mandras stated SHA was waiting on the TIS before finalizing any details.

Mr. Woodhull stated the TIS submitted for review addresses three (3) access points from the development on to U.S. Route 40 and the approved Concept Plat indicated two (2) access points however the Preliminary Plat submitted now indicates that only one access point is being proposed.

The TIS did not include an evaluation of Wells Camp Road and Red Toad Road lane widths and condition. The Department strongly recommends that the applicant provide a road condition survey prior to Preliminary Plat submittal for Planning Commission review.
Dove Road is shown as a cul-de-sac road having a 60’ ROW however the ROW decreases to 50’ at Lot 322. The Department requires that Dove Road be continued as a “Minor Collector” road, requiring a 60’ ROW, out to its intersection with Charlestown Crossing Boulevard.

The geometry of the intermediate turnaround on Claiborne West does not appear to provide for the safest traffic movement possible. Mr. asked if traffic access the proposed Employment Center from this turnaround, and where do you propose to access this Employment Center off of Popes Creek Drive. Mr. Davis stated it would happen intermediately along Claiborne West as the parcels developed. Mr. Woodhull stated the Department prefers that this turnaround be changed to a Tee-Intersection with the northern leg designed to provide access to the Commercial Site. This leg could be temporarily terminated in a Tee Turnaround until such time as the Employment Center is constructed.

Charlestown Crossing Boulevard must be built to a commercial “Major Collector” road standard (R-10), with a structural Number of 7.70, from U.S. Route 40 up to and including the traffic circle. Charlestown Crossing Boulevard from the northern traffic circle to MD Route 7 must be built to a residential “Minor Collector” road standard (R-9). Claiborne Road must be commercial “Minor Collector” standard (R-9) from the intersection with Charlestown Crossing Boulevard to the intersection with Hopewell Drive. From this intersection to the intersection with Stewart Road it must be designed to a residential “Minor Collector” standard (R-7). The portion of Popes Creek Court indicated as having 60’ ROW must also be built to a commercial “Minor Collector” standard (R-9).

Additional off-street parking spaces should be provided for the three (3) townhouse unit (THU) sections of this development. We recommend 20 overflow spaces in the Popes Creek Court area, 18 overflow spaces in the King Charles Court area that may be a shared facility with the Community Center, and lastly 40-50 overflow spaces in the Hopewell Drive area. It is this Department’s experience that guest/visitor parking capacity is not adequately addressed by the spaces provided at each individual Townhouse Unit (THU). We recommend that the Planning Commission make this additional parking a condition of approval.

The DPW hereby accepts the use of 40’ ROW as indicated on the plat. However, the Claiborne Road cul-de-sac bulb must be built to Road Code Standard R-14 to allow for maintenance access to the pump station as well as the SWM facilities and the Dove Road cul-de-sac must be designed to accommodate a 42’ turning radius.

The Road Code does not allow a road termination as proposed on Popes Creek Court adjacent to Lots 221 & 222. However, if extended with additional parking, serving as access to the neighborhood park, a Road Code Variance would be considered. Discussion continued between Mr. Woodhull and the applicants in making the neighborhood park more accessible for pedestrian as well as the possibility of and additional EMS access into the property.
Mr. Woodhull stated Note #23, on the plat, indicates that a Road Code Variance will be requested for cul-de-sac diameter. This Department’s normal procedure is to require that any applicable Road Code Variances be requested prior to submittal for Preliminary Plat approval. Has the request been prepared and submitted? Mr. Davis replied no it had not.

Mr. Woodhull stated his Variance, at a minimum must address the termination of Popes Creek Court, and the road alignments on Hopewell Drive and Cannon Court.

All driveways must be paved at least to the right of way and those accessing Charlestown Crossing Boulevard and Dove Road must be provided with turnaround capability. The driveway paving, within the ROW, must be complete for all lots at the time when the surface course for the internal roads is installed. The Developer/Contractor must establish the driveways for any lots not built-out at that time. In addition any driveway in excess of 5% up-gradient-slope must be paved to the crest and the Developer/Contractor will be responsible for this at the time of surface course installation. If the development is phased this requirement will apply to each phase when 80% of the lots are built-out. All of this must be so indicated on the Lot Grading Plan.

The proposed internal road layout shown includes several wetlands crossings. Therefore the Department will require substantial Geo-Tech investigation of the suitability of the sub-grade to meet Road Code standards for County owned roads.

The stream crossing for Charlestown Crossing Boulevard will require an MDE permit and be designed to pass the 100-Year storm. The road at this point will be located within the 100- year flood plain. Of particular concern is that Charlestown Crossing Boulevard could be under water during a significant flood and could pose adverse impacts on emergency response within the development. Remap the flood plain impacting the road crossing as called for in Comment #8.

It appears that this crossing may involve a 100’ +/- span. This may be beyond the capabilities of a bottomless pre-cast arch therefore a bridge may be required. The road design must address this. Whatever product is used to cross the stream the Department requires borings to be taken, at the point of abutment locations, and indicating adequate bearing capacity exists. Design of the crossing should not proceed prior to preliminary agreement from the DPW on the type of crossing. How do you propose to run water and sewer lines across the stream? Mr. Davis stated believed it would be run underground.

Mr. Woodhull stated the phasing of this development will significantly impact the competency of the roadways in completed sections because of the potential for large amounts of construction traffic accessing later sections. Subsequently, a phasing plan must be submitted, at Preliminary Plat review, for use in developing a plan for when internal road sections will be accepted by the County and the magnitude of maintenance bonds that will be required as well as the time frame over which they will be held.

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The Department strongly recommends that the Planning Commission condition their approval of Phase One to require all stream crossing permits for this subdivision layout be contained in this phase.

The Department recommends that pedestrian access to the neighborhood park be provided from Popes Creek Court as well as from King Charles Court.

Should the neighborhood park be proposed for active recreational use, at least one access point into the park must be made to accommodate 15,000 lb loading to allow for EMS/Ambulance as well as park maintenance equipment access.

Any open space adequately sized and/or proposed for active recreation that abuts “Collector” roads should be provided with some form of decorative barrier to prevent children from inadvertently running out into the street. This also should be considered for any such open space provided on “Minor” roads near their intersection with “Collectors”.

If the Planning Commission requires sidewalks, the Final Plats must include a note indicating that sidewalks maintenance will be the responsibility of the adjacent property owner.

An I&M Agreement will be required for all SWM facilities.

Any proposed active recreation will require a list of equipment submitted to the Department of Parks and Recreation as well as a PWA. A PWA will be required for the sanitary sewers. PWAs will also be required for the water lines as well and internal streets and storm drains.

Mr. Ouano, Conectiv, stated he had no comments pertaining to the plat, but the brochure shows street signs on street lights. This is only allowed if the Town or County own the street lights. Therefore should Conectiv provide any street lighting, street signs would need to be on a separate support. The lot barrier areas on page 5 and 7 should be 5000’ instead of square feet, instead of square feet. You may want to change the unit measure.

Ms. Latham, MDE, asked what was presently on the lot with the existing garage, truck port. Mr. Vaughn replied there was an existing metal warehouse, motel and medal truck port. Ms. Latham stated if a private water supply is being stored MDE would site the well. The garage could be a source of contamination.
Ms. Latham, MDE, stated that a Water Appropriation Permit would be required along with public notice and an Aquifer test. A permit will be required to construct the water treatment plant. Ms. Latham gave the applicants the systems engineers contact information.

Mr. Orr, DPW, stated looking at the site topography it appears that on at least some areas of the site there will be significant mass grading required to prepare the building pad envelopes. Where there’s insignificant fill in order to move, foot and grade should be controlled filled, backed and supervised by Geotechnical Engineer. DPW has received your sewer allocation request and will receive an answer following Preliminary Plat approval from the Planning Commission. The Department has also received TWT report and will respond back prior to Planning Commission review of the Preliminary Plat. Any allocation request that the Department approves is also dependent upon any Master Water and Sewer Plan amendment that is required being granted. He questioned the future commercial and employment areas access to the Charlestown Crossing Blvd section, north of the circle, between Route 40 and the first circle to the south from the entrance. If there’s access proposed to the commercial or employment areas DPW would like the applicant, going into design, to pay special attention and consider any breaks in the median landscape island. The applicant may not have realized were the circle was and they decide not to propose any breaks. If in fact the applicant decides to put the entrances in for the commercial and employment areas include them as part of the plan. DPW’s expectation is that the majority of the access be through Claiborne, either east or west, but there is no commitment to say that the accesses couldn’t be built of the entrance boulevard.

Mr. Daniels, Fire Chief, Charlestown Fire Department, stated the comments forwarded to the OPZ were based on the Preliminary Plat, dated 12/3/04. Some of the hydrant concerns have been addressed, but there were still hydrants that need to be added and moved. He asked that a copy of the updated plat be sent to him so that he could make the needed revisions to show proposed hydrants.

There is a major concern in the townhouse area. Cockburn Lane alleyway is shown as 20’ and is to narrow to accommodate an 18’ wide ladder truck once set up. A 22’ width would still be a stretch with a 56’ long ladder truck trying to turn into the alley. There will be cars parked in the alleyway hindering the movement of fire equipment. This is a safety issue for both the public and firefighters. He would like see some type of road, even gravel, for EMS to gain access into the property. Mr. Daniels would like to see the Claiborne Road access shown on the Concept Plat added back into the plan in the event that the Route 40 access would be closed. He would like to see a 10” water main run from Route 40 to Route 7 with a gated hydrant. He stated Charlestown had a 500,000 gallon water tower and it has reached its maximum capacity. He questioned the size of the water tower that will serve the property. Mr. Vaughn stated that they will afford Mr. Daniels the opportunity to view the data once they have come to some conclusion in relation to the water tower size.

Mr. Daniels asked if the SWM ponds would be a system that managed or contain run-off. It is his opinion that they cannot allow additional waters to run-off into the creek. Within the past year Route 7 has been closed twice because of runoff. Therefore it is his opinion that the ponds should be containment ponds. Mr. Davis stated the applicant will abide by all the SWM requirements for the County. Mr. Daniels provided the applicants with his address and asked that they send any future plats directly to the North East Fire
Mr. Markwardt stated initial bus service would be provided internally, requiring a waiver stating that the applicants will maintain the streets, salting/sand and plowing the streets in the winter months at the same level that the County mains their roads. Most of the bus stops will be on Charlestown Crossing Blvd. An exception will probably be made at the beginning of Phase 3. Stops will not be made at every street.

He questioned the size, price range and construction commencement of homes. Mr. Davis stated there would be six different home types. Two town home types which will range from 2000 - 2500 ft² and there will be four single family home types ranging from 2000 – 3500 ft². Assuming approval, project could start summer of 2005.

Mr. Mandras, read the State Highway Administration comments, a copy attached for reference.

Mr. Moore read the Health Department comments, a copy attached for reference.

Mr. Roop of the (US Army) Corps of Engineers stated any filling in the perennial or intermittent stream or adjacent wetlands required a Department of Army (DOA) permit. Any filling in the isolated wetlands requires approval from MDE. Mr. Roop stated he had walked the property a couple of months ago and the Jurisdictional Determination (JD) is forthcoming.

Mr. DiGiacomo stated a copy of the Charlestown Volunteer Fire Department comments had been placed in both in the OPZ subdivision file and attached for reference.

Mr. DiGiacomo stated he had received a fax from the Melissa Cook-MacKenzie, Town of North East Administrator, who asked that the fax be read into the minutes. The letter is from Mayor McKnight to Josh Brown dated 9/20/04. Mr. DiGiacomo read the fax and a copy is attached for reference.

Mr. DiGiacomo of OPZ stated the zoning was SR, M1, BG, & RCA & LDA (Critical Area) – PUD Proposal.

- Technically, as noted on the plat, the M1 and BG portions of the property are not components of the proposed PUD because PUD’s are not permitted in those zones. However, they are part of the total proposed development package, as described in the narrative that accompanied the “Sketch.
Plat/Special Exception Application” and as shown on the plat.

- §253.2 stipulates that no business establishments shall be permitted to operate until 25% of the residential units are constructed. However, since no businesses are proposed in the SR zone, that requirement has been rendered moot.
- §253.1 stipulates site plans must be prepared for all business uses shown and such site plans must be approved prior to Final Plat approval(s), since no business uses are proposed in the SR zone, that requirement, too, has been rendered moot.
- Will the respective commercial site plans be submitted prior to Final Plat and/or Preliminary Plat/Site Plan review by the Planning Commission? If not, and keeping in mind that Site Plans are reviewed and approved administratively, then when will there be an opportunity for the Planning Commission to see the complete development proposal in its entirety? Mr. Davis stated it had been submitted as part of the preliminary design package for the retail center which can be looked at as a collective development. The same thing can be done for the business. Mr. Vaughn stated it could be done at concept.

Mr. DiGiacomo stated PUD’s must adhere to the requirements of ARTICLE’s XII and XVII of the Zoning Ordinance and §6.0 of the Subdivision Regulations.

Per §256 of the Zoning Ordinance, the “Sketch Plat/Special Exception Application” was reviewed by the TAC, the Planning Commission, and on 9/28/04 by the Board of Appeals – at which time, as recommended by the Planning Commission, the Board granted a Special Exception, conditioned on the following issues being adequately addressed:

1) No lots are proposed in the M1 zone;
2) No lots are proposed in the non-tidal 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) 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.

§256.5 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.”

Now, therefore, the Preliminary Plat(s) and Final Plat(s) must be reviewed according to the regular process, as established in the Subdivision Regulations.

Most of the issues/conditions of the Special Exception have been adequately addressed, but others are still outstanding, as follows:

1) Staging: Site Data Note #6 indicates phases, but indicates that the phasing will be “subject to change with final engineering.” What does that mean? Does it render the Phasing Plan graphic meaningless? Mr. Davis replied no it was their current intent but if for some reason, sewer/water improvements or something else happens it may be changed. Mr. DiGiacomo asked, “So the non-condo part of phase 3 might actually go to phase 4 or something like that?” Mr. Davis replied correct.

2) Mr. DiGiacomo stated the total number of off-street parking spaces and the space to unit ratio for the proposed townhouses has still not been provided on the plat or in the narrative. That requirement was explicitly cited at the “Sketch Plat/Special Exception Application” reviews, and the inclusion of these data was a condition of Special Exception approval. Mr. Davis stated minimum parking space is 2.5 for both the rear and front town homes. In reality the rear town homes will have 4 parking spaces per home, two garage spaces and two tandem spaces on the driveway.
3) Mr. DiGiacomo stated a note to the effect that the Critical Area portion of the property is exempt from the Forest Conservation Regulations, per §3.2B, still has not been added to the plat. His requirement was explicitly cited at the “Sketch Plat/Special Exception Application” reviews, and the inclusion of this note on the Preliminary Plat and/or Preliminary Plat/Site Plan was a condition of Special Exception approval.

4) A condition of Special Exception approval was that all contradictions between the plat and the narrative be eliminated. In fact, the narrative itself has been eliminated, and it’s elimination precludes the addressing of the 15th condition of Special Exception approval which was a draft of the terms and provisions of the public works agreement being provided in the narrative, as required by §256.1.c.

5) As noted at all “Sketch Plat/Special Exception Application” reviews, even though the M1 and BG portions of the project were considered separate for purposes of the narrative’s required cost-revenue ratio, the Planning Commission may want them included, inasmuch as the clustering, design flexibility, and mixed uses allowed in the PUD make the whole project, including the M1 and BG portions, feasible for the developer. Why hasn’t a revised narrative been included? Mr. Vaughn stated additional concept sketch detail of the commercial and business areas would address that.

6) Mr. DiGiacomo stated the 12th condition of Special Exception approval was that the elevations of building types, per §256.1.a, be provided.

7) The townhouse lot boundaries have not been are differentiated from the townhouse structure footprints, as was a condition of Special Exception approval.

The schematic drawing at the bottom of sheet 1 indicates that the townhouses are proposed as condominiums.

As stated during all “Sketch Plat/Special Exception Application” reviews, the proposed condominium sections will have a different review process unless your request is granted by the Planning Commission. The TAC, the Planning Commission, and the Board of Appeals reviewed the Concept Plat/ Sketch Plat as a whole. Now, a Preliminary Plat/Site Plan for the condominiums must be submitted for TAC and Planning Commission review.

Building permits are issued based upon the Preliminary Plat/Site Plan approval. Therefore, the Preliminary Plat/Site Plan’s level of detail is greater than that required for a Preliminary Plat. For all other proposed sections, no building permits shall be issued prior to Recordation or final Site Plan approval.

Once the proposed townhouse condominiums are built, then the developer will apply for “as built” Final Plat review by the Planning Commission. If approved, then the condominium plats may then be recorded.

The final Forest Conservation Plan (FCP) and Landscape Plan must be approved prior to Planning Commission’s review of the Preliminary Plat/Site Plan.
The metes and bounds description of the FRA must be shown on the Preliminary Plat/Site Plans.

Written verification of water allocation and sewer capacity must be provided prior to Preliminary Plat/Site Plan review by the Planning Commission.

All regulatory approvals required for the water and sewer service must be obtained prior to the Planning Commission’s review of the Preliminary Plat/Site Plan.

A Site Plan for the water system components, including the water tower, must be approved prior to the Planning Commission’s review of the Preliminary Plat/Site Plan.

The condominium common areas have not been clearly differentiated from adjacent areas of common open space. That differentiation must be shown on the Preliminary Plat and the Preliminary Plat/Site Plan.

The condominium portions of this proposal must additionally comply with all aspects of the PUD and residential clustering provisions of the Zoning Ordinance and Subdivision Regulations.

An adequate Preliminary Plat/Site Plan must be submitted for TAC review prior to its review by the Planning Commission.

If the proposed condominium owners will have use of the community center, then either the condominium association must participate in the cost of its maintenance, or the condominium owners must also become members of the Homeowners’ Association.

§6.1 of the Subdivision Regulations, “residential cluster development,” is intended to permit greater flexibility for creative design, using the clustering of homes to save permanent open space, which would provide recreational opportunities close to home. As was noted during the “Sketch Plat/Special Exception Application” reviews, §6.1.5 (a) (b) & (c) of the Subdivision Regulations shall require strict compliance.

The SR zone permits a base density of 1 dwelling unit per 1 acre, 2/1 with community facilities, or 4/1 in a Planned Unit Development (PUD).
§248 reveal that the two main rationales for permitting the higher-density PUDs are:

1) to offer a well-designed variety of residential structure types, “including detached single family dwellings, duplexes, semi-detached dwellings, townhouses and apartments”, and

2) To “permit certain commercial uses in a PUD that serve the day to day needs of the residents of the PUD.”

Since only 2 residential structure types and no commercial uses to serve the day to day needs of the residents are, in fact, proposed in the SR zone, it is not readily obvious what advantages accrue to this proposal in exchange for the higher permitted density.

This Preliminary Plat proposes 592 lots on 225.75 SR-zoned acres, for a proposed density of 2.62/1.

The “Sketch Plat/Special Exception Application” approved by the Board of Appeals on 9/28/04, with conditions. This Preliminary Plat is consistent with respect to density and mostly consistent with respect to layout. The approved layout included an additional point in ingress and egress to Route 40.

Site Data Note #7 indicates the density to be 2.71/1, and it indicates the SR acreage to be 218.24 acres. That acreage figure is at odds with those presented in Site Data Notes #4 and #5. Such inconsistencies must be reconciled prior to this preliminary plat being review by the Planning Commission.

Site Data Note #9 is also in error. 65.54 acres is only 29% of the SR acreage, not 30%. 105.86 acres is 47% of the SR acreage, not 48%. Such errors must be corrected on any Preliminary Plat and/or Preliminary Plat/Site Plan submitted for review by the Planning Commission.

Site Data Note #7 indicates that 872 dwelling units are permitted on 218.24 SR-zoned acres. Again, that acreage figure is in question and must be consistently & correctly stated.

The internal road names have been approved by the County 911 Emergency Center.

The Critical Area boundary has been depicted, and no residences are proposed in the LDA or RCA Critical Area overlay zones at this time.
The Critical Area acreage has been provided.

No more than 15% of the surface area can be converted to impervious surface in the RCA. 12% impervious cover is proposed.

No more than 20% of the forest or developed woodland may be removed. Site Data Note #21 indicates that the entire 7.4-acre Critical Area portion is forest covered, and that .48 acres (6.5%) of forest is to be removed. Mr. DiGiacomo asked how it was possible to realize 12% impervious cover while removing only 6.5% of the forest cover. Mr. Davis stated the two acreages are at odds.

Mr. DiGiacomo stated in the SR zone, no more than 20% of the PUD dwelling units can be townhouse or apartment units, however, the Special Exception allowed 176 townhouses.

The normal minimum SR zone lot size is 12,000 ft$^2$ and the setbacks are 30-10-40. For townhouses, minimum SR zone PUD lot size is 1,800 ft$^2$ and the setbacks are 20-15 (end units) -40. §254 of the Zoning Ordinance allows flexibility in setbacks, lot size, yard requirements, etc. in PUDs.

In addition, the applicant has invoked the residential clustering provisions of §6.1 of the Subdivision Regulations, which also allows for flexibility in setbacks, lot size, yard requirements.

Few details have been provided regarding the proposed community center. The proposed community center must be served by water & sewer systems approved by the Health Department.

If the community center, any parking, and recreational facilities are accessory uses to the proposed residential development, then the Preliminary Plat must include their details or a major site plan submittal shall required. Any major site plans must be approved prior to Final Plat approval(s). The requirements of §291 and Appendix A of the Zoning Ordinance must be adhered to.

Among the required details are:

- Lighting plan details;
- Landscape plan details; and
- Construction details.

January 5, 2005, 9:00 a.m.
Mr. DiGiacomo asked if a boundary line survey been completed? Mr. Davis replied yes.

Mr. DiGiacomo stated 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. Steep slopes have been depicted.

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’. This Preliminary Plat depicts a stormwater management area within the perennial stream buffer between proposed Lots 272 and 273. That is prohibited by §174.1.a.

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. A Jurisdictional Determination (JD) must be done prior to preliminary plat review by the Planning Commission. Mr. Roop stated earlier that the documentation is forthcoming.

A number of proposed lots and roadways include non-tidal wetland buffers or non-tidal wetlands. Some of them may not be achievable as designed.

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

30% common open space is required. All areas of common open space must be labeled and delineated on the plat. There is no obvious demarcation between HOA common open space and Condominium Association common area. The proposed “open space” acreage has been provided, but not allocations to common open space, County-owned parkland, and condominium common areas. Site Data Notes #9 & #26 do not indicate that there will be any condominium common areas; is that accurate? Mr. Davis stated no there would be condominium common areas.

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. Those thresholds have been calculated and included in Site Data Note #9.
30% landscaping of the gross site is required, per §251.3.

Sidewalks, consistent with §255.3, are recommended. Note #12 indicates they are proposed. Are there any plans for neo-traditional amenities such as greenways, bicycle and walking trails? Mr. Davis replied yes but they are not depicted.

Mr. DiGiacomo stated Bufferyard Standard C is required, outside the right-of-way, along the road frontages of US 40 and MD 7.

§187.2 empowers the Planning Commission to “require bufferyards to separate different zoning districts from each other in order to eliminate potential nuisances such as dirt, litter, noise, glare of lights, signs, and unsightly buildings or parking areas, or to provide spacing to reduce adverse impacts of noise, odor, or danger from fires or explosions.” Staff will make specific recommendations to the Planning Commission in that regard at Preliminary Plat and Preliminary Plat/Site Plan reviews so that any resultant conditions of approval may be incorporated into respective Landscape Plans prior to Final Plat and Preliminary Plat/Site plan reviews.

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

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.

The PFCP must be approved prior to Planning Commission review of the Preliminary Plats or Preliminary Plat/Site Plans. The final Forest Conservation Plan (FCP), Landscape Plan, and Environmental Assessment must be approved prior to Planning Commission review of the Final Plat or the Preliminary Plat/Site Plan for the condominiums(§6.3.B(1)(a)).

The portion of the property within the Critical Area is exempt from the Forest Conservation Regulations per §3.2B. Again, a note to that effect must appear on the plat. An Environmental Assessment must yet be approved, as previously noted.
A Landscape Agreement must be executed prior to recordation or commercial site plan approval.

Deed restrictions for the long-term protection of the Forest Retention/Afforestation Areas (FRAs) must be recorded and noted on the plat prior to recordation. The metes and bounds description of the FRA must be shown on the Final/Record Plats, site plans, or Preliminary Plat/Site Plans for the condominiums.

Access to common open space between lots must be marked with concrete monuments. Are the parks shown on the plat proposed to be part of the common open space? Mr. Davis stated the parks were included in the open space but not decided if it will be come community HOA space or County.

Mr. DiGiacomo stated Site Data Note #26 raises the spectre of the common open space being maintained by Cecil County Government. He asked what steps have been taken to effectuate such an arrangement. Mr. Vaughn stated they had spoken with Miller Susquehanna Greenways who had indicated an interest of being involved in the pathways and greenways.

Mr. DiGiacomo stated a Homeowners’ Association for maintenance of common open space must be established with $50 per recorded lot placed in escrow for improvements prior to recordation. All proposed common open space must be so labeled.

All condominium owners must become members of the condominium association for maintenance of the buildings, parking areas, private roads, landscaping, and common elements.

If the proposed condominium owners will have use of the community center, then either the condominium association must participate in the cost of its maintenance, or the condominium owners must also becomes members of the Homeowners’ Association.

The CONDO INSTRUMENTS for these condominiums must be accepted by the Maryland Secretary of State, and documentation thereof must be supplied to OPZ prior to recordation.

The locations of fire hydrants have been shown on the Preliminary Plat. They must again be shown on the respective Site Plans and Preliminary Plat/Site Plans. Those locations shall be finalized in consultation with the DPW and the Charlestown Volunteer Fire Company.
Site Data Note #13 indicates that a private on-site water system is to be used. Mr. DiGiacomo referred to the issue of the Town of North East water supply.

If the water source is an on-site private system, then verification that the proposed water system is capable of serving these proposed lots and recreation center must be received from MDE prior to Preliminary Plat/Site Plan and Final Plat reviews. Documentation of all approvals for the system and the operator required by the Public Service Commission must be submitted prior to Preliminary Plat/Site Plan and Final Plat reviews by the Planning Commissions.

Therefore, the water source must be determined prior to the Planning Commission’s Preliminary Plat/Site Plan review unless the pending resolution is absolved.

Ordinarily, a Site Plan for the water system components, including the water tower, would need to be approved prior to the Planning Commission’s review of the Final Plat. In this case, since the first 3 phases are condominium sections, the Site Plan for the water system components must be approved prior to the Planning Commission’s review of the Preliminary Plat/Site Plan, as previously stated.

The Final/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.

Written verification of water allocation and sewer capacity must be provided prior to Final Plat review by the Planning Commission, commercial Site Plan approvals, or Preliminary Plat/Site Plans for the condominiums. Specific, final water and sewer providers have still not been provided.

§256.1.c requires a draft of the terms and provisions of the public works agreement. As previously noted, this requirement and condition of special exception still has not been satisfied.

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

A Traffic Impact Study (TIS) has been submitted and is currently under review.
The applicant was reminded of the Monday noon submission deadline for review by the Planning Commission this month.

There were no further comments.

5. Donald Sutton presented Windswept Farm, Lots 4-22, Cherry Grove Road, Preliminary Plat, McCrone, Inc., First Election District

Mr. Sutton stated there was a slight redesign on the lot layout, specifically around Lots 13, 14, 15, 16 and 22 based on percolation testing. Addition test areas are proposed for 1/13/05 at which time a plat will be submitted showing those percs.

Mr. Funk, Soil Conservation, stated the applicant had previously received soil reports.

Mr. Woodhull of DPW stated that A SWM Plan, Road & Storm Drain Plan, and a Mass & Final Grading Plan must be approved by the CCDPW prior to submittal for Final Plat Approval.

The Lot Grading Plan must include the standard note addressing the limits of construction. (“No clearing or grading is permitted beyond the limits of disturbance show 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.”)

If stormwater discharge is directed off of the site on to adjacent property it is the responsibility of the Developer to obtain appropriate easements from the affected property owners per Section 251-13 of the Cecil County SWM Ordinance. Of particular concern to this Department is the drainage leaving Lot 15 and crossing under Cherry Grove Road on to the Lands of William W. Jeanes. Any and/or all structures (i.e. dwellings, outbuildings, driveways, etc…) on down-gradient properties so impacted must be identified on the SWM Plans.
The downstream conveyance of storm water must be analyzed in accordance with Section 251-9 A. (5) of the County’s SWM Ordinance. This analysis must address the flow from Lot 15, previously mentioned. Special care must be given to the design if a concentration of runoff will result from the SWM facilities.

Identify the end of County maintenance location for Cherry Grove Road on the plat. Mr. Sutton stated the original record plat for Lots 1b, 2b and 3 on Riverside Drive there was a small strip of land that was to be dedicated to the County in fee simple which mounted to the very tail end of Cherry Grove Road. The small squares at the common open space entrance are the definition of that small strip of land.

Sight distance measurements must be provided to the DPW to establish compliance with the Cecil County Road Code for Fords Landing Court and driveway entrances for Lots 14, 15, & 21. The centerline of these entrances must be marked in the field.

Lots 7, 8, 13, 16, 20, & 22 must be denied access to Cherry Grove Road.

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

Section 3.07.15 of the Road Code nominally directs that Cherry Grove Road be upgraded to a Minor Collector Standard for a distance of 100’ either side of the point of intersection with Fords Landing Court. This also applies to the Windswept Lane intersection.

The private mini-roads proposed must meet the requirements spelled out in Section 2.13 of the Road Code. These requirements include placing a statement, on the approved Final Plat that clearly outlines the responsibilities of the Mini-Road Maintenance Association in the maintenance of roads and storm drainage systems. The recommended wording will appear in the minutes, but will not be read at this time: (The proposed internal roads will not be dedicated for public ownership or maintenance. The Mini-Road Maintenance Association shall retain title to the road and all maintenance responsibilities.).

Any applicable Road Code Variance must be requested prior to submittal for Preliminary Plat approval.

All driveways directly accessing Cherry Grove Road must be paved at least to the right of way and this must be so indicated on the Lot Grading Plan.
An Inspection and Maintenance Agreement will be required for the SWM facilities.

A PWA will be required for internal streets and storm drains.

Preliminary Plats must show all information required by Section 4.1.22 of the Subdivision Regulations. Section 4.1.22 k, m, n, & p are relevant in this case and the required information must be shown on the Preliminary Plat submitted for Planning Commission review.

Mr. Ouano, Conectiv, stated they would decline electric service to their development at this time as it is in the Choptank service area.

Ms. Latham, MDE, stated a Water Appropriation Permit would be required.

Mr. Markwardt asked if the cul-de-sac bulb was large enough to allow the buses to turn around. Mr. Sutton replied the one at the end of Cherry Grove Road would be large enough.

Mr. Mandras, State Highway Administration, stated the project was not on a state highway therefore, they had no objection to its approval.

Mr. Moore read the Health Department comments, a copy attached for reference.

Mr. Roop of the (US Army) Corps of Engineers stated any filling in the non-tidal wetlands, fillings or structures in the Elk, Bohemia, Cobin John Creek or adjacent wetlands required a Department of Army (DOA) permit. No Jurisdictional Determination (JD) has been issued.

Mr. DiGiacomo stated that no comments had been received from the Hack’s Pointe Volunteer Fire Department.

Mr. DiGiacomo of OPZ stated the zoning SAR RCA. The SAR zone permits a maximum base density of 1 dwelling unit per 8 acres. Bonus density eligibility carries with it a permitted density of 1/5.
The Critical Area RCA overlay zone permits a maximum density of 1/20.

This Preliminary Plat proposes 19 lots on 266.865 acres, for a proposed density of 1/14.05. Four new Lots are proposed on 112.8 Critical Area acres, for a proposed density of 1/28.2.

The Final Plat for Lot 1-3 (all in the Critical Area) was approved on 7/17/95 and signed on 4/29/97. If the combined acreages of Lot 1B, 2B, and 3 (31.8) are taken into account, 7 lots on 144.6 critical area acres, yields a density of 1/20.657.

Resubdivision plats for Lots 1 & 2 were signed on 10/23/97 and 12/9/98.

The second Note 13 (as there are two #13) indicates that a boundary line survey has been done.

The Concept Plat was approved on 8/16/04, conditioned on:

1) A JD being completed prior to Preliminary Plat review by the Planning Commission;

2) A boundary line survey being completed in conjunction with the preparation of the Preliminary Plat for density calculation purposes; and

3) The internal road names being approved prior to Planning Commission’s review of the Preliminary Plat.

This Preliminary Plat is generally consistent with the approved Concept Plat. The actual site location needs to be clearly identified on the vicinity map. A north arrow must be included on the plat.

The deed reference sited in Note 12 is incorrect; it should read NDS 441/154. Proposed Lots 8, 13 must also be denied access to Cherry Grove Road. The specimen trees shown on the Concept Plat must be shown on the Preliminary Plat.

The 100 year flood plain is not currently depicted.

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.

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. A Jurisdictional Determination (JD) must be done prior to preliminary plat review by the Planning Commission.

15% common open space is required; 22.4% is proposed.

No landscaping of the development envelope is required in the SAR zone.

No sidewalks are recommended.

Bufferyard Standard C is required, outside the right-of-way, along the road frontages of Cherry Grove Road. Mr. Sutton noted the applicants will request a waiver of Bufferyard Standard C.

Mr. DiGiacomo stated rows of street trees with 10’ planting easements are required, outside the right-of-way, along both sides of all internal roads. 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 habitats of rare, threatened, and endangered species must be avoided.
A conceptual Environmental Assessment has been approved. A preliminary environmental assessment has not been submitted yet. Mr. Sutton stated the assessment should be submitted 1/10/05.

Mr. DiGiacomo stated the Natural Heritage letter indicates that Salt-Marsh Bulrush, a rare species, is known to occur within the vicinity of the project site. In addition, the open waters adjacent to the site “are known historic waterfowl concentrations.” As no water dependent facilities are proposed, a species survey is not required.

The Forest Stand Delineation (FSD) has been approved.

The Preliminary Forest Conservation Plan (PFCP) must be approved prior to Planning Commission review of the Preliminary Plat. The final Forest Conservation Plan (FCP) and Landscape Plan must be approved prior to Planning Commission review of the Final Plat.

The reforestation plantings associated with Lots 1B, 2B, and 3 were planted on 11/9/04.

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. The metes and bounds description of the FRA must be shown on the record plat.

The Landscape Agreement must be executed prior to recordation.

The portion of the property in the Critical Area is exempt from the Forest Conservation Regulations per §3.2B. A note to that effect must appear on the plat.

§241.2.f (2) states that, “High priority should be given to clustering development out of the floodplain while preserving the low lying land and forested areas in natural vegetation.”

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.
Per §196.1.b, no development is permitted in the tidal wetlands and tidal waters buffer, including septic systems, impervious surfaces, parking areas, roads, or structures. The topo and soils information has been included, per §4.0.13 (n). It appears that the tidal wetlands buffer extends into the septic area of proposed Lot 10. Mr. Sutton stated he would check but believed that it was a glitch in the system.

Mr. DiGiacomo stated any proposed piers shall conform to the provision of §169.

No more than 15% of the surface area can be converted to impervious surface in the RCA. No more than 20% of the forest or developed woodland may be removed.

In the critical area, no structure shall exceed 35’ in height. Slopes 15% or greater in the Critical area must be shown. Such slopes are shown on Lots 4, 9, and 10 on the Concept Plat.

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

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

A Homeowners’ Association for maintenance of common open space must be established with $50 per recorded lot placed in escrow for improvements prior to recordation. All lot owners, including those of 1B, 2B, and 3, must become members.

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

This layout includes 6 proposed panhandle lots (4, 7, 9, 10, 11, and 22).

The applicant was reminded of the Monday noon submission deadline for review by the Planning Commission this month.
There were no further comments.


Mr. Pugh stated Canal View Estates was a subdivision initially established in the late 1980’s. The activity of this project spans over a course of five years. Mr. Pugh reviewed the various information located on the plat. Mr. Ford, previous owner, has passed and his children are now moving forward with the project. Therefore the applicants are before TAC today with a plat that represents the instructions of the last Planning Commission approval that any further subdivision would require concept of the development be furnished. There are two portions located in the critical area.

Mr. Funk, Soil Conservation, provided the applicant with a copy of the Soil Conservation Report, pointing to the areas of various soils.

Mr. Woodhull of DPW stated that Knights Corner Road is restricted to 12,000lb vehicles. All construction traffic over 12,000 lbs may only access the site from MD Route 285.

The Knights Corner Road Bridge over Long Branch is currently reduced to one-way traffic, with no weight restriction. Currently the project to replace the bridge is in the Capital Improvements Project list for FY2008.

How will water and sanitary sewer service be provided to the proposed lots? Mr. Pugh and Sutton replied well and septic.

Mr. Woodhull state the Applicant must confirm, to CCDPW, the type of ROW (fee simple, road widening easement, etc...) provided on Knights Corner Road by the previous plats for this subdivision. If these ROW strips have not already been conveyed to the County the Applicant must ensure that they get conveyed.

A SWM Plan, Road & Storm Drain Plan, and a Mass and Final Grading Plan must be approved by the CCDPW prior to submittal for Final Plat Approval. The Final Plat must include the standard note recognizing the applicability of the Lot Grading Plans. (“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

January 5, 2005, 9:00 a.m.
Reforestation will require a consistency review, of the SWM approval, with CCDPW.”

The Lot Grading Plan must include the standard note addressing the limits of construction. (“No clearing or grading is permitted beyond the limits of disturbance show 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. Woodhull asked if the applicant intended to incorporate existing SWM from the previously approved portions of this development into the SWM plan for the proposed Section. Do you intend to use any existing SWM facilities? Mr. Sutton replied yes. The April 2003 Aerial Photo 13-261 indicated a pond exists on the site identified here as proposed SWM Area southwest of the Canal Estates Drive cul-de-sac. The approved Final Plat for Lots 24-37 of Canal View Estates indicates that a 20’ wide Drainage Easement exists between Lots 33 & 34 directing runoff to this same area.

Mr. Woodhull state the wetlands have been identified on the site (boundary tags) but are not reflected on this plat. The wetlands appear to this Department to impact Lots 19 and 38, the location of the proposed connection to Bridge View Drive, as well as the location of the proposed SWM Area east of Lot 4. All wetlands must be identified on the plat to allow for complete review the concept plat submitted. Mr. Pugh stated they had not been located.

Mr. Woodhull stated if stormwater discharge is directed off of the site on to adjacent property it is the responsibility of the Developer to obtain appropriate easements from the affected property owners per Section 251-13 of the Cecil County SWM Ordinance. Any and/or all structures (i.e. dwellings, outbuildings, driveways, etc.) on down-gradient properties so impacted must be identified on the SWM Plans.

The Department has concerns about SWM discharge from the proposed SWM Areas impacting not only MD Route 285 and the Lands of Savage-Bailey & Bailey but also properties on the south side of MD Route 285 including but not limited to Parcels 370 & 411 on Tax Map 43 and the COE property (C&D Canal). We will want to see evidence that all easements required have been obtained before the Department will sign the Final Plat. To this end the Department requests that all effected properties south of MD Route 285 be shown on the plat with Owner & Deed references included. An easement will be required on Lots 4 / 5 for SWM pond discharge conveyance.

The downstream conveyance of storm water must be analyzed in accordance with Section 251-9 A. (5) of the county’s SWM Ordinance. Special care must be given to the design if a concentration of runoff will result from the SWM facilities.
A TIS will be recommended. The TIS must address the impacts of the additional traffic generated by the proposed 72 lots on Knights Corner Road and Elk Forest Road.

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

With the addition of the approximately 720 ADT generated by this development, the requirements of Section 3.07.15 of the Road Code be applied to the intersection of Knights Corner Road with Bridge View Drive. This requires that Knights Corner Road be upgraded to Minor Collector road standard for 100’ either side of the intersection. Acceleration and deceleration lanes must be provided at this intersection.

The DPW requires that a road condition survey be done for the existing portion of Bridge View Drive. This must include at a minimum 2 cores and a report on pavement depth.

The Applicant must also address roadside ditch improvements along Knights Corner Road on the east side in the area of Lots 6 & 17.

The proposed internal road layout shown includes a wetlands crossing where the proposed section of Bridge View Drive connects to the existing roadway. Therefore the Department will require substantial Geo-Tech investigation of the suitability of the sub-grade to meet Road Code standards for a County owned roads.

Proposed Lot 19 is impacted by both an existing drainage swale running from existing Lot 18 as well as by the existence of wetlands along Bridge View Drive along a substantial portion of its road frontage. Lot 19 must be denied access to Bridge View Drive through the wetlands. The Road Plan and the Lot Grading Plan must reflect the requirement for driveway pipe adequately sized to accommodate the roadside drainage ditch flows.

All driveways must be paved at least to the right of way and be provided with turnaround capability. The driveway paving, within the ROW, must be complete for all lots at the time when the surface course for the internal roads is installed. The Developer/Contractor must establish the driveways for any lots not built–out at that time. In addition any driveway in excess of 5% up-gradient-slope must be paved to the crest and the Developer/Contractor will be responsible for this at the time of surface course installation. If the development is phased this requirement will apply to each phase when 80% of the lots are built-out. All of this must be so indicated on the Lot Grading Plan.
The driveway access from Lot 82 must be made at an acceptable angle to Bridge View Drive. This requires that the existing drive indicated must be removed.

A PWA will be required for the Roads & Storm Drains. An I&M Agreement will be required for all SWM facilities.

Mr. Ouano, Conectiv, had no comments.

Ms. Latham, MDE, stated the original permit was inactivated on MDE’s computer and therefore the applicant will need to submit a new application for a Water Appropriation Permit. Public notice will be required.

Mr. Markwardt stated bus service would be provided at Shipmaster/Rte 285 and Knights Corner/Bridgeview.

He questioned the size, price range and construction commencement of homes. Mr. Pugh replied 2000 – 3000 ft² with a price range of $350,000 to $500,000. Assuming approval, the project would start in the summer of 2006.

Mr. Mandras, read the State Highway Administration comments, a copy attached for reference.

Mr. Moore read the Health Department comments, a copy attached for reference.

Mr. Roop of the (US Army) Corps of Engineers stated any filling in the perennial stream or adjacent wetlands required a Department of Army (DOA) permit. No Jurisdictional Determination (JD) has been issued.

Mr. DiGiacomo stated that no comments had been received from the Chesapeake Volunteer Fire Department.

Mr. DiGiacomo of OPZ stated the zoning was RR, RCA, LDA.
The RR zone permits a maximum base density of 1 dwelling unit per 5 acres. Bonus density eligibility carries with it a permitted density of 1/3.

The Critical Area LDA overlay zone permits a maximum density of 1 dwelling unit per 3.99 acres. The Critical Area RCA overlay zone permits a maximum density of 1 dwelling units 20 acres.

This Concept Plat is utilizing the approved and recorded density from an earlier concept plat approved in February of 1989. Concept Plats approved prior to July 25, 1989 do not have two year shelf life that the current ones do.

This Concept Plat proposes 72 lots on 207.9 acres, for a proposed density of 1 dwelling units per 2.89 acres. This overall density is in conformance with the density approved in February 1989.

Three (3) lots are proposed on the 33.1 acres in the LDA portion of the site for a density of 1 dwelling unit 11.03 acres. 2 lots are proposed on 59.9 acres in the RCA portion of the site for a density of 1 dwelling unit per 29.95 acres.

Mr. DiGiacomo asked if a boundary line survey must be done for the preparation of the Preliminary Plat for density calculation purposes. Mr. Sutton replied no.

The site location needs to be clearly identified on the vicinity map.

The full name of the existing road (Bridge View Drive) must be shown on the plat.

“Plat 5,” as referenced directly outside the site in question, does not exist. It should read “Plat 4.”

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.
Slopes greater than 25% must be shown on the preliminary plat.

Slopes greater than 15% in the Critical Area 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. A Jurisdictional Determination (JD) must be done prior to preliminary plat review by the Planning Commission.

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

15% common open space is required in the RR zone; 23% is proposed.

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.

No landscaping of the development envelope is required in the RR zone.

Sidewalks are not recommended in the RR zone.

In the LDA and RCA, impervious surfaces shall be limited to 15% of the gross site.

Within the Critical Area, no more than 20% of the forest or developed woodland may be removed.
No building or other structure shall exceed 35 feet in height in the Critical Area.

Bufferyard Standard C is required, outside the right-of-way, along the road frontage of Biddle Street.

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

The portion of the property in the Critical Area is exempt from the Forest Conservation Regulations per §3.2B. A note to that effect must appear on the plat.

The Forest Stand Delineation (FSD) must be approved prior to Planning Commission review of the Concept plat. The reforestation area (for clearing with the Critical Area) installed as part of the requirements for Plat 4 of Canal View Estates must be shown on this plan. The Preliminary Forest Conservation Plan (PFCP) must be approved prior to Planning Commission review of the Preliminary Plat. The final Forest Conservation Plan (FCP) and Landscape Plan must be approved prior to Planning Commission review of the Final Plat.

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. The metes and bounds description of the FRA must be shown on the record plat.

The internal road names will need to be approved by the County 911 Emergency Center prior to Planning Commission review of the Preliminary Plat. Road names are required on Concept Plats, per §4.0.13 (h) of the Cecil County Subdivision Regulations. Mr. Sutton stated Chipmaster was new.

Mr. DiGiacomo stated access to common open space between lots must be marked with concrete monuments.
A Homeowners’ Association for maintenance of common open space must be established with $50 per recorded lot placed in escrow for improvements prior to recordation.

Proposed Lots 5 and 106 shall be denied access to MD Route 285. Proposed Lot 19 shall be denied access to Knights Corner Road.

The applicant was reminded of the Monday noon submission deadline for review by the Planning Commission this month.

There were no further comments.

7. Mr. Sutton presented Fulton Hills, Lots 1-17, Old Telegraph Road, Preliminary Plat, McCrone, Inc., First Election District

Mr. Sutton stated one lot was lost in density issues.

Mr. Funk, Soil Conservation, had no comments.

Mr. Woodhull of DPW stated that a SWM Plan, Road & Storm Drain Plan, and a Mass and Final Grading Plan must be approved by the CCDPW prior to submittal for Final Plat Approval.

The Lot Grading Plan must include the standard note addressing the limits of construction. (“No clearing or grading is permitted beyond the limits of disturbance show 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.”)

If stormwater discharge is directed off of the site on to adjacent property it is the responsibility of the Developer to obtain appropriate easements from the affected property owners per Section 251-13 of the Cecil County Code.
County SWM Ordinance. Any and/or all structures (i.e. dwellings, outbuildings, driveways, etc…) on down-gradient properties so impacted must be identified on the SWM Plans.

The downstream conveyance of storm water must be analyzed in accordance with Section 251-9 A. (5) of the county’s SWM Ordinance. Special care must be given to the design if a concentration of runoff will result from the SWM facilities.

The SWM Plan, Road & Storm Drain Plan, and the Lot Grading Plan must address the existing drainage swale running across the property (Lots 1, COS) to Sandy Branch. Impacts to the Lands of Clevenger and Teat must also be analyzed and addressed. Applicant may be required to pickup Old Telegraph Road drainage and cross lot drainage and convey it to the stormwater management facilities to address existing conveyance concerns.

The Department strongly recommends that as a condition of approval of the Concept Plat, any residential development located in Delaware on the Lands of Crawford be accessed via a connection to Fulton Court and that a 50’ ROW be stubbed from Fulton Court, aligned with Martha Way, to the Remaining Lands of Crawford. The importance of the need and the location of connectivity are borne out by the fact that the entire 150 acres of the Lands of Crawford are indicated for immediate sale. The indication is that the 53.7 acres of the site located in Delaware will not be kept as Remaining Lands as proposed on the plat. If the Planning Commission allows access for development to the 53.7 acres in Delaware via the proposed 100’ wide easement the Department recommends that the access be limited to a private mini-road serving no more than five (5) dwellings.

The cut-off trench, core, and embankment for the SWM facility must be located outside of the roadway paved area.

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

The requirements of Section 3.07.15 of the Road Code requires that Old Telegraph Road be upgraded to Minor Collector road standard for 100’ either side of the proposed entrances onto Old Telegraph Road. The Applicant can anticipate the requirement to improve/ establish shoulders and improve drainage along this development’s entire road frontage.

The DPW will require substantial Geo-tech investigation to determine the suitability of the sub grade in the area of the existing drainage swale crossing of Fulton Court to support a County road.
Lot 1 must be denied access to Old Telegraph Road and the first 75’ of Martha Way. Lot 17 must also be denied access to Old Telegraph Road except for the existing driveway.

Mr. Woodhull asked if the applicant envisioned the need for any Road Code Variance associated with this project. Mr. Sutton replied no.

Mr. Woodhull stated all driveways must be paved at least to the right of way. The driveway paving, within the ROW, must be complete for all lots at the time when the surface course for the internal roads is installed. The Developer/Contractor must establish the driveways for any lots not built-out at that time. In addition any driveway in excess of 5% up-gradient-slope must be paved to the crest and the Developer/Contractor will be responsible for this at the time of surface course installation. If the development is phased this requirement will apply to each phase when 80% of the lots are built-out. All of this must be so indicated on the Lot Grading Plan.

A PWA is required for the Roads and Storm Drains. An I&M Agreement is required for SWM facilities.

Preliminary Plats must show all information required by Section 4.1.22 of the Subdivision Regulations. Section 4.1.22 k, m, n, & p are relevant in this case and the required information must be shown on the Preliminary Plat submitted for Planning Commission review.

Mr. Ouano, Conectiv, had no comments.

Ms. Latham, MDE, stated a Water Appropriation Permit would be required.

Mr. Markwardt stated the redesigned bus service would be provided at Martha Way and Old Telegraph Roads.

Mr. Mandras, State Highway Administration, stated the project did not have access to a state highway therefore; they had no objection to its approval.

Mr. Moore read the Health Department comments, a copy attached for reference.
Mr. Roop of the (US Army) Corps of Engineers stated any filling in the perennial stream or adjacent wetlands required a Department of Army (DOA) permit. No Jurisdictional Determination (JD) has been issued.

Mr. DiGiacomo of OPZ stated the zoning was SAR which permits a maximum base density of 1 dwelling unit per 8 acres. Bonus density eligibility carries with it a permitted density of 1/5. This Preliminary Plat proposes 17 lots on 88.47 acres, for a proposed density of 1/5.2.

The proposed density is not listed on the plat as required by §4.1.22 (r).

New Castle County records indicate that the Delaware portion of this property, which is zoned SR, is 60 acres. If the 53.7 acre figure is correct, then possibly 11 additional lots could be approved (or 21 lots, if the open space option were elected).

Any development of the remaining lands in New Castle County will require New Castle County approval prior to Cecil County recordation of the access strip. If such access were a private mini-road, then a mini-road maintenance association would need to be formed, and the incorporation documents recorded in both counties prior to recordation of the roadway in Cecil County.

A number of issues, including traffic, emergency services, school attendance, and stormwater management will require interjurisdictional coordination.

Mr. DiGiacomo asked if the boundary line survey been done. Mr. Sutton replied yes.

Minor Subdivisions 279, 2020, 3124, and 3441 have been referenced on the plat.

The Concept Plat was approved on 9/23/04, conditioned on:

1) A boundary line survey being completed in conjunction with the preparation of the Preliminary plat for Density calculation purposes;

2) A JD being completed prior to the Planning Commission’s review of the Preliminary Plat;
3) The Bufferyard standard C requirement for proposed Lot 18 being waived in favor of a modified Bufferyard “A” along the rear lot lines of proposed Lots 13-17 with the normal rear BRL;

4) Any right-of-way access to the remaining lands in Delaware becoming a private mini road at such time as those remaining lands are developed;

5) The 100’ ROW shown be limited to farm access and any change in the future would require approval by the Planning Commission; and

6) A Bufferyard “A” being established on the rear lot lines of Lots 4-13 to buffer the adjacent agricultural uses on the remaining lands of Crawford in Delaware.

This Preliminary Plat is generally consistent with the approved Concept Plat. There are 17 lots rather than 18 lots proposed on the Preliminary Plat.

The approval signature block is to appear in the bottom left hand corner of the plat.

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

Slopes greater than 25% must be shown on the preliminary plat. What are presumably steeps slopes shaded on Sheet 2 are not labeled.

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. A Jurisdictional Determination (JD) must be done prior to preliminary plat review by the Planning Commission.

The habitats of rare, threatened, and endangered species must be avoided.
15% common open space is required; 32.2% is proposed. The common open space and the proposed large lot together total 62% of the total acreage, thus satisfying eligibility for bonus density consideration in the SAR zone.

No landscaping of the development envelope is required in the SAR zone.

Sidewalks are not recommended.

Bufferyard Standard C is required, outside the right-of-way, along the road frontages of Old Telegraph Road. Staff recommends a waiver of the Bufferyard C requirement along proposed Lot 18, if the modified Bufferyard A is implemented along the rear lot lines of proposed Lots 13-17, as that design would better help preserve rural character.

Rows of street trees with 10\' planting easements are required, outside the right-of-way, along both sides of the proposed, unnamed loop road. 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.

Contrary to Note #8, no soil types are shown as required by §4.1.22 (t).

The Forest Stand Delineation (FSD) has been approved. The sire is not home to any rare species, nor does it contain FIDS habitat. The locations of the wetlands and streams shown on the subdivision plat do not match those shown on the FSD. This must be corrected.

The Preliminary Forest Conservation Plan (PFCP) must be approved prior to Planning Commission review of the Preliminary Plat. The final Forest Conservation Plan (FCP) and Landscape Plan must be approved prior to Planning Commission review of the Final Plat. 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. The metes and bounds description of the FRA must be
shown on the record plat.

The proposed internal road names have been approved.

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

Covenants prohibiting the subdivision of the large lot must be recorded and noted on the plat prior to recordation.

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

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 was reminded of the Monday noon submission deadline for review by the Planning Commission this month.

There where no further comments.

8. Michael Burcham and Barry Montgomery presented The Barry Montgomery Company, Inc. (Lands of), Lot 5, Frenchtown and Cokesbury Road, McCrone, Inc., Seventh Election District

Mr. Montgomery presented a revised plat in which the committee discussed the changes.

Mr. Funk, Soil Conservation, had no comment.
Mr. Woodhull of DPW stated that A SWM Plan and a Mass and Final Grading Plan must be approved by the CCDPW prior to submittal for Final Plat Approval. The Final Plat must include the standard note recognizing the applicability of the Lot Grading Plans. (“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.”)

The Lot Grading Plan must include the standard note addressing the limits of construction. (“No clearing or grading is permitted beyond the limits of disturbance show 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.”)

If stormwater discharge is directed off of the site on to adjacent property it is the responsibility of the Developer to obtain appropriate easements from the affected property owners per Section 251-13 of the Cecil County SWM Ordinance. Any and/or all structures (i.e. dwellings, outbuildings, driveways, etc…) on down-gradient properties so impacted must be identified on the SWM Plans.

The downstream conveyance of storm water must be analyzed in accordance with Section 251-9 A. (5) of the county’s SWM Ordinance. This analysis must address the drainage ditch along the site’s Frenchtown Road frontage to determine its ability to adequately convey runoff. Special care must be given to the design if a concentration of runoff will result from the SWM facilities.

The Department will entertain the use of a common driveway access location serving Lots 5A, 6, 7, & 8. The configuration for this access should be modeled closely to the approach employed on the David S. Willis, Jr. four lot subdivision Plat. If this common entrance for these four (4) lots is approved by the Planning Commission, the Department will require that the common entrance be at least 25’ wide and 60’ long with the Lot 6 & 7 drives entering at least 50’ from the edge of Frenchtown Road. The perpetual maintenance of this area by the four (4) Lot owners must be reflected in the deeds. The required sight triangles must also be included in this same area. The County will not accept ownership of the common entrance area as implied on the Concept Plat.

Sight distance measurements must be provided for the driveway/access point onto Frenchtown Road and the centerline marked in the field to allow for review prior to Preliminary Plat review by TAC.

An I&M Agreement will be required for any SWM facilities.
Mr. Ouano, Conectiv, had no comments.

Mr. Markwardt stated bus service will be provided at the four collector driveway.

Mr. Mandras, State Highway Administration, stated the project did not have access to a state highway therefore; they had no objection to its approval.

Mr. Moore read the Health Department comments, a copy attached for reference.

Mr. Roop of the (US Army) Corps of Engineers stated a Department of Army (DOA) Permit was not required since there were no non-tidal wetlands or waters of the US present on the property. A Jurisdictional Determination (JD) hasn’t been issued.

Mr. DiGiacomo of OPZ stated the zoning was SAR which permits a maximum base density of 1 dwelling unit per 1 acre, or 2/1 with community facilities. This Concept Plat proposes 4 new lots on 4 acres, for a proposed density of 1/1.

A boundary line survey must be done for the preparation of the Preliminary Plat for density calculation purposes. Minor Sub # 2375 indicates that the acreage is > 4 acres.

In a previous submittal, all 4 proposed lots exceed the recommended 3:1 length-to-width ratio contained in §7.4.2 of the Subdivision Regulations. The new design has eliminated that problem, but the “driveway collector” may create insurmountable maintenance issues for the County. In addition, 2 of the proposed lots would not have the 100’ of road frontage required on collector roads.

An alternative design employing a joint access easement, such as was approved of the Lands of Willis, should be explored. Even then, such a design would run contrary to §’s 7.2.12.B and 7.2.12.F of the Subdivision Regulations.

Sidewalks are recommended on at least one side of all internal roads in the SR zone. In this case, no internal roads are proposed.
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.

Slopes greater than 25% must be shown on the preliminary plat.

A 110’ perennial stream buffer is required from any 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 any 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. A Jurisdictional Determination (JD) must be done prior to preliminary plat review by the Planning Commission.

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

No common open space is required for major subdivisions of fewer than 10 lots.

A minimum of 20% landscaping of the development envelope is required in the SR zone.

In the absence of any internal road, the street tree requirement is moot.

Bufferyard Standard C is required, outside the right-of-way, along the road frontages of Frenchtown Road.

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

An FSD has been submitted, but is deficient per review comments dated 12/7/04. Receipt of the Natural Heritage letter is one of the items that must be addressed prior to FSD approval.
The Preliminary Forest Conservation Plan (PFCP) must be approved prior to Planning Commission review of the Preliminary Plat. The final Forest Conservation Plan (FCP) and Landscape Plan must be approved prior to Planning Commission review of the Final Plat. 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. The metes and bounds description of the FRA must be shown on the record plat.

The applicant was reminded of the Monday noon submission deadline for review by the Planning Commission this month.

There were no further comments.

Respectfully submitted,

Lisa A. Jones

Administrative Assistant
February 2, 2005, 9:00 a.m.

Technical Advisory Committee

PRESENT:  DiGiacomo, Markwardt, Orr, Roop, Von Staden for (Moore), and Jones

ABSENT:  Ancel, Carter, Davis, Funk, Latham, Mandras, Ouano and Woodhull

1.  Kevin Small and Christopher Diebold presented Donna’s Village, Lots 1-36, Old Bayview Road, Concept Plat, Frederick Ward Associates, Fifth Election District

Mr. Small stated the project would be comprised of single family homes, accessed by two locations with full turn access points via Old Bayview Road. SWM will be provided through the west side of the property. The access roads being a 50’ ROW. The lot sizes are approximately 6500 ft.

Mr. Orr of CCDPW stated that the concept plat identifies water supply for this site from and owned by the Town of North East. Has an allocation and capacity been confirmed by the Town? Mr. Small replied yes.

Mr. Orr stated the CCDPW recommends that the water distribution system be designed to meet or exceed the County’s standards. The serving fire company must review fire hydrant spacing and locations. The water lines must be reflected on the sanitary sewer plans and as-builts. Town water easements must be shown on the record plat.

The public sanitary sewer mains are to be owned and maintained by Cecil County. Sewer service laterals for Lots 1-9 must connect to a new sewer main in the proposed subdivision street. Show existing 20’ wide utility easement and deed reference on Final Plat. Add a note to the Final Plat identifying that no structures are permitted upon the sanitary sewer easements shown crossing residential lots.

A SWM Plan, Street & Storm Drain Plan, Sanitary Sewer Plan, and a Mass & Final Grading Plan are required and must be approved by the CCDPW prior to Final Plat Approval. Internal street grade leaving Old Bayview Road may not exceed 5% within the limits of the intersection right-of-way, or a minimum of 55’ from the centerline of Old Bayview Road. Identify deed or plat reference for existing Bayview Road right-of-way.
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 show 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.”

Any Road Code Variances sought must be requested prior to submittal for preliminary plat approval. The street R.O.W. entrance tapers must be offset 25’ from the R.O.W. point of intersection per 7.2.12.E.3 of the Subdivision Regulations.

The applicant must provide stopping sight distance measurements for the Old Bayview Road access points to the DPW prior to preliminary plat submittal. Existing site Old Bayview Road access points/driveways shall be removed at commencement of site construction. Section 3.07.15 of the Road Code requires that Old Bayview Road be upgraded to Minor Collector road standard for 100’ either side of the proposed entrances. The design engineer must address the requirement to improve established shoulders, construct the minimum acceleration and deceleration lanes, and improve drainage along this development’s entire road frontage on the street construction drawings.

Lots 1, 22, 23, and 36 are denied access to Old Bayview Road. Lots 1-9 are denied access to Phenneger Lane. Add a note to the plat indicating the denied access requirements.

All driveways must be paved at least to the right of way. The Developer is responsible to complete all driveways paving within the road 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 from the internal must be paved to the crest. Mr. Orr asked if the applicant anticipated any phasing. Mr.
Diebold replied no, not at this time. Mr. Orr stated if the development is phased this requirement will apply to each individual phase as applicable. The Lot Grading Plan and Street Construction Drawings must include notes to this effect.

Where determined necessary by the utility companies, the owner, the designer, or DPW, utilities poles must be relocated at the Owner’s expense. Please show utility poles on the preliminary plat.

All sewer service cleanouts must be designed to be outside of all paved or concrete areas on each lot and shown on the utility plans.

Public Storm drainage easements must be separated from private stormwater management access easements.

The stormwater management outfall may not impact the public sewer main running through the property. Any and/or all structures (i.e. dwellings, outbuildings, driveways, etc…) on down-gradient properties impacted by the site designed stormwater discharges must be identified on the SWM Plans. If stormwater discharge is directed off of the site on to an adjacent property it is the responsibility of the Developer to obtain appropriate easements from the affected property owners in accordance with Section 251-13 and 251-15.D of the Cecil County SWM Ordinance.

The downstream conveyance of storm water must be analyzed in accordance with Section 251-9 A. (5) of the county’s SWM Ordinance. Special care must be given to the design if a concentration of runoff will result from the SWM facilities.

Public Works Agreements will be required for all public infrastructures shown.

An Inspection and Maintenance Agreement will be required for the private SWM facilities.

In acknowledgement of the requirements of Section 2.7.1 of the Cecil County Subdivision regulations, concerning the adequacy of offsite road conditions, the applicant is responsible to submit an offsite road condition survey to the DPW. This survey must address the condition of Old Bayview Road from the site to MD Rte. 274. A Protocol Two survey is requested in accordance with the Department’s November 24, 2004 Road Code Guidance Manual. A copy can be obtained from the office of DPW. The survey, along with an initial road improvements proposal must be submitted to the DPW prior to submittal of preliminary plat for TAC.
Mr. Orr stated if this project is not within the limits of the Master Water and Sewer Plan; an amendment will be required.

Mr. Markwardt questioned the possibility of a walking path being constructed which would allow Phenneger Lane students to access a central bus stop established at one of the two junctions off of Old Bayview Road. Proposed bus service will be provided at the northern intersection of Old Bayview Road.

He questioned the size, price range and construction commencement of homes. Mr. Diebold stated the size would be 2000 – 2200 ft² with a price range from the low to mid $200,000’s. Assuming approval, the project would start in the spring of 2006.

Mr. Von Staden read the Health Department comments, a copy attached for reference.

Mr. DiGiacomo referenced the Master Water & Sewer Plan, as the entire property is S1. The 40% of the property closest to Old Bayview Road is W2 and the remaining 60% of the property to the west furthers away from Old Bayview Road is W3. The W3 portion will require an amendment to the Master Water and Sewer Plan, making it at least W2 prior to final plat approval.

Mr. Roop of the (US Army) Corps of Engineers stated any filling in the non-tidal wetlands or streams on the western side will require a Department of Army (DOA) permit. A Jurisdictional Determination (JD) has not been issued.

Mr. DiGiacomo stated in the absence of a Citizen’s Representative no comments had been received.

Mr. DiGiacomo stated Conectiv had no comments.

Mr. DiGiacomo read the North East Volunteer Fire Department comments, a copy attached for reference.
Mr. DiGiacomo stated that the State Highway Administration had no comment as this project was not on a state road.

Mr. DiGiacomo read the MDE comments, a copy attached for reference.

Mr. DiGiacomo provided the applicant with a copy of the Soil Conservation Service Report, a copy attached for reference.

Mr. DiGiacomo of OPZ stated the zoning was DR which permits a maximum base density of one (1) dwelling unit per one (1) acre, or 4/1 with community facilities. This Concept Plat proposes 36 lots on 11.11 acres, for a proposed density of 3.24/1.

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

Per Article VI of the Zoning Ordinance, because Old Bayview Road is functionally classified as a collector road, proposed Lots 1, 22, 23, and 36 must have a 50’ principal structure setback from Old Bayview Road.

The setbacks for proposed Lots 29 and 30 are incorrect as they do not reflect the curvature of the proposed, unnamed road. Those setbacks must be correctly shown on any plat submitted for review by the Planning Commission.

§4.0.13 (j) of the Subdivision Regulations requires that Concept Plats include the dimensions of all proposed lots. This missing information must be included on any plat submitted for review by the Planning Commission.

It appears that some of the proposed lots may not meet the 6,500 ft² minimum area requirement in the DR zone.

Mr. DiGiacomo asked with regard to Special Exception # 1829 was the mobile home still on the property. Mr. Diebold replied correct.
Mr. DiGiacomo asked what the disposition of existing structures would be including the mobile home. Mr. Diebold replied they would all be removed.

Mr. DiGiacomo stated Minor Subdivisions #2096 and #2421 must be referenced on the plat.

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.

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. A Jurisdictional Determination (JD) must be done prior to preliminary plat review by the Planning Commission. The habitats of any rare, threatened, and endangered species must be avoided.

This proposal appears to satisfy the common open space requirements of the DR zone. 15% is required; 26% is proposed. All common open space must be labeled and referenced as “common open space.”

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. These thresholds must be calculated and included on the Preliminary Plat.

A minimum of 20% landscaping of the development envelope is required in the DR zone.

Sidewalks are recommended on at least one side of the looped road.
Bufferyard Standard C is required, outside the right-of-way, along the road frontages of Old Bayview Road.

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

The Forest Stand Delineation (FSD) must be approved prior to Planning Commission review of the Concept plat. The locations of wetlands shown on the Concept Plat and the acreage of forested area listed in the “Development Summary” table do not match the wetland and forest data provided in the FSD. Those discrepancies must be resolved.

The Preliminary Forest Conservation Plan (PFCP) must be approved prior to Planning Commission review of the Preliminary Plat. The final Forest Conservation Plan (FCP) and Landscape Plan must be approved prior to Planning Commission review of the Final Plat.

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. The metes and bounds description of the FRA must be shown on the record plat.

Road names are required on Concept Plats, per §4.0.13 (h) of the Cecil County Subdivision Regulations. The internal road name will need to be approved by the County 911 Emergency Center prior to Planning Commission review of the Preliminary Plat.

Access to common open space between lots must be marked with concrete monuments.
A Homeowners’ Association for maintenance of common open space must be established with $50 per recorded lot placed in escrow for improvements prior to recordation.

The Master Water & Sewer Plan shows this project to be located located in a W-2 area and partially in a W-3 area. The property located in the W-3 area must be amended prior to the Planning Commission’ review of the Final Plat.

Written verification of water allocation from the Town of North East must be provided to OPZ prior to the Planning Commission’ review of the Final Plat.

The Master Water & Sewer Plan shows this property to be partially in an S-1 area. Sewer capacity must be confirmed by DPW prior to the Planning Commission’ review of the Final Plat.

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

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 was reminded of the Monday noon submission deadline for review by the Planning Commission this month.

There where no further comments.

2. Mr. Donald Sutton presented Fulton Hills, Lots 1-17, Old Telegraph Road, Preliminary Plat, McCrone, Inc., First Election District

February 2, 2005, 9:00 a.m.
Mr. Sutton stated the changes required by DPW had been made. There were some adjustments to the septic area due to Health Department issues.

Mr. Orr of Cecil County Department of Public Works stated that at the January 2005 TAC, the Department of Public Works reminded the applicant that Preliminary Plats must show all information required by Section 4.1.22 of the Subdivision Regulations. The required information has now been shown. Thank you.

The cross culvert and storm drainage system layout shown for Lot 1 and the Martha Way entrance shows continuance of the storm drainage discharge across lot one and the adjacent property owner. This translates to additional structures and increases the future county maintenance responsibilities in this area. Instead of the two systems shown, one pass-through and one collection, the drainage system must be combined to collect the runoff and convey the same to the stormwater management facility to the north. At least part of the additional 36” RCP cross culvert might then be eliminated, along with any public maintenance of the 40’ wide drainage easement shown across lot one. Tie the Old Telegraph Road cross culvert in to the proposed storm drainage system. The final lot grading plan for lot one must reflect your intent to convey runoff to the storm drain inlet. A cross culvert may be needed 300’ +/- north of as well as at the intersection of the Martha Way and Fulton Court.

At design, the engineer must address the need for guardrail along Fulton Court section north of the proposed primary stormwater management facility. There are several options, one of which is curb line. For the small stormwater management facility to the south of the facility, be sure the required pond to Septic Reserve Area offset is met.

Mr. Markwardt stated bus service would be provided at Martha Way and Old Telegraph Road.

Mr. Von Staden read the Health Department comments, a copy attached for reference.

Mr. Roop of the (US Army) Corps of Engineers stated the Jurisdictional Determination (JD) had been issued on 1/14/05.

Mr. DiGiacomo stated in the absence of a Citizen’s Representative no comments had been received.
Mr. DiGiacomo stated that the State Highway Administration had no comment as this project was not on a state road.

Mr. DiGiacomo stated soil conservation information was presented to the applicant at a previous meeting.

Mr. DiGiacomo stated Conectiv had no comments.

Mr. DiGiacomo stated that no comments had been received from the Cecilton Volunteer Fire Department.

Mr. DiGiacomo read the MDE comments, a copy attached for reference.

Mr. DiGiacomo of OPZ stated the zoning SAR which permits a maximum base density of one (1) dwelling unit per eight (8) acres. Bonus density eligibility carries with it a permitted density of 1/5. This Preliminary Plat proposes 17 lots on 88.47 acres, for a proposed density of 1/5.2.

The Concept Plat was approved on 9/23/04, conditioned on:

1) A boundary line survey being completed in conjunction with the preparation of the Preliminary plat for Density calculation purposes;

2) A JD being completed prior to the Planning Commission’s review of the Preliminary Plat;

3) The Bufferyard standard C requirement for proposed Lot 18 being waived in favor of a modified Bufferyard “A” along the rear lot lines of proposed Lots 13-17 with the normal rear BRL;

4) Any right-of-way access to the remaining lands in Delaware becoming a private mini road at such time as those remaining lands are developed;

5) The 100’ ROW shown be limited to farm access and any change in the future would require approval by the Planning Commission; and

6) A Bufferyard “A” being established on the rear lot lines of Lots 4-13 to buffer the adjacent agricultural uses on the remaining lands of Crawford in Delaware.
The Preliminary Plat was disapproved by the Planning Commission on 1/18/05 due to additional information required by DPW relating to SMW issues; information has since been supplied to DPW. Mr. DiGiacomo asked if all DPW requirements for preliminary plats had now been satisfied. Mr. Orr replied in the affirmative.

This Preliminary Plat is generally consistent with the approved Concept Plat. There are 17 lots rather than 18 lots proposed on the Preliminary Plat.

The proposed density has now been included on sheets 2 and 3 (§4.1.22 (r)).

Any development of the remaining lands in New Castle County will require New Castle County approval prior to Cecil County recordation of the access strip, which shall conform to the conditions of Concept Plat approval. The resulting mini-road maintenance association would need to be formed, and its incorporation documents shall be recorded in both counties prior to recordation of the roadway in Cecil County.

A number of possible issues including, emergency services coverage, school attendance, and stormwater management will require interjurisdictional coordination.

The boundary line survey has been done.

Minor Subdivisions 279, 2020, 3124, and 3441 have been referenced on the plat.

Steep slopes have been shown on the plat. 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 perennial and intermittent stream buffers have been shown.

Permits are required from the (US Army) Corps of Engineers and MDE for any stream impacts prior to recordation. The JD has been done.
15% common open space is required; 32.2% is proposed. The common open space and the proposed large lot together total 62% of the total acreage, thus satisfying eligibility for bonus density consideration in the SAR zone.

No landscaping of the development envelope is required in the SAR zone. Sidewalks are not recommended.

Bufferyard Standard C is required, outside the right-of-way, along the road frontages of Old Telegraph Road.

Rows of street trees with 10’ planting easements are required, outside the right-of-way, along both sides of the proposed Fulton Court and Martha Way. Where feasible, the natural vegetative equivalent may be used to satisfy the bufferyard and street tree requirements.

Soils types are now shown as required by §4.1.22 (t).

The Forest Stand Delineation (FSD) has been approved. The site is not home to any rare species, nor does it contain FIDS habitat. The PFCP was approved on 1/10/05. The final Forest Conservation Plan (FCP) and Landscape Plan must be approved prior to Planning Commission review of the Final Plat.

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. The metes and bounds description of the FRA must be shown on the record plat.

The proposed internal road names have been approved.

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

Covenants prohibiting the subdivision of the large lot must be recorded and noted on the plat prior to recordation.
A Homeowners’ Association for maintenance of common open space must be established with $50 per recorded lot placed in escrow for improvements prior to recordation.

The contiguous operating farm notice has been provided on the plat.

The applicant was reminded of the Monday noon submission deadline for review by the Planning Commission this month.

There where no further comments.

3. Donald Sutton and Michael Pugh presented Sunset Ridge, Lots 1-16, Warburton Road, Concept Plat, McCrone, Inc., Fifth Election District

Mr. Pugh stated the proposed 16 lot subdivision will access off of Warburton Road. The basis of the subdivision request is the bonus density provision of the zoning ordinance plus the amendment to the subdivision regulations, allowing placement of the minor subdivision opportunities along the internal road structures of the subdivision.

Mr. Woodhull of DPW stated that a SWM Plan, Street & Storm Drain Plan and a Mass & Final Grading Plan are required and must be approved by the CCDPW prior to Final Plat Approval. The internal street grade leaving Warburton Road may not exceed 5% within the limits of the intersection right-of-way, or a minimum of 55’ from the centerline of Warburton Road. Replace ‘tee’ turn-around shown with an intermediate turn-around in the same location. Mr. Orr asked if the street section would be curb & gutter, grassed ditch lines, or a combination of both. Mr. Pugh replied grassed ditch lines.

Mr. Orr asked the applicant to state for the record their professional opinion of the potential residential lot yield on the Warner property as justification for the minor street section shown. Mr. Pugh stated there was a concept plat previously approved in 1986. Mr. Orr stated DPW was inquiring if the road should be a 60’ wide minor collector road. Mr. Sutton stated they were proposing a tee turnaround which could allow for a loop with two access points. The previously approved concept plat only has one access point. Mr. Orr asked if it was fair to say that they wouldn’t anticipate the need for Ridge View Drive to be minor collector road based on this concept. Mr. Sutton and Mr. Pugh replied, based on this concept, yes.
Mr. DiGiacomo asked if this project had previously been documented under the name Helen D. Warner. Mr. Sutton and Mr. Pugh replied yes. Mr. DiGiacomo stated that he had looked through the OPZ files but could not find a proposed plat for that property. Mr. Sutton stated that he had gotten a copy from OPZ a number of years ago.

Mr. Orr stated that if, for some reason, the Conowingo Power Company ROW crossing wasn’t feasible for the Warner property, more than 50 lots served by Ridge Field Drive would precipitate a request to upgrade, under the current collector road to a collector road code standard. Forty-six lots have been approved, but should the applicant anticipate that Ridge Field Drive will serve more than 50 lots signal in the future, DPW asked that it be upgraded to a minor collector road. Mr. Pugh stated they had no association with this property.

Discussion continued concerning the road width issue.

Mr. Orr stated 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.”

Any Road Code Variances sought must be requested prior to submittal for Preliminary Plat approval. The street R.O.W. entrance taps must be offset 25’ from the R.O.W. point of intersection, and be straight lines, per 7.2.12.E.3 of the Subdivision Regulations. Circular fillets are acceptable in this case but may require additional easements such that the adjoining common open space will not conflict with clearing or grading improvements for the required intersection line of sight.

The applicant must provide stopping sight distance measurements for the Warburton Road access to DPW prior to preliminary plat submittal. Section 3.07.15 of the Road Code requires that Warburton Road be upgraded to Minor Collector road standard for 100’ either side of the proposed entrances. The design engineer must address the requirement to improve/establish shoulders, construct the minimum acceleration and deceleration lanes, and improve any deficient roadside drainage along this development’s entire road.
frontage on the street construction drawings.

All driveways must be paved at least to the right of way. The Developer is responsible to complete all driveway paving within the road 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. The Lot Grading Plan and Road Construction Drawings must include notes to this effect.

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

Public Storm drainage easements must be separated from private stormwater management access easements.

If stormwater discharge is directed off of the site on to an adjacent property it is the responsibility of the Developer to obtain appropriate easements from the affected property owners in accordance with Section 251-13 and 251-15.D of the Cecil County SWM Ordinance.

The downstream conveyance of stormwater must be analyzed in accordance with Section 251-9 A. (5) of the county’s SWM Ordinance. Special care must be given to the design if a concentration of runoff will result from the SWM facilities.

PWA’s will be required for all public infrastructure shown. An Inspection and Maintenance Agreement will be required for the private SWM facilities.

Mr. Pugh asked if the intermediate turnaround versus the tee turnaround modification was acceptable. Mr. Orr replied no, they were still asking that the tee turnaround be replaced with an intermediate turnaround. DPW is not necessarily looking for the entirety of the intermediate turnaround. Discussion continued with the turnaround design issue.

Mr. Markwardt stated bus service would be provided at Ridge View Drive and Warburton Road. He questioned the size, price range and construction commencement of homes. Mr. Pugh replied the size would range from 2000 – 2500 ft² with a price range of $250,000 - $350,000. Assuming approval the project would start in the summer/fall of 2006.
Mr. Von Staden read the Health Department comments, a copy attached for reference.

Mr. Roop of the (US Army) Corps of Engineers stated any filling in the intermittent streams or adjacent wetlands would require a Department of Army (DOA) permit. A Jurisdictional Determination (JD) has not been issued.

Mr. DiGiacomo stated in the absence of a Citizen’s Representative no comments had been received.

Mr. DiGiacomo stated Conectiv had no comments.

Mr. DiGiacomo stated that the State Highway Administration had no comment as this project was not on a state road.

Mr. DiGiacomo read the North East Volunteer Fire Department comments, a copy attached for reference.

Mr. DiGiacomo read the MDE comments, a copy attached for reference.

Mr. DiGiacomo provided the applicant with a copy of the Soil Conservation Report.

Mr. DiGiacomo of OPZ stated the zoning was NAR which permits a maximum base density of one (1) dwelling unit per five (5) acres. Bonus density eligibility carries with it a permitted density of 1/3. This Concept Plat proposes 16 lots on 34.8 acres, for an effective proposed density of 1/2.2. This density utilizes NAR bonus density eligibility as well as the full Minor Subdivision potential of the property, in accordance with §2.4.1 of the Cecil County Subdivision Regulations.

This proposal satisfies bonus density eligibility open space requirements of the NAR zone. A minimum of 60% is required; the proposed large lot and common open space comprise 60% of the total acreage.

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

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. A Jurisdictional Determination (JD) must be done prior to preliminary plat review by the Planning Commission.

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

No landscaping of the development envelope is required in the NAR zone.

No sidewalks are recommended.

Bufferyard Standard C is required, outside the right-of-way, along the road frontages of Warburton Road.

Rows of street trees with 10’ planting easements are required, outside the right-of-way, along both sides of all internal roads. 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) must be approved prior to Planning Commission review of the concept plat. The Preliminary Forest Conservation Plan (PFCP) must be approved prior to Planning Commission review of the Preliminary Plat. The final Forest Conservation Plan (FCP) and Landscape Plan must be approved prior to Planning Commission review of the Final Plat.

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. The metes and bounds description of the FRA must be shown on the record plat.

Ridge View Drive Road name has been approved.

Note #2 has an asterisked setback note; however, no information contained in that note has been footnoted with an asterisk. Inasmuch as Warburton Road is functionally classified as a collector road, a 100’ building setback is required for proposed Lots 15-16. However, since the 40’ rear setback equals or exceeds the 100’ collector setback, the asterisked setback note is moot and should be removed from the plat.

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

Covenants prohibiting the subdivision of the large lot must be recorded and noted on the plat prior to recordation.

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

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.

February 2, 2005, 9:00 a.m.
The applicant was reminded of the Monday noon submission deadline for review by the Planning Commission this month.

There were no further comments.

Respectfully submitted,

Lisa A. Jones
Administrative Assistant
March 2, 2005, 9:00 a.m.

Technical Advisory Committee

PRESENT: Carter, Davis, DiGiacomo, Kerchevale, Latham, Markwardt, Moore, Orr, Roop and Jones

ABSENT: Ancel, Funk, Mandras and Ouano,

1. Kevin Small, Andrew Barbin and Will Riddle presented Chesapeake Bay Club (The), MD Rte 272 & Irishtown Road, Revised Concept Plat, Frederick Ward Associates, Fifth Election District

Mr. Small stated the concept plat was first approved in 1987 and had subsequently been approved several times, the last being in September 2002. This revised concept plat only addresses the golf course portion of the project. The project is comprised of 3.5 dwelling units per acre, approximately 329 units, 29 single family detached units and 300 townhouse. The single family homes will be located on public roads and the townhouses will be located on private roads. The zoning is currently RM with a small portion located near the existing clubhouse zoned BL. The clubhouse is slated to be revised for office and restaurant use.

Mr. Orr of DPW stated that the private road systems shown do not meet the County or State road frontage requirements for new residential subdivision lots or town homes. As such, a variance to construct private roads to serve this subdivision must be requested by the applicant. Per Section 2.13 of the Cecil County Road Code all private roads intended to serve newly subdivided lots in Cecil County are prohibited, except those approved, designed and constructed in accordance with the criteria and specifications for private mini-road. The private roads shown hereon do not meet the criteria and specifications for a private mini road and are not approvable without a variance from the Road Code, which would be requested and obtained from the Director of CCDPW. This is not specific to the variance that would be required for the removal of the road frontage requirements which is a zoning requirement. The private roads shown hereon, assuming that a variance can be obtained, must be built to the applicable County Road Code Standard for Minor or Minor Collector Roads. Rights-of-way must be shown and platted for Roads Maintenance Association ownership. Based on the concept shown how many thousands of linear feet of private road are proposed to be maintained by the future owners of the 329 units shown? Mr. Small replied, “I don’t have that amount, maybe I.” Mr. Orr asked what are the economic requirements associated with long term maintenance of the same – i.e., what will new homeowners be required to pay [via restrictions] into the roads maintenance association on a yearly basis to perform routine maintenance, snow removal, and 15 to 20-year pavement wear course rehabilitation? Mr. Small replied, “That is something that I will have to get back to you on.”
Mr. Orr stated the Concept Plat identifies water supply for this site from the Town of North East. Has an allocation and capacity been confirmed by the Town? Mr. Small replied, “No not at this point.” Mr. Orr stated the CCDPW recommends that the water distribution system be designed to meet or exceed the County’s standards. The serving fire company must review fire hydrant spacing and locations. The water lines must be reflected on the sanitary sewer plans and as-builts. Town water easements must be shown on any final plats.

No additional sewer capacity exists within the de la Plaine pumping station for this concept. If the pump station is upgraded, these 329 units may be subject to a benefit assessment for the pump station improvements as well as the Mauldin Avenue sewer improvements benefit assessment. If these 329 residential units would be in addition to the Chesapeake Club ultimate buildout of 1440 ELU’s, the developer’s engineer must revise the Mauldin Avenue sewer design prepared by McCrone, Inc., to reflect the additional units within this sewer-shed and identify any upgrades required along the Mauldin Avenue sewer. Any system improvements required are to be designed and provided by the applicant at the applicant’s cost. Mr. Orr asked if the applicant intended the sanitary sewer mains to be privately maintained or maintained by Cecil County. Mr. Small replied, Cecil County. Mr. Orr stated a publicly maintained sewer within a private road system requires separate easements with the responsibilities of the street maintenance association, if its private along the sewer mains being made clear. Additional access roads and/or easements for sewer alignments outside the paved roadways may be needed. Mr. Orr asked based on the concept at this point do you anticipate a sewer pumping station or force main. Mr. Small replied no. Mr. Orr stated that all utility easements should be shown on the final plat. Add a note to the Final Plat identifying that no structures are permitted upon any public sanitary sewer easements shown crossing residential lots. The engineer must provide a preliminary sewer system design prior to preliminary plat review with said plan minimizing the use of any pumping stations and/or grinder pumps and any non-ROW sewer routing.

A SWM Plan, Street & Storm Drain Plan, Sanitary Sewer Plan, and a Mass & Final Grading Plan are required and must be approved by the CCDPW prior to Final Plat Approval. Identify deed or plat reference for existing County Road rights-of-way shown. The internal street sections not deeded to Cecil County as county roadways are to be considered private and the applicant must pursue agreement with the controlling authority of any private streets intended to be accessed by this concept plat. The conceptual private street layout does not meet the intersection spacing requirements of the Cecil County Road Code, Section 2.10 and is not approvable as shown. The cul-de-sacs shown for the detached residential lots do not meet the County Road Code Standard R-14 dimensional requirements. Why are these not shown in accordance with R-14? Mr. Small replied, “Well this was basically since this was a concept plan we didn’t address some of those but you’re right the single family needs to address those and become larger.” Mr. Orr stated a second entrance to MD Route 272 is strongly recommended from the cul-de-sac street shown in the upper northwest corner of the concept plat. This street [unnamed] and Range Road would then be required to be upgraded to a minor collector. Offsite road improvements are required to satisfy the requirements of Cecil County Subdivision Regulations Section 2.7.1 as follows:

a. Chesapeake Club Drive from Bay Club Parkway to Range Road upgrade to Minor Collector Road Standard R-7. (Note: a dual lane road per R-11 is permitted with island location but would be determined by subsequent engineer evaluation prior to preliminary plat);

b. Chesapeake Club Drive from Bay Club Parkway to Rte 272 upgrade to Major Collector Road Standard R-8;

March 2, 2005, 9:00 a.m.
Technical Advisory Committee 2005

The applicant must provide stopping sight distance measurements for all new street access locations prior to submittal for preliminary plat. Section 3.07.15 of the Road Code requires that the new Range Road, Chesapeake Club Drive, and Bay Club Parkway access locations be upgraded to the current Cecil County Road Code Minor Collector road standard, in width and pavement section, for 100’ either side of the proposed entrances. The design engineer must address the requirement to improve/establish shoulders, construct the minimum acceleration and deceleration lanes, bypass lanes, and improve drainage at these access locations. Those locations being the new access.

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

All public sewer service cleanouts must be designed to be outside of all paved or concrete areas on each lot and shown on the utility plans. Public Storm drainage easements must be separated from private stormwater
management access easements.

Any and/or all structures (i.e. dwellings, outbuildings, driveways, etc…) on down-gradient properties impacted by the site’s designed stormwater discharges must be identified on the SWM Plans. If stormwater discharge is directed off of the site on to an adjacent property it is the responsibility of the Developer to obtain appropriate easements from the affected property owners in accordance with Section 251-13 and 251-15.D of the Cecil County SWM Ordinance.

The downstream conveyance of stormwater must be analyzed in accordance with Section 251-9 A. (5) of the County’s SWM Ordinance. Special care must be given to the design if a concentration of runoff will result from the SWM facilities.

Public Works Agreements will be required for all public infrastructures shown as well as private roads and sanitary sewer.

An Inspection and Maintenance Agreement will be required for the private SWM facilities. Mr. Orr stated there were no sample Stormwater Management BMP locations shown, however he is aware that there is an onsite pond. At this point do you anticipate that the onsite pond would be the primary BMP and that a stormwater drainage network would be installed to take runoff onto that pond? Mr. Small replied, “That’s the thought right now, yep.”

Mr. Orr stated finally, this concept proposal for private streets is inconsistent with the County’s May 5, 2003 acceptance of the Chesapeake Bay Club project’s internal streets and sewers for County ownership. For a project of this scale, where the Developer does not provide a financial assurance plan that shows function and economic viability for the private road [and utilities] and stormwater management maintenance association over the long term, the Department of Public Works cannot recommend approval to the Cecil County Planning Commission. This comment leads back to the unanswered questions regarding how the homeowners would be required to pay or other otherwise set aside money for the Road Maintenance Association. Mr. Small replied, “Right.”

Mr. Markwardt questioned the size and price range of homes. Mr. Small replied the size and price range had not been determined at this time. Mr. Markwardt asked assuming approval, when would the project start? Mr. Small replied spring of 2006.

Mr. Markwardt stated there would not be any bus service for any of the private roads. These students would have to walk to an approved County road, which would be a lengthy distance to walk. Prior to school buses accessing the present under construction Bay Club Road it would have to be completed and deeded to the...
County. The existing bus stops will remain at the corner of Route 272 and Chesapeake Club Drive until which time as it meets both a certain number of students and distance requirements.

Mr. Roop of the (US Army) Corps of Engineers stated any filling in the nontidal wetlands and streams required a Department of Army (DOA) permit. Any filling in the isolated wetlands requires approval from MDE. A Jurisdictional Determination (JD) has not been issued.

Mr. Davis stated Armstrong Telephone had no comment.

Ms. Latham, MDE, stated that if public water was available a Water Appropriation Permit would not be required.

Mr. Moore read the Health Department comments, a copy attached for reference.

Mr. DiGiacomo read the North East Volunteer Fire Department comments, a copy attached for reference.

Mr. DiGiacomo read the State Highway Administration comments, a copy attached for reference.

Mr. DiGiacomo of OPZ stated that in the temporary absence of a Citizens’ Representative on the TAC, he had received in excess of 30 letters; e-mails; faxes; in-person, in-office comments; and telephone calls, expressing concerns about this proposal. The major areas of concern were as follows:

- There was concern about a 3-story, 20,000 ft² office building not being a compatible use within a residential community;

- There was concern about increased traffic, an awkward traffic layout, and lack of roadway connectivity;

- There was concern that individual homeowners had purchased properties with the understanding that the Chesapeake Club was a golf course community;
• There was concern that this proposed layout was inconsistent with the 1987 Concept Plat and all subsequent approvals by the Cecil County Planning Commission;

• There was concern that, contrary to the plat information, First Maryland Holding Company was actually not a party to this proposal;

• There was concern about how the proposed private roads would interface with the County roads;

• There was concern about stormwater issues;

• There was concern that the proposed lot sizes were inconsistent with the existing neighborhood character;

• There was concern about lack of usable common open space;

• There was concern about overcrowding in schools; and

• There was concern that the applicant had not complied with regulation requiring public notification signs.

Mr. DiGiacomo of OPZ stated upon initial inspection on 2/17/05, this project was not in compliance with § 3.8 of the Subdivision Regulations regarding public notification signs. The applicant’s surveyor was notified of the need to comply. Subsequent inspection on 2/23/05 revealed that this project was still not in compliance. Mr. DiGiacomo stated that he had spoken with Mr. Barbin subsequently and informed him that unless there was photographic evidence, which he did receive this morning, this project would need to be withdrawn.

The zoning is RM and BL. The RM zone allows for a density of 6/1 with community facilities. The original Concept Plat was approved 5/19/87 for 1440 units on 411 acres, for a density of 3.5/1.
A revised Concept Plat was approved 12/20/93, a subsequent revised Concept Plat was approved 6/20/94 (with no conditions), again on 3/16/98, and the most recent revised Concept Plat was approved on 9/16/02.

These revised Concept Plats have all adhered to the originally-approved golf course community layout and density of 3.5/1; and they have reflected only slight changes in design and structure types around the golf course.

This revised Concept Plat proposes 329 dwellings on 93.906 acres, for a proposed density of 3.504/1. The density proposed on this plat is virtually consistent with the previous approvals; the layout is not. Previous approvals were predicated on a layout that was comprised of a residential development surrounding a golf course on Parcel 2. In addition, on the Record Plat signed on 3/5/96 (Note: which is referenced as C-73 in the OPZ files), Parcel 2 was clearly delineated as “recreational.”

The site’s parcel number is cited incorrectly in the development summary table.

Adjacent parcels 564, 853, 1081, and 1225 are incorrectly shown to be zoned RM.

Tax records do not show First Maryland Holding Company to be the owner.

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

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.

Slopes greater than 25% must be shown on preliminary plats.

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. A Jurisdictional Determination (JD) must be done prior to any Preliminary Plat review by the Planning Commission.

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

20% common open space is required. The common open space requirements of the RM zone must be based upon the RM acreage. However, from the plat submitted, it is impossible to tell if the 93.906 acres include the four BL-zoned acres, or not; that must be clarified.

At a minimum, 15% of the required common 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. Those thresholds must be calculated and again shown on any Preliminary Plats.

Lots on private roads can be created only if a Special Exception is granted.

In light of the trend to eliminate private roads in the Chesapeake Club, why are private roads now being proposed? Mr. Small, “That is something that we are going to have to revise on here. We will probably end up going with public road.”

Mr. DiGiacomo stated if this revised Concept Plat were to be approved by the Planning Commission, then a Traffic Impact Study (TIS) would need to be completed prior to the TAC’s review of the Preliminary Plat. Any TIS must take account of the full potential impact of traffic that could be generated by the BL-zoned portion of the property. The applicant’s consultant would need to schedule a pre-study scoping meeting with DPW, OPZ, and SHA.

The internal road names would need to be approved by the County 911 Emergency Center prior to Planning Commission review of the Preliminary Plat. Road names are required on Concept Plats, per §4.0.13 (h) of the Cecil County Subdivision Regulations.

None of the proposed lots have been numbered.
Some of the proposed unnamed private roads are inconsistent with §7.2.12.B.9 of the Subdivision Regulations, which is for mid-block turnarounds.

This design lacks adequate road connectivity between existing and future roads.

Access to some unnamed roads and unnumbered lots is proposed across lands that the applicant does not own. What steps have been taken with First Maryland Holding to ensure that this proposed road layout can actually be achieved? Mr. Small replied, “With the private roads there are existing easements that allows for vehicular access from the public roads to in and across certain areas that are owned by First Maryland Holding Company.” Mr. DiGiacomo asked if the applicant was stating that they would be tapping into where those easements would ultimately go. Mr. Small replied, right, where those easements exist. With that becoming a public road that will change.

Mr. DiGiacomo stated a minimum 25% landscaping of the development envelope is required in the RM zone.

Sidewalks are recommended on at least one side of all internal roads.

No townhouse structure shall be closer than 20’ to any interior roadway or closer than 15’ to any off-street parking area, excluding garages.

Driveways shall measure not less than 12’ in width and 18’ in length.

Bufferyard Standard C is required, outside the right-of-way, along the road frontage of MD Route 272.

Rows of street trees with 10’ planting easements are required, outside the right-of-way, along both sides of all internal roads. 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 Department of Natural Resources.
The Forest Stand Delineation (FSD) has not been submitted. FSD’s must be approved prior to Planning Commission review of the Concept plat. The Preliminary Forest Conservation Plans (PFCP) must be approved prior to Planning Commission review of the Preliminary Plat. The Final Forest Conservation Plans (FCP) and Landscape Plans must be approved prior to Planning Commission review of the Final Plat. Landscape Agreements must be executed prior to recordation.

Building permits for anything proposed on the BL-zoned portion of the property shall not be issued until all associated site plans have been approved. The proposed BL uses proposed on the plat are inconsistent with respect to the square footage limitations in the BL zone. (§31)

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. The metes and bounds description of the FRA must be shown on record plats.

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

A Homeowners’ Association for maintenance of common open space must be established with $50 per recorded lot placed in escrow for improvements prior to recordation. Has any thought been given to how that HOA might interface or be joined with the existing HOAs. Mr. Barbin replied, “Very possibly yes.”

Mr. DiGiacomo stated a Road Maintenance Associations for maintenance of proposed private roads must be established prior to recordation, with the owners of all lots directly accessing the proposed private roads becoming members.

Documentation of water allocation would need to be provided prior to Final Plat review. The plat indicates that the water will be supplied by the Town of North East. Has the Town been contacted and have they agreed to supply water? Mr. Small replied, we’ve contacted, we don’t have any letter from them yet.” Mr. DiGiacomo asked the applicants when they had contacted the Town of North East because per a conversation on 3/1/05 with Mr. DiGiacomo and the Town they had not been contacted. Mr. Small replied, “Oh, it was about four, six months ago, something like that.”

Mr. DiGiacomo stated documentation of sewer capacity would need to be provided prior to Final Plat review. The Master Water & Sewer Plan depicts this site as S-1 and W-1.
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.

Record Plats shall also contain a statement, signed by the owner, to the effect that such facilities will be available to all condominiums and townhouses offered for sale.

This proposal is not consistent with the previously approved Concept, Preliminary, and Final Plats. As previously stated, Parcel 2 was intended to remain a recreational parcel, and, therefore, has no density. Accordingly, this plat cannot be reviewed by the Planning Commission since all of the lots contemplated on the previously approved Concept, Preliminary, and Final Plats are on other Parcels, not Parcel 2. If this is submitted for Planning Commission review, then it will be returned to the applicant.

2. Tim Granger presented Howe’s Ridge (f/k/a: Lands of James Moran), Old Elk Neck Road, Preliminary/Final Plat, American Engineering & Surveying, Inc., Fifth Election District

Mr. Granger stated this project consisted of five lots on approximately 98 acres. The plat previously before TAC in 2001 has been revised to show that the two driveways serving Lots 2 and 3 have been separated by Lot 1. The site distance analysis for each of the five driveways has been completed. The site distances are more than adequate. Approval from MDE has been received for the proposed driveway on Lot 5. MDE will issue the permit once the S&E Plan has been received.

Mr. Orr of DPW stated that a SWM Plan and Final Lot Grading Plan are required and must be approved by the CCDPW prior to Final Plat Approval.

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. 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.”

Grading Plan: “No clearing or grading is permitted beyond the limits of disturbance show 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.”

Any Road Code Variances sought must be requested prior to submittal for Preliminary Plat approval.

The applicant must provide stopping sight distance measurements for the Old Elk Neck Road access points to the DPW prior to preliminary plat submittal to Planning Commission. Are there any existing site access locations (driveway entrances) to this site along Old Elk Neck Road? Mr. Grainger stated there was an entrance leading into the field located near the Lot 3 driveway. Mr. Orr stated if so any existing Old Elk Neck Road access points/driveways that do not meet safe stopping sight distance requirements shall be removed or denied access give to those on the plat. The proposed driveway locations should be flagged or marked in the field when the site distance is verified. Mr. Granger stated they had been marked.

Mr. Orr stated Lots 1 through 5 are to be denied access to Old Elk Neck Road wherever sight distances are inadequate along Old Elk Neck Road. Show the same on the final plat.

All driveways must be paved at least to the right of way. All driveways exceeding 5% up-gradient-slope must be paved to the crest. The lot grading plans must comply with this requirement.

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

Any and/or all structures (i.e. dwellings, outbuildings, driveways, etc…) on down-gradient properties impacted by the site’s designed stormwater discharges must be identified on the SWM Plans. If stormwater discharge is directed off of the site on to an adjacent property it is the responsibility of the Developer to obtain appropriate easements from the affected property owners in accordance with Section 251-13 and 251-15.D of the Cecil County SWM Ordinance

The downstream conveyance of storm water must be analyzed in accordance with Section 251-9 A. (5) of the County’s SWM Ordinance. Special care must be given to the design if a concentration of runoff will result from the SWM facilities.

Obtain any MDE and/or ACOE stream crossing permits, where required, for all stream or non-tidal wetlands crossings shown prior to final plat recordation.
An Inspection and Maintenance Agreement will be required for the private SWM facilities.

DPW will reserve comment at this time but at a future time may request that an additional ROW off of Old Elk Neck Bridge crossing Piney Creek, the Maintenance Division has been requested to decide if an additional ROW would be needed in access of the 30’ or a maintenance easement. DPW will notify the applicant of their decision prior to final plat.

Has a private mini road been considered to serve lots 1-4 and, if so, why was it eliminated in favor of the four separate driveways? Mr. Grainger replied although they had considered a private mini road, it was decided against as the site distances was exceedingly adequate with a minimum volume of traffic on this road and therefore did not warrant it.

Mr. Carter asked that the applicant set up a meeting with David Hollenbaugh of DPW in order to discuss the possibly of securing a ROW through part of the property. This would possibility aid in a revision to the intersection at Old Elk Neck and Route 272. It would only work if a workable solution can be achieved with the property owners on the 272 side as well. Mr. Granger agreed to contact Mr. Hollenbaugh.

Mr. Markwardt stated that currently bus service is provided to Elk River Lane. Service is not provided to Old Elk Neck, south of Laurel Way leading to Elk River Lane. With a combination of vegetation hindering, located on private property, site distance and inadequate area to turn; bus service to Elk River Lane will be discontinued at some point.

He questioned the size, price range and construction commencement of homes. Mr. Granger estimated very large homes, 4000-5000 ft² range. Assuming approval the project would start later summer of 2005.

Mr. Roop of the (US Army) Corps of Engineers stated any filling in the nontidal wetlands or stream required a Department of Army (DOA) permit. The Jurisdictional Determination (JD) has not been issued.

Mr. Davis stated Armstrong Telephone had no comment.

Ms. Latham, MDE, stated five lots would not require a Water Appropriation Permit.

Mr. Moore read the Health Department comments, a copy attached for reference.
Mr. DiGiacomo stated that no citizen comments had been received.

Mr. DiGiacomo read the North East Volunteer Fire Department comments, a copy attached for reference.

Mr. DiGiacomo stated that the State Highway Administration had no comment as this project was not on a state road.

Mr. DiGiacomo of OPZ stated that upon initial inspection on 2/17/05, this project was not in compliance with §3.8 of the Subdivision Regulations regarding public notification signs. The applicant’s surveyor was notified of the need to comply. Subsequent inspection on 2/23/05 revealed that this project was in compliance.

The zoning is NAR & RCA. This project has been submitted as a major subdivision because minor subdivision potential has been exhausted. Minor subdivision #2312 was approved 1/14/91. Minor subdivision #2991 was approved 8/4/97.

§2.0 of the Subdivision Regulations allows for a combined Preliminary-Final Plat if there are from 1 to 5 lots. However, there first must be an approved Concept Plat because §2.0 eliminates the need for separate Preliminary and Final Plats, but not Concept Plats. §4.0.1 allows for the elimination of a Concept Plat only for projects with fewer than 10 lots and fewer than 25 acres. This project meets the former criterion, but not the latter. Therefore, this submittal is being reviewed as a Concept Plat.

It previously underwent TAC review under the name “Moran” in January 2001.

The NAR zone permits a maximum base density of 1 dwelling unit per 5 acres. Bonus density is not being sought. This Concept Plat proposes 5 lots on 97.9313 acres, for a proposed density of 1/19.586.

14.764 acres of proposed Lot 5 are designated RCA. The RCA zone permits a maximum density of 1/20. No dwellings are proposed in the Critical Area.

No more than 15% of the surface area can be converted to impervious surface in the RCA. No more than 20% of the forest or developed woodland may be removed.
Has the boundary line survey been done? Mr. Granger replied yes.

Mr. DiGiacomo stated the proposed Lots 2, 3, & 5 showed some areas of steep slopes.

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. 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. A Jurisdictional Determination (JD) must be done prior to Preliminary-Final Plat review by the Planning Commission.

The habitats of rare, threatened, and endangered species must be avoided. The Natural Heritage letter indicates that Bog Turtle habitat may be present on site. Frederick Ward Associates conducted a habitat assessment on 1/23/04 and found that suitable habitat (unforested emergent wetland areas) does not exist within the proposed limits of disturbance.

No common open space is required for only 5 lots. No landscaping of the development envelope is required in the NAR zone. No sidewalks are recommended.

Bufferyard Standard C is required, outside the right-of-way, along the road frontages Old Elk Neck Road.

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.

March 2, 2005, 9:00 a.m.
The Forest Stand Delineation (FSD) was approved on 5/6/03. The final Forest Conservation Plan (FCP) and Landscape Plan were approved on 4/24/04. 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. The metes and bounds description of the FRA must be shown on the record plat.

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 was reminded of the Monday noon submission deadline for review by the Planning Commission this month.

3. John Mascari, Mike Davitt and Jeff Siemens presented Persimmon Creek, Section 5, MD Rte 277 (Fletchwood Road), Concept Plat, KCI Technologies, Inc., Fourth Election District

Mr. Mascari stated that there were two distinct remaining areas to develop. One which was located near the entrance of Persimmon Lane/Fletchwood Road, Section 5, consisting of 21 proposed townhouse units. The second section was located in the rear of the property, across the west branch creek. This area proposes 25 townhouse units and two single family units. The proposed townhouse will include attached garages. The applicant plan to request a variance for the cul-de-sac located in Section 5, allowing a modification of a 50' diameter cul-de-sac with a landscape island. The cul-de-sac is less that 200’ and serves 21 lots. The applicants will also request approval to allow the road to cross over the stream buffer in order to access the rear portion of the property.

Mr. Siemens although they have explored other options the applicants have decided to propose a least number of townhouses to backup to Fletchwood Road. In addition some very generous open space has been proposed between the back and side lots; therefore allowing the creation of some very attractive landscape burming and buffering. They have also address the runoff issue along the existing Phase 1 townhouses.

Mr. Orr of DPW stated that the Concept Plat identifies public water supply for this site, supplied and owned by Cecil County. An allocation request with capacity confirmation must be requested and received from the DPW prior to final plat submittal. The water distribution system shall be designed to meet or exceed the County’s standards. Applicant is responsible to have the serving fire company review fire hydrant spacing.
and locations prior to final engineering drawings submittal. The water lines must be reflected on the sanitary sewer plans and as-builts.

No public sewer capacity exists at this time within the Meadowview WWTP. Upgrades to the plant are ongoing at the current time. An allocation request with capacity confirmation must be requested and received from the Department prior to final plat submittal. The public sanitary sewer mains are to be owned and maintained by Cecil County. Sewer service laterals for all new town homes proposed must connect to a new sewer main in the proposed subdivision street. SPS access road must be reconfigured and paved. Developer must upgrade SPS controller panel as part of the sanitary sewer improvements for Sections 4 and 5, contact the DPW Water & Wastewater Division for details. The developer must repair I&I problem at gravity sewer input to SPS wetwell as a condition of sewer allocation.

A SWM Plan, Street & Storm Drain Plan, Public Water & Sanitary Sewer Plan, and a Mass & Final Grading Plan are required and must be approved by the CCDPW prior to Final Plat Approval. Internal Street grade leaving Persimmon Lane may not exceed 5% within the limits of the intersection right-of-way, or a minimum of 55’ from the centerline of Persimmon Lane. Identify deed or plat reference for deeded county rights-of-way adjacent to proposed access locations. DPW recommends that you increase the available overflow parking for Sections 4 and 5 to ten (10) spaces each.

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 show 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.”

Any Road Code Variances sought must be requested prior to submittal for Preliminary Plat approval. The street R.O.W. entrance tapers shall be straight lines and must be offset 25’ from the R.O.W. point of intersection per 7.2.12.E.3 of the Subdivision Regulations. The conceptual Section 5 street intersection layout does not meet the intersection spacing requirements of the Cecil County Road Code, Section 2.10 and is not approvable as shown. The Section 4 street geometry includes horizontal curvature that does not meet 30 mph design speed and is not approvable as shown. An alternative may be to provide a wider (32’) street paving
section for Persimmon Lane; however, a Road Code Variance would still be required for the sharp horizontal geometry shown. DPW recommends that you continue the existing 32’ wide paving section for Persimmon Lane to the pumping station access, at a minimum, and provide perpendicular overflow parking along the east side from Mule Deer Court to the SPS.

Section 3.07.15 of the Road Code requires that Persimmon Lane be upgraded to Minor Collector road standard for 100’ either side of the proposed entrances. Additionally, with all Section 4 & 5 construction traffic requiring access through the Persimmon Creek Subdivision, the Developer is responsible to guarantee and supply pavement and sub grade failure repair to Persimmon Lane at construction completion of both Sections. A performance monetary guarantee may be required. This estimate would have to be resolved with the Department prior to final engineering approval.

All driveways must be paved at least to the right of way. The Developer is responsible to complete all driveway paving within the road 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.

Where determined necessary by the utility companies, the owner, the designer, or DPW, utilities poles and underground utilities must be relocated at the Owner’s expense.

All sewer service cleanouts must be designed to be outside of all paved or concrete areas on each lot and this must be shown on the utility plans.

Public Storm drainage easements must be separated from private stormwater management access easements.

The stormwater management outfall may not impact the public water or sewer main. Any and/or all structures (i.e. dwellings, outbuildings, driveways, etc…) on down-gradient properties impacted by the site’s designed stormwater discharges must be identified on the SWM Plans. If stormwater discharge is directed off of the site on to an adjacent property it is the responsibility of the Developer to obtain appropriate easements from the affected property owners in accordance with Section 251-13 and 251-15.D of the Cecil County SWM Ordinance.

The downstream conveyance of storm water must be analyzed in accordance with Section 251-9 A. (5) of the County’s SWM Ordinance. Special care must be given to the design if a concentration of runoff will result from the SWM facilities.

March 2, 2005, 9:00 a.m.
Public Works Agreements will be required for all public infrastructure shown.

An Inspection and Maintenance Agreement will be required for the private SWM facilities.

Preliminary Plat must show all information covered under 4.1.22 of the Subdivision Regulations.

Obtain MDE and/or ACOE stream crossing permits, where required, for all stream or non-tidal wetlands crossings shown prior to final plat recordation. Do lots 202 and 203 require permits from MDE or ACOE for driveway and/or house construction? Mr. Mascari stated that although they did not know at this time, it did appear that it would cross a small nontidal wetland area. Mr. Orr stated that any permits for this section would be required prior to obtaining final plat. In reference to the cul-de-sac variance the exit curbature from the cul-de-sac is somewhat sharp; therefore causing the question of if a single unit fire truck could exit the cul-de-sac once turning and coming out. DPW request that as part of the applicant’s variance request that they anticipate looking at the exit curbature geometry.

Mr. Markwardt stated that two bus stops are currently provided within Persimmon Creek. One stop is located near the playground and the second at White Tail Way. The White Tail Way location allows the buses ample area needed to turn around. Some of the areas such as Button Bush Way are next to impossible to access due to the number of vehicles parked along the streets; therefore, the stop at White Tail Way was created. No additional stops will be added to the development. There’s a concern with the proposed bus stop at the un-named cul-de-sac located at the entrance to Persimmon Creek and the traffic approaching the stopped school buses. Therefore the students will be required to use the sidewalk system to travel to and from the front court to the playground stop. The issue of who will be responsible for removing snow from the sidewalk system in order to allow the students a walking path in the winter months will need to be addressed. He asked if the size of the townhouse would remain the same as the existing homes and when would construction begin. Mr. Davit replied approximately 106 – 180. Assuming approval, the project would begin in the summer of 2005.

Mr. Roop of the (US Army) Corps of Engineers stated any filling in the west branch or on the adjacent wetlands required a Department of Army (DOA) permit. A Jurisdictional Determination (JD) has not been issued.

Mr. Davis stated that Armstrong Telephone had no comment.
Ms. Latham, MDE, stated that if public water was available a Water Appropriation Permit would not be required.

Mr. Moore read the Health Department comments, a copy attached for reference.

Mr. DiGiacomo read the Singerly Volunteer Fire Department comments, a copy attached for reference.

Mr. DiGiacomo read the State Highway Administration comments, a copy attached for reference.

Mr. DiGiacomo stated that no citizen comments had been received.

Mr. DiGiacomo of OPZ stated that upon initial inspection on 2/17/05, this project was in compliance with § 3.8 of the Subdivision Regulations regarding public notification signs.

The zoning is RM. The first Persimmon Creek Concept Plat was approved on 12/18/90. The last Record Plat from previous sections was signed on 5/6/99. Therefore, the original Concept Plat has expired.

The RM zone permits a base density of 2 dwelling units per 1 acre, or 6/1 with community facilities, or 12/1 for townhouses. This Section 4-Section 5 Concept Plat proposes 48 lots on a combined 20.67 acres, for a proposed density of 2.32/1.

§4.0.13 (j) of the Subdivision Regulations requires that Concept Plats include the dimensions of all proposed lots.

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

Minor Subdivision #2337 and Rezoning File # 04-21 must be referenced on the plat.
Dwellings or impervious surfaces shall not occur on slopes with a grade of 25% or more covering a contiguous area of 10,000 ft\(^2\) 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.

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’.

An examination of the FEMA map indicates that the floodplain may extend beyond the stream buffer. The floodplain boundary must be shown on any plat submitted for Planning Commission review.

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. A Jurisdictional Determination (JD) must be done prior to preliminary plat review by the Planning Commission.

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

20% of the gross site area is required to be common open space, 69.71% is proposed. Common open space must be so labeled.

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. Those thresholds must be calculated and included on the Preliminary Plat submitted for TAC review.

Some of the parking spaces are depicted on common open space. §176.2.a prohibits any common open space being used for parking. There can be common overflow parking areas, but they cannot be included in the open space total acreage. Maintenance of the common overflow parking areas will be the responsibility of the Homeowners’ Association.
25% landscaping of the development envelope is required in the RM zone.

Sidewalks are recommended on both sides of all internal roads, as well as along Fletchwood Road.

Bufferyard Standard C is required, outside the right-of-way, along the road frontages of roads.

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

The Forest Stand Delineation (FSD) has not been submitted. It must be approved prior to Planning Commission review of the Concept plat. The Preliminary Forest Conservation Plan (PFCP) must be approved prior to Planning Commission review of the Preliminary Plat. The final Forest Conservation Plan (FCP) and Landscape Plan must be approved prior to Planning Commission review of the Final Plat. 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. The metes and bounds description of the FRA must be shown on the record plat.

The internal road name will need to be approved by the County 911 Emergency Center prior to Planning Commission review of the Preliminary Plat. Road names are required on Concept Plats, per §4.0.13 (h) of the Cecil County Subdivision Regulations.

Access to common open space between lots must be marked with concrete monuments.
Will these proposed lots be subsumed under the current Persimmon Creek Homeowners’ association? Mr. Siemens replied yes.

Mr. DiGiacomo stated the Master Water and Sewer Plan shows this site as S-1 and W-1. 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 condominiums and townhouses offered for sale.

Verification of water and sewer allocation must be received for each phase and/or section prior to the Planning Commission’s review its Final Plat.

Fire hydrant final locations should be selected in consultation with the Department of Public Works and the Singerly Volunteer Fire Company.

The applicant was reminded of the Monday noon submission deadline for review by the Planning Commission this month.

Mr. Orr stated that the applicant identify how the driveways accessing Lots 222 – 230 will be maintained privately on the variance request. The County does not want to become responsible for the maintenance of these individual lot driveways; therefore this must be addressed on in the variance request.

4. Tim Whittie and Steve Lauriello presented Wellington Manor, Lots 1-227, Red Pump Road (Town of Rising Sun), Preliminary Plat, Morris & Ritchie Associates, Inc., Sixth Election District

Mr. Whittie stated this plan was a revised preliminary plan previously submitted by Northern Bay. The total site area is 126.37 acres. The property was annexed into the Town of Rising Sun in January 2003. Therefore the existing and proposed zoning is R-2. The total number of lots proposed is 227 which will be constructed in three phases. The permitted density for this project is 4/1; this project proposes 1.8/.1. The open space required is 18.96; the project proposes 50.33 acres. SWM will be provided in accordance with the County and MDE regulations. Two proposed entrances will be constructed on Red Pump Road, which have been shifted from the previously proposed project to provide improved site distance. Public water will be supplied via Mount Street water main. Public sewer, contrary to the plan will be brought in from the Rising Sun treatment plant which is adjacent to the project. A JD was issued in August 2004. The site is not impacted by the 100-year flood plain. The lots have been adjusted to avoid any conflicts of any steep slopes, which was an

March 2, 2005, 9:00 a.m.
Mr. Orr of DPW stated that it is the Department’s understanding that this property has been annexed by the Town of Rising Sun and that the streets along with the water and sanitary sewer mains will belong to the Town. Disconnect proposed Town street rights-of-way from Red Pump Road ROW shown. The CCDPW recommends that the roads, sanitary sewer, and water distribution system be designed to meet or exceed the County’s standards. We also recommend that the Town request that the serving fire company review fire hydrant spacing and locations. If the Town intends to permit on-street parking, we recommend the County road width standards be increased for minimum 8’ wide parallel parking lanes along both side. The County Road Code standards R-7 and R-8 require off-street parking.

The Department of Public Works recommends that sanitary sewers not located within the proposed street rights of way be Ductile Iron Pipe and that storm sewers that run between lots be constructed from Reinforced Concrete Pipe and that proper access and utility easements be depicted on the plats and the effected deeds.

We request that the Town withhold Final Plat approval until the Department has approved the SWM plan and the Mass and Final Grading Plan. 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 show 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.”

The perennial stream located on this site appears to be a tributary of Stoney Run and as such would have a Stream Segment Use Designation of III-P (Natural Trout Waters). Any ponds located within Use III watersheds shall require a small pond review and approval from the MDE Dam Safety Division and the use of stormwater retentions pods on coldwater streams capable of supporting trout may be prohibited.

The proposed stormwater pond should be designed to significantly reduce and/or eliminate thermal impacts. Refer to Chapter 4, Section 4.1 of the 2000 Maryland Stormwater Design Manual, Volume I.
If stormwater discharge is directed off of the site on to adjacent property owners it is the responsibility of the Developer to obtain appropriate easements from the affected property owners per Sections 251-13 & 251-15.D of the Cecil County SWM Ordinance.

The downstream conveyance of storm water must be analyzed in accordance with Section 251-9 A. (5) of the county’s SWM Ordinance.

Stormwater conveyance easements that are also proposed as access easements for maintenance must be so denoted on the final plats and the conveyance pipes must be Reinforced Concrete Pipe.

If the existing farm pond be used to meet any SWM quantity control requirements an as-built of the pond will be required with the SWM submittal.

Sight distance measurements must be provided to the DPW to establish compliance with the Cecil County Road Code for the entrance locations shown. Intersection Radii shown do not meet the requirements of Section 3.07 of the Road Code and are not approvable as shown. Acceleration and Deceleration Lane lengths and widths must meet the requirements of Section 3.07 of the Road Code. Those shown do not appear to meet the Section 3.07 criteria. Section 3.07.15 of the Road Code directs that Red Pump Road be upgraded to a Minor Collector Standard for a distance of 100’ either side of the point of intersection between Red Pump Road and the proposed entrances.

Red Pump Road must be upgraded at the Developer’s expense to a Minor Collector Standard from north of Sussex Drive to US Route 1. A design submittal for this upgrade must be approved prior to the County authorizing the proposed entrances. Applicant must also obtain any and all easements or right of way necessary to affect the improvements.

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

The phasing of this development will significantly impact the competency of the roadways in completed sections because of the potential for large amounts of construction traffic accessing later sections. Subsequently, The Department recommends that the Town require that a phasing plan be submitted for use in developing a plan indicative of when internal road sections will be accepted by the Town as well as the magnitude of maintenance bonds that will be required and the time frame over which they will be held.
Recommend that any common open space intended or designed for active use and adjacent to collector streets should include a barrier to separate the traffic way use from the recreation use.

An I&M Agreement will be required for all SWM facilities. A PWA will be required for the work done within the County’s ROW and for the two entrance locations on Red Pump Road. The Department recommends that the Town require PWAs for the water lines as well as the sanitary sewer and internal streets and storm drains.

Please update this committee on the Route One & Red Pump Road Signalization and Intersection Improvements proposal and the schedule for the same. Mr. Whittie stated that they had met with SHA concerning that intersection; the State is leaning more towards a roundabout in that area. The applicant is in the process of obtaining the necessary survey and ROW information to prepare a roundabout feasibility study to see if, in fact, the roundabout, based on the geometric design required by the State, is feasible. The State will determine, after conducting an economics analysis, if a traffic light or roundabout will be constructed.

Mr. Markwardt stated that he recently spoke with SHA about this intersection. It is SHA’s preference to construct a roundabout, because it will handle more traffic than a traffic light. Although a roundabout would generate more traffic accidents, they will be of less severity than accidents generated by a traffic light.

Mr. Markwardt asked if there a tic marker on Red Pump Road that identifies where Sussex Drives intersects. Mr. Whittie stated they had not staked out the intersections yet. Mr. Markwardt stated that anything the applicant could do to improve site distance would be good. Bus service would initially be provided at Wellington Drive/Red Pump Road, until such time as roads are accepted by the County and the student population reaches a point that the buses have the need to enter the development. The size of the development in terms of length of walk does not justify a bus coming in, but the number of students that will be generated will probably be the other part of that, which will determine the need to enter the property. The buses will probably enter in on Wellington Road and bus service will be generated at ¼ mile intervals. There will be approximately three to four bus stops generated within the development. Mr. Markwardt verified that this plat consisted of fewer lots than the previous plat. He verified that the house sizes would remain the same. Mr. Whittie stated asked assuming approval the project start would start in the fall of 2005.

Mr. Roop of the (US Army) Corps of Engineers stated any filling in Stoney Run or the adjacent wetlands or the unnamed border way will require a Department of Army (DOA) permit. A Jurisdictional Determination (JD) has been issued.

Mr. Davis, Armstrong Telephone, noted that there were existing facilities located at the entrance of Red Pump Road and proposed Sussex Drive and Wellington Drive. He requested that the applicant notify Armstrong
prior to any excavation, therefore insuring that it’s marked and, if need be, relocated.

Ms. Latham, MDE, stated that public water would not require a Water Appropriation Permit.

Mr. Moore read the Health Department comments, a copy attached for reference.

Mr. DiGiacomo read a letter (copy) addressed to Jeff Williams, Town Administrator, from the Rising Sun Volunteer Fire Department, a copy attached for reference.

Mr. DiGiacomo read the State Highway Administration comments, a copy attached for reference.

Mr. DiGiacomo stated that no citizen comment had been received.

Mr. DiGiacomo of OPZ stated that this subdivision is proposed in the Town of Rising Sun. The Cecil County TAC, as a courtesy to the towns in the County, occasionally reviews subdivision proposals within the towns’ corporate limits.

The Office of Planning & Zoning’s comments and questions relating to this Preliminary Plat are as follows. The Town zoning is R2. The zoning and deed reference for the adjacent Loft house property is missing.

Under “Plan Approval Process/Required Permits,” the note indicating that the Cecil County Office of Planning and Zoning reviews Landscape plans for the Town is not accurate.

Unless there is a separate construction entrance for the southerly section of Phase III, the construction of the Phase III homes along Yorkshire Drive may prove disruptive to residents of Phase I.

It is recommended that the stormwater management facilities be included in Phase I, essentially as shown.
It is recommended that the proposed density be verified as being consistent with the Town’s Zoning Ordinance.

It should be confirmed that the setbacks, lot sizes, and lot widths are consistent with the Town’s Zoning Ordinance for the R2 zone.

It should be confirmed that the street geometrics, particularly the proposed Paddington Court cul-de-sac, are consistent with the Town’s Zoning Ordinance and Subdivision and Public Works codes and regulations.

It should be confirmed that this Preliminary Plat meets all of the technical requirements set forth in the Town’s Zoning Ordinance and Subdivision Regulations.

Mr. DiGiacomo asked who was proposed to own the stub for future access to the Lands of Montgomery, to the north. Mr. Lauriello stated it would be dedicated to the Town.

Mr. DiGiacomo state the Town of Rising Sun and Cecil County have not yet signed an “Assigning obligations under the Forest Conservation Act.” Nevertheless, the Office of Planning and Zoning will review and comment on the FSD, PFCP, and FCP.

The FSD was approved on 9/1/04. The PFCP has not yet been submitted. It is recommended that the Preliminary Plat not be approved in advance of the PFCP approval.

The Natural Heritage Service indicates that whorled mountain mint, purple fringeless orchid, serpentine aster, rigid tick-trefoil, northern dropseed, northern bedstraw, and narrow leaved horse gentian are known to occur within the vicinity of the project site. As all seven species are threatened or endangered, the Heritage Service recommends that a species survey be conducted. It should be conducted in advance of the PFCP approval.

It is recommended that the plat be checked to ensure that all requirements for Concept Plats, as set forth in the Town’s Zoning Ordinance and Subdivision Regulations, have been satisfied.

A 25’ buffer is recommended around any non-tidal wetlands. Permits are required from the (US Army) Corps of Engineers and MDE for all non-tidal wetland impacts or stream crossings prior to recordation.
Mr. DiGiacomo asked if a JD been done? Mr. Whittie replied yes.

Mr. DiGiacomo stated that the habitats of any rare, threatened, and endangered species should be avoided.

It should be confirmed that any landscaping proposed is consistent with the landscaping requirements of the Town’s Zoning Ordinance and Subdivision Regulations, especially with respect to street trees and any required bufferyards.

It is recommended that no street trees be planted within 20 feet of sewer laterals and cleanouts.

It is recommended that the Landscape Plan be approved prior to final subdivision approval.

It is recommended that a Landscape Agreement be executed prior to recordation.

Sidewalks are recommended along both sides of all internal streets.

It should be confirmed that all aspects of the proposed site design and layout are consistent with the Town’s Subdivision Regulations and Public Works street code.

It should be confirmed that the number of parking spaces proposed falls with the minimum and maximum established by the Town’s Zoning Ordinance and Subdivision Regulations.

It should be confirmed that all proposed building heights do not exceed the maximum height established in the Town’s Zoning Ordinance and Subdivision Regulations.

The County’s 911 Emergency Center has approved all proposed road names.
Consideration should be given to soliciting review and comment on the subdivision layout by the Rising Sun Volunteer Fire Company, if that has not already happened.

Consideration should be given to an additional access point on a road other than Red Pump Road.

A Traffic Impact Study (TIS) is recommended to be completed prior to the Planning Commission’s review of the Preliminary Plat. SHA, CCDPW, and CCOPZ should be included in the scoping meeting.

Fire hydrant/standpipe locations should be consistent with the Town’s Zoning Ordinance and Subdivision Regulations and/or recommendations by the Rising Sun Volunteer Fire Company.

Water allocation should be confirmed by the Town of Rising Sun prior to final approval.

Sewer allocation should be confirmed by the Town of Rising Sun prior to final approval.

5. Michael Pugh and Michael Burcham presented Rhodes Mountain Estates, Section 2, Lots 33-47, Irishtown Road, Preliminary Plat, McCrone, Inc., Fifth Election District

Mr. Pugh stated Section 1 received preliminary approval in the fall of 2004 but due to seasonal perc testing Section 2 is just now being submitted. In connection to the Elk Neck Trail, just for information, the Phase 1 of Rhodes Mountain Estates showed the common open space which includes the trail as it runs across Section 2. Therefore it will ultimately be part of what was contained in Section 1 with respect to the trail location through this frontage.

Mr. Burcham stated that this project consists of 15 lots utilizing an add-on from the Spence parcel property to this piece in order to accumulate the 45.28 acres that are shown. The applicant received a road code variance to eliminate the mid block turnaround for Spence Drive in lieu of using a modified mini road pull off that is shown in the area of Lot 47. The JD has not yet been completed. The nontidal wetlands shown near the common open space have not yet been field located. Those approximate locations are shown from the approved FSD plan.
Mr. Orr of DPW stated that a SWM Plan, Road & Storm Drain Plan, and a Mass & Final Grading Plan must be approved by the CCDPW prior to submittal for Final Plat Approval. The Final Plat must include the Lot Grading Plan standard note. 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 show 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.”

The downstream conveyance of storm water must be analyzed in accordance with Section 251-9 A. (5) of the County’s SWM Ordinance.

If stormwater discharge is directed off of the site on to adjacent property owners it is the responsibility of the Developer to obtain appropriate easements from the affected property owners per Sections 251-13 and 251-15.D of the Cecil County SWM Ordinance.

Spence Drive design must comply with Road Code Variance approval dated July 6, 2004. With no other street access proposed to lots 34-47 other than the Spence Drive Perennial Stream Crossing, the crossing must be designed to convey the 25-year storm event peak discharge without overtopping the roadway sump and the design engineer must report on this crossing’s hazard classification as an embankment under MD Pond Code 378 standards. Should a hazard classification exist, roadway overtopping must satisfy applicable breach storm event requirements.

Regardless of phasing, the Department will not accept the internal roads until 80% of all the lots are complete, unless the Developer includes a separate, dedicated construction entrance beyond the first phase of construction.

All driveways must be paved at least to the right of way. The Developer is responsible to complete all driveway paving within the road 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.
An Inspection and Maintenance Agreement will be required for the SWM facilities. It is DPW’s recommendation that the design of the stormwater facilities include a maintenance access from Spence Drive. A PWA will be required for the streets and storm drains.

Mr. Markwardt stated that because there would be no bus service on Spence Drive students would be provided service at the closest point of Rhodes Mountain Drive. He questioned the size, price range and construction commencement of homes. Mr. Pugh stated the homes would be the same price and size as Phase 1. Assuming approval the Phase 1 would start in the spring of 2006 after which Phase 2 would follow beginning in the fall of 2006 or spring of 2007.

Mr. Roop of the (US Army) Corps of Engineers stated any filling in the nontidal wetlands required a Department of Army (DOA) permit. Although a Jurisdictional Determination (JD) has been issued for Phase 1, there has not been one issued for Phase 2.

Mr. Davis stated Armstrong Telephone had no comments.

Ms. Latham, MDE, asked if the applicant had applied for a Water Appropriation Permit for either Phase 1 or 2. Mr. Pugh and Mr. Burcham replied Phase 1. Discussion continued between the applicants, Ms. Latham and Mr. Moore concerning the permit. Ms. Latham stated that she would verify if Phase 1 had been received a WAP. The applicant stated they would be applying for the permits for Phase 2.

Mr. Moore read the Health Department comments, a copy attached for reference.

Mr. DiGiacomo read the North East Volunteer Fire Department comments, a copy attached for reference.

Mr. DiGiacomo stated that the State Highway Administration had no comment as this project was not on a state road.

Mr. DiGiacomo stated no citizen comments were received.

March 2, 2005, 9:00 a.m.
Mr. DiGiacomo of OPZ stated that upon initial inspection on 2/17/05, this project was in compliance with §3.8 of the Subdivision Regulations regarding public notification signs.

The zoning is NAR & RR which permits a maximum base density of 1 dwelling unit per 5 acres, or 1/3 if bonus density is granted.

The Concept Plat proposing 15 lots on 45.42 acres, for a proposed density of 1/3.03 for this section, was approved on 6/21/04, conditioned on:

1) A boundary line survey being completed prior to TAC review of the Preliminary Plat;
2) A JD being completed prior to TAC review of the Preliminary Plat; and
3) A Road Code waiver for a mid block turnaround being granted.

Previously, the Irishtown Mews (25± acres of the proposed Section 2) Concept Plat was approved conditioned on:

1) A boundary line survey being completed prior to TAC review of the Preliminary Plat;
2) A JD being completed prior to TAC review of the Preliminary Plat;
3) The intersection design conforming with §7.2.12.E.1 of the Cecil County Subdivision Regulations; and
4) Consideration being given to redesigning to eliminate one or more of the panhandle lots prior to preliminary plat.

The original Rhodes Mountain Estates Concept Plat (what now is considered Section 1) was approved on 1/22/04 (60 lots on 180.79 acres, for a proposed density of 1/3.01), conditioned on:

1) A boundary line survey being completed prior to completion of the Preliminary Plat for density calculation purposes;
2) A JD being completed prior to the Planning Commission’s review of the Preliminary Plat;
3) Minor subdivision # 2724 being referenced; and
4) The zoning being corrected on the Lands of Wells.

The Section 1 Preliminary Plat was approved on 6/21/04, conditioned on:
1) Health Department requirements being met;

2) DPW requirements being met;

3) Minor Subdivision 2724 being referenced on the plat;

4) The FCP and Landscape Plan being approved prior to Planning Commission review of the Final Plat; and

5) Routing of the Elk Neck Trail being delineated on the Final Plat as it was on the adjacent property.

The acreage has declined from 45.42 acres to 45.28. Has the boundary line survey been done? Mr. Burcham stated that the boundary line survey was in the process of being completed. The decline in acreage was a result of the preliminary calculations.

Mr. DiGiacomo stated this Preliminary Plat is consistent with previous approvals.

Portions of proposed Lots 33, 38-39, 44-47, and Spence Drive are shown having steep slopes. 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.

Slopes greater than 25% must be shown on the preliminary plat. Perennial and intermittent streams and buffers have been shown.

The 25’ non-tidal wetlands buffers have been depicted, as well. Permits are required from the (US Army) Corps of Engineers and MDE for all non-tidal wetland impacts prior to recordation. As previously noted the JD has not been completed.

11.23 acres of common open space are proposed, which represents 24.80%. 15% is required. Access to common open space between lots must be marked with concrete monuments.

Proposed Lot 33 serves as the large lot. It is proposed to consist of 16.38 acres, or 36.17% (was 18.18 ac., or 39.98%). Total proposed open space consists of 60.97% of the site; thus maintaining it bonus density eligibility. Covenants prohibiting the subdivision of the large lot must be recorded and noted on the plat prior to recordation.
No landscaping of the development envelope is required in the NAR & RR zones.

Rows of street trees are required, with 10’ planting easements, outside the right-of-way, along both sides of the proposed Spence Drive. If feasible, the natural vegetative equivalent may be used to satisfy the street tree buffer requirements.

Sidewalks are not recommended in the NAR zone.

An FSD for parcel 153 and the add-on was approved on 1/20/04, and the Irishtown Mews FSD was approved on 5/19/03. The site is not home to any rare, threatened, and endangered species.

The PFCP has not been submitted. It must be approved prior to Planning Commission review of the Preliminary Plat. The final Forest Conservation Plan (FCP) and Landscape Plan must be approved prior to Planning Commission review of the Final Plat. 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. The metes and bounds description of the FRA must be shown on the record plat.

The road name Spence Drive has been approved.

A dry hydrant should be considered at the SWM facility along the proposed Spence Drive.

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

The applicant was reminded of the Monday noon submission deadline for review by the Planning Commission this month.
6. The Mews at North East Creek, Lots 1-205, MD Rte 40 & Mechanics Valley Road, Preliminary Plat, McCrone, Inc. Fifth Election District

WITHDRAWN

7. Donald Sutton presented Dorado Meadows (f/k/a: Manuel Gierbolini), Lots 1-43, Wilson Road & Calvert Road, Preliminary Plat, McCrone, Inc., Ninth Election District

Mr. Sutton stated this project was formerly known as the Lands of Gierbolini. Fifty lots had previously been proposed for this project. Due to on-going perc testing, the preliminary plat will be submitted to Planning Commission, hopefully in April.

Mr. Orr of DPW stated a SWM Plan, Road & Storm Drain Plan, and a Mass & a SWM Plan, Road and Storm Drain Plan, and a Mass and Final Grading Plan must be approved by the CCDPW prior to submittal for Final Plat Approval. 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. 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.”

Grading Plan: “No clearing or grading is permitted beyond the limits of disturbance show 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.”

The Lot Grading Plans for Lots 24-26 must reflect the laying back of the roadside embankment creating minimum stabilized 2:1 back slopes with roadside drainage. Septic reserve areas for lots 24 and 26 may require amendment to meet greater than 25% slope offset. This slope grading is necessary to improve traffic safety on Calvert Road.

Relocate the fiber optic line shown outside the ditch and roadway section. Install crossing conduit for the fiber optic at Galliac Drive crossing. Show any easements associated with the fiber optic line. The street ROW entrance tapers shall be straight lines and must be offset 25’ from the ROW point of intersection per
7.2.12.E.3 of the Subdivision Regulations. A curved fillet is acceptable in this case, but may require additional easement areas be shown on the final plat for any line of sight improvements required at the entrances.

If stormwater discharge is directed off of the site on to adjacent property it is the responsibility of the Developer to obtain appropriate easements from the affected property owners per Sections 251-13 and 251-15.D of the Cecil County SWM Ordinance.

The downstream conveyance of storm water must be analyzed in accordance with Section 251-9 A. (5) of the county’s SWM Ordinance. The Lot 43 existing is considered a downstream structure for the stormwater management area proposed east of Kelly’s Drive and must safely pass the ten-year post develop storm event through a driveway culvert without overtopping the driveway.

All conveyance and access easements must be identified on the Final Plat. The standard easement width is 20’ however they may need to be wider depending on the type of conveyance and/or the combination of access and conveyance.

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

Have the centerlines of the proposed entrance locations been marked in the field as requested at concept. Mr. Sutton replied yes, the property was marked with both paint and stakes prior to concept. The stakes could have been removed by the snow plows but the paint markers should still be visible. Mr. Orr asked if the engineer had confirmed adequate stopping sight distances with the Department. Mr. Sutton replied yes, it was included in the concept plat when it was submitted.

All driveways must be paved at least to the right of way. The Developer is responsible to complete all driveway paving within the road 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.

The requirements of Section 3.07.15 of the Road Code indicate that both Calvert and Wilson Roads are to be upgraded to Minor Collector road standard for 100’ either side of the proposed entrances. The Applicant can anticipate the requirement to improve/establish shoulders and improve drainage along this development’s entire road frontage. The engineer’s construction drawings must reflect the same. The minimum required acceleration and deceleration lanes apply to both entrances and the engineer must address the bypass lane
The Department will require substantial Geo-Tech investigation to determine the suitability of the sub-grade in the area of the proposed stream crossing to support a County road. If a MDE or ACOE permit is required for the Kelly’s Drive stream crossing, the permit must be obtained during the first phase of site engineering and prior to the first final plat.

Any applicable Road Code Variance must be requested prior to submittal for Preliminary Plat approval.

The Department performed traffic counts on Calvert Road at Bridges CE-11 and CE-12 over the North East Creek. The counts were performed on September 1, 2004 and August 24, 2004 for Bridges CE-11 and CE-12, respectively, and generated ADT numbers of 1011 and 989.

Is open section or closed section street design proposed? Mr. Sutton replied an open section was proposed.

Mr. Orr stated a PWA is required for the Roads and Storm Drains. An I&M Agreement is required for SWM facility

Mr. Markwardt stated as previously mentioned the boundary between Calvert Elementary and Rising Sun Elementary schools runs through this property and due to over crowding this development will be serviced by Calvert Elementary School. In order to do this, the buses will need to access Calvert Road and Kelly’s Drive. Mr. Sutton stated that at the concept the comments had been to come in off of Wilson. Mr. Markwardt stated he would need to refer back to his notes and provide comments in writing. He questioned if the size, price range would remain the same. Mr. Sutton replied yes. Mr. Markwardt questioned the phasing. Mr. Sutton stated that pending approvals phasing would begin in the spring of 2006.

Mr. Roop of the (US Army) Corps of Engineers stated any filling in the streams or adjacent wetlands would require a Department of Army (DOA) permit. The Jurisdictional Determination (JD) has been typed, issued and signed on 2/25/05.

Mr. Davis, Armstrong Telephone, asked that they be contacted prior to any excavating, marking, or relocation of facilities is done. Mr. Sutton stated they would be conducting additional perc testing on 3/24/05. Mr. Kerchevale, Armstrong Telephone, stated they would check the flags.
Ms. Latham, MDE, stated that a Water Appropriation Permit would be required.

Mr. Moore read the Health Department comments, a copy attached for reference.

Mr. Moore questioned a previous comment by DPW that Lots 24 and 26 sewage areas. Mr. Orr stated there was some regarding of the roadside ditch request along Calvert Road and the Department wanted to caution the applicant that depending on the extent of that, if there is an offset from 25% or greater slopes there might be a revision there. Mr. Sutton stated that they would review the grading.

Mr. DiGiacomo read the Rising Sun Volunteer Fire Department comments, a copy attached for reference. The RSFD reiterated their request for a 30,000 gallon drafting tank. Mr. DiGiacomo will contact the fire department to inform them that this tank was a condition of concept plat approval.

Mr. DiGiacomo stated that the State Highway Administration had no comment as this project was not on a state road.

Mr. DiGiacomo stated that he had received during the course of the meeting a letter from Mr. and Mrs. Joseph Mahoney, concerned citizens, which he read, a copy attached for reference.

Mr. DiGiacomo of OPZ stated the zoning was NAR which permits a maximum base density of 1 dwelling per 5 acres, or 1 dwelling unit per 3 acres with the granting of bonus density.

Bonus density was granted on the Concept Plat proposing 50 lots on 152.8 acres, for a proposed density of 1/3.06, was approved on 8/16/04, and conditioned on:

1) A JD being completed prior to Preliminary Plat review by the Planning Commission;

2) A boundary line survey being completed (or a signed and sealed copy being provided to OPZ) in conjunction with the preparation of the Preliminary Plat for density calculation purposes;

3) The internal road names being approved prior to the Planning Commission’s review of the Preliminary Plat; and

4) A 30,000 gallon drafting tank being included in the common open space near to Wilson Road.
Upon initial inspection, this project was in compliance with §’s 3.8 and 3.9.1 of the Subdivision Regulations regarding public notification signs. Photographic evidence thereof has been added to the file.

This Preliminary Plat proposes only 43 lots on 152.788 acres, for a proposed bonus density of 1/3.55. It is consistent with the approved Concept Plat. The proposed large lot, Lot 43, consists of 48.870% of the acreage. The common open space consists of 17.905%. Together, they consist of 66.775%, thus preserving bonus density eligibility.

Has a boundary line survey been done? Mr. Sutton replied yes.

Mr. DiGiacomo stated the title blocks for sheets 2 and 3 must be adjust to reflect what is actually depicted on those sheets. Note #10 indicates that the property lines are taken from a plan dated 1/17/84. Was that done for a Minor Subdivision on file in the OPZ? Mr. Sutton stated no, a survey was originally done and should be revised. Mr. DiGiacomo noted that the note be revised prior to going to the Planning Commission.

Mr. DiGiacomo stated proposed Lots 24-36 are shown denied access to Calvert Road, and proposed Lots 1 and 42 are shown denied access to Wilson Road.

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. Notes 6 and 7 depict shading for areas of steep slopes. Where are those areas on the plat? Mr. Sutton stated per his relocation there were no steep slopes. Any that may be in the open space area for the large lot will be shown. Mr. DiGiacomo stated either shown or taken off as to not confuse the Planning Commission members.

Stream buffers and expansions thereof, and wetlands and buffers, have been shown. However, the details of the FSD and this Preliminary Plat do not match up.

All stormwater management facilities must remain outside the expanded stream buffer.

Permits for the proposed intermittent stream crossing (in the vicinity of proposed Lots 23 & 24) must be obtained prior to recordation. A JD has been done. The site contains no sensitive species’ habitats.
Covenants prohibiting the further subdivision of the proposed large lot (Lot 43) must be noted on the plat and recorded prior to recordation.

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

A Homeowners’ Association for maintenance of common open space must be established with $50 per recorded lot placed in escrow for improvements prior to recordation. All lot owners must become members of the Homeowners’ Association.

The Forest Stand Delineation (FSD) has been approved. The PFCP has not been submitted. It must be approved prior to Planning Commission review of the Preliminary Plat. Any discrepancies in details should be rectified on the PFCP prior to submittal. Mr. Sutton stated he would contact David Black. Mr. DiGiacomo stated the final Forest Conservation Plan (FCP) and Landscape Plan must be approved prior to Planning Commission review of the Final Plat. No landscaping of the development envelope is required in the NAR zone.

A Bufferyard C is required outside the right of way, along the road frontages of Wilson and Calvert Roads.

Rows of street trees with 10’ planting easements are required, outside the right of way, along both sides of all internal roads. The natural vegetative equivalent may be used, if and where feasible, to satisfy the landscaping requirements.

The Landscape Agreement must be executed prior to recordation.

The internal road names have been approved.

The 30,000-gallon drafting tank, which was a condition of Concept Plat approval, has not been shown.

Sidewalks are not recommended.

The contiguous operating farm notice has been added to the plat.
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. The metes and bounds description of the FRA must be shown on the record plat.

The applicant was reminded of the Monday noon submission deadline for review by the Planning Commission this month.

There were no further comments.

Respectfully submitted,

Lisa A. Jones
Administrative Assistant
April 6, 2005, 9:00 a.m.

Technical Advisory Committee

PRESENT: Carter, DiGiacomo, Funk, Keefer, King, Kyte, Latham, Markwardt, Moore, Orr, Ouano, Roop and Jones

ABSENT: Ancel and Davis

OPENING COMMENTS: Mr. DiGiacomo stated concept and preliminary plats are reviewed by the Technical Advisory Committee (TAC), which is made up of various State, County and Federal agencies in addition to private organizations such as Conectiv and Verizon, rendering comments prior to the plat’s proceeding to the Planning Commission. While public comment is not taken at TAC it is taken at Planning Commission where decisions are actually made. While the position of Citizen’s Representative is vacant Mr. DiGiacomo, who is neither the current nor future Citizen Representative, will be communicating public comments received. Several emails arrived either last night or early this morning and Mr. DiGiacomo will respond if he has not already. In addition, all comments will be added to their respective files.

1. Mike Estes presented Pearce’s Landing (The Lands of), Stemmers Run Road, Concept Plat, Northern Bay Corporation, First Election District

Mr. Estes stated that this project was a small residential community located in the southern part of the County. Over 2000’ of street has been built to the rear of the property allowing the development minimum visibility from Stemmers Run Road. A large portion of the development will be located outside of the forested areas. Common open space and the large remaining lot have been intermingled in order to preserve the large forested areas and create a wildlife corridor from this property to adjoining properties as it butts up against Pearce Creek management area.

Mr. Orr, DPW, stated that a SWM Plan, Street & Storm Drain Plan, and a Mass & Final Grading Plan are required and must be approved by the CCDPW prior to Final Plat Approval. The internal Street grade leaving Stemmers Run Road may not exceed 5% within the limits of the intersection right-of-way, or a minimum of 55’ from the centerline of Stemmers Run Road. Will the street section be curb & gutter or grassed ditch lines? Mr. Estes replied that they were anticipating grass ditch lines.
Mr. Orr stated if the cul-de-sac length shown exceeds 1500 feet, a mid-block turn around is required in accordance with the subdivision regulations.

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.

· “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.”

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

· “No clearing or grading is permitted beyond the limits of disturbance show 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.”

Any Road Code Variances sought must be requested prior to submittal for Preliminary Plat approval.

Lot 8 is denied access to Stemmers Run Road. Add a note to the final plat reflecting the same.

Applicant must provide stopping sight distance measurements for the Stemmers Run Road access to DPW prior to preliminary plat submittal. Section 3.07.15 of the Road Code requires that Stemmers Run Road be upgraded to Minor Road standard for 100’ either side of the proposed entrances. The design engineer must address the requirement to improve or establish shoulders, construct the minimum acceleration and deceleration lanes, and improve any deficient roadside drainage along the development’s road frontage on the street construction drawings. Applicant must identify that the horizontal curvature geometry shown meets Section 3.04.1 of the Road Code in regards to sight lines remaining within the right-of-way or revise the same for compliance prior to submittal for concept plat approval (this is a layout issue). DPW will need to know whether or not there’s a need for an additional site line on the inside of the curb to provide additional site distance.

All driveways must be paved at least to the right of way. The Developer is responsible to complete all driveway paving within the road 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. The Lot Grading Plan must include notes to this effect.
Where determined necessary by the utility companies, the owner, the designer or DPW, utilities poles must be relocated at the Owner’s expense.

No provisions for stormwater management facilities are shown, how does the applicant intend to address stormwater management? Although it is concept level, do you anticipate that you will be maximizing non structural credits or will there be one central stormwater pond location. Mr. Estes stated that it would be split up in different areas. They do anticipate some type of facility to handle stormwater. Several open space areas were left in anticipation of any requirements.

Mr. Orr stated if stormwater discharge is directed off of the site on to an adjacent property it is the responsibility of the Developer to obtain appropriate easements from the affected property owners in accordance with Section 251-13 and 251-15.D of the Cecil County SWM Ordinance.

The downstream conveyance of stormwater must be analyzed in accordance with Section 251-9 A. (5) of the County’s SWM Ordinance. Special care must be given to the design if a concentration of runoff will result from the SWM facilities.

PWA’s will be required for all public infrastructure shown.

An Inspection and Maintenance Agreement will be required for any private SWM facilities.

Mr. Funk provided the applicant with a copy of the Soil Conservation Report. He stated that the district would like to see soil information and typographic information on the concept plan. The site contains hydric soils, Elkton and Mixed Alluvial soils which are very limited for structures with or without basements due to flooding and ponding to the depth of the saturation zone. These soils could possibly impact Lots 7 and 8, depending on the layout. This site also contains soils that are shown as highly erodible, which should be taken into account when the applicant addresses their E&S strategy making sure that no sediment is running off site. The Sassafras, Elkton and Mixed Alluvial are all soils that are rated very limited for structures with or without basements because of the depth of saturation zone or restricted permeability soil. Therefore, the applicant will need to know were these soils are in relation to the lots in order to make sure they are constructible. All the soils are very limited for septic tank and drain fields and again restricted permeability slope and saturation zone.

Mr. Funk questioned the practicality and use of Lots 1 and 8’s configuration in addition to the open space on the west side of Pearce Landing Drive versus the eastside’s open spaces. He also questioned whether the
community located adjacent to Pearce’s Creek, which was owned by the US Army Corp of Engineers, would be granted access to the creek or would there be restrictions. Mr. Estes stated he did not anticipate deeding access to the property fronting the creek and was not familiar with policies concerning public usage of the property. Referencing the configuration, he noted that he wanted Lot 8 to have access to the large wooded area. The small open space along the entrance was to support street grading, street tree requirement and bufferyard planting requirement. The applicants are aware of the erodible soil issues. Mr. Funk stated that the applicants should not design a plat that relied on using a SWM facility for sediment control. The area will need to be broken down into smaller drainage areas with traps rather than basins.

Mr. Markwardt stated there would be no interior bus service due to the short length of the roadway. Bus service will be provided at the corner of Pearce’s Way and Stemmers Run Road. He questioned the size, price range and construction commencement of homes. Mr. Estes stated the size would 4000-5000 ft² range with a price range of $500,000 and up. The project should start in fall of 2006.

Mr. Roop of the (US Army) Corps of Engineers asked if the applicant had access to Pearce Creek. Mr. Estes replied, yes we butt right up to Pearce Creek. Mr. Roop stated any structures filled within Pearce Creek will required a Department of Army (DOA) permit. A Jurisdictional Determination (JD) has been issued.

Mr. Kyte, Cecil County Fire Chief’s Association, asked what the blacktop size would be for the streets leading into the development. Mr. Estes replied standard open section which is 20’. Mr. Kyte asked if parking would be allowed.” Mr. Estes replied, no street side parking. Mr. Kyte asked if the entrance road around the cul-de-sac would be 20’ wide. Mr. Estes replied, yes that is typical. Mr. Kyte stated due to fire equipment turn around the ladder truck requires 17’ to make the swing, therefore 20’ will be sufficient providing there is no obstructions in the area. Mr. Kyte questioned the closest water source for servicing this development. Mr. Estes stated for fire fighting purposes, Pearce Creek. Mr. Kyte noted that the fire truck could not reach the creek. Mr. Estes stated, “Well that’s the closest water body I guess would be”. Mr. Kyte asked if the applicant had considered installing a 30,000 gallon water suppression tank between Lot 1 and the turn around. This would provide approximately a 1300 distance to the top. Mr. Estes stated they would consider his suggestion. Mr. Kyte stated it would be a strong suggestion considering the size of the proposed homes.

Mr. Ouano, Conectiv, had no comments.

Ms. Latham, MDE, stated that a Water Appropriation Permit would not be required for 10 lots.

Mr. King, State Highway Administration had no comments.
Mr. Moore read the Health Department comments, a copy attached for reference. Mr. Moore stated the majority of the perc testing was conducted during the wet weather season. At final plat stage any SWM pond will need to be labeled either dry pond or wet pond. The sewage areas will need to be 25’ away for the dry ponds and sewage areas need to be 100’ from the normal water line for wet ponds.

Mr. DiGiacomo of OPZ stated he had received no citizen input regarding this project.

The zoning was SAR, which permits a maximum base density of 1 dwelling unit per 8 acres. Bonus density eligibility carries with it a permitted density of 1/5. This Concept Plat proposes 10 lots on 51.82 acres, for a proposed density of 1/5.18.

The common open space and proposed large lot comprise 60.65% of the total acreage, thus this proposal may possibly qualify for bonus density eligibility.

Three lots fronting on Pond Neck Road were approved on 9/15/97 (lands of Eugene & Nancy L. Herman). That plat was signed 8/26/98. A condition of approval was that those lots be included in any future density calculations.

Subsequently, the cited Minor Subdivision #3040 was approved on 2/20/98, making adjustment to the different deed parcels. How did Minor Subdivision #3040 obviate the need to include Lots 1-3 in the density calculation, as required? Mr. Estes stated, “I will have to look at that Tony. I’m looking at this as a separate parcel from Lots 1-3 major subdivision. I’ll have to review that.” Mr. DiGiacomo stated we will need to have an answer to that question when we go to Planning Commission. What are the topographic features referenced in Note #2? Mr. Estes replied wood lines.

Mr. DiGiacomo stated an add-on hook must be shown connecting the two sections of proposed Lot 1. Proposed Lot 8 must be denied access to Stemmers Run Road.

A boundary line survey must be done in conjunction with the preparation of the Preliminary Plat for density calculation purposes. If the survey reveals that proposed Lot 8 is less than 20 acres or that the overall acreage is less than 50 acres, then bonus density eligibility will be negated.

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.

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. A Jurisdictional Determination (JD) must be done prior to preliminary plat review by the Planning Commission.

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

This proposal satisfies the common open space requirements of the SAR zone.

No landscaping of the development envelope is required in the SAR zone.

Sidewalks are not recommended in the SAR zone.

Bufferyard Standard C is required, outside the right-of-way, along the road frontages of Stemmers Run Road.

Bufferyard Standard A is required to buffer any adjacent agricultural uses, unless principal structures are set back at least 300’.

Rows of street trees with 10’ planting easements are required, outside the right-of-way, along both sides of the internal cul-de-sac. 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) must be approved prior to Planning Commission review of the Concept plat. The Preliminary Forest Conservation Plan (PFCP) must be approved prior to Planning Commission review of the Preliminary Plat. The final Forest Conservation Plan (FCP) and Landscape Plan must be approved prior to Planning Commission review of the Final Plat. 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. The metes and bounds description of the FRA must be shown on the record plat.

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

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

Covenants prohibiting the subdivision of the large lot must be recorded and noted on the plat prior to recordation.

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

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 was reminded of the Monday noon submission deadline for review by the Planning Commission this month.

Mr. Moore stated if in fact the numbering of the three minor subdivision lots are concluded then a GAP will be required.

Mr. Whittie stated the proposed project consisted of 300 residential lots, 1 lot (Lot 301) for an existing resident, and 1 lot (Lot 302) for an 18-hole golf course. The total area is 421.15 acres. The property is zoned BG and SR. The allowable density is 2/1 and they are proposing 1.77/1. The required open space is 58.5 and they are proposing 59.55 acres, excluding the golf course. The site will be served by public water and sewer. Both of which will be brought to the site at the owners expense. The three accesses to the subdivision will be from Route 273 (Telegraph Road), Jackson Hall School Road and Catswamp Road. The applicants have been working with DPW in regards to the TIS responses. SWM will be designed in accordance with the County and State regulations. The JD has been approved. TIS has been submitted and reviewed by both DPW and OPZ.

Mr. Orr of DPW stated that a SWM Plan, Road & Storm Drain Plan, Water distribution and treatment system Plan, Sanitary Sewer collection and pumping system Plan, and a Mass and Final Grading Plan must be approved by the CCDPW prior to submittal for Final Plat Approval. 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 show 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.”

The downstream conveyance of storm water must be analyzed in accordance with Section 251-9 A. (5) of the county’s SWM Ordinance. This analysis must pay special attention to the adequacy of existing conveyance systems along and across Jackson Hall School Road Cat Swamp Road and Barksdale Road to handle all discharges from the SWM Facilities.
If stormwater discharge is directed off of the site on to adjacent properties it is the responsibility of the Developer to obtain appropriate easements from the owners of the affected properties per Section 251-13 of the Cecil County Stormwater Management Ordinance.

A Dam Breach Analysis must be submitted to DPW for all existing ponds as well as all proposed hazard class ponds. Prior to design acceptance, as-builts will be required for any existing ponds proposed to be used as SWM facilities. Additionally, all hazard class pond embankments must be shown, by geotechnical evaluation and subsequent reporting, to meet the current MD 378 pond code criteria or be reconstructed to meet the same.

The stormwater pond east of Prestwyck Drive must have a viable fee simple access for maintenance. The outfall must not impact the gravity sewer alignment. DPW suggest that the applicant relocate one of the two when they go to design or address the issue of conuent between the outfall of the pond and the sanitary sewer line shown.

For the stormwater facility north of Augusta Court provide a minimum 20’ wide fee simple access between lots 81 & 82. Can the proposed house location for Lot 60 be relocated away from the stormdrain? Mr. Whittie stated yes.

Mr. Orr stated the stormwater management pond off Torrey Pines Court must have a minimum 20’ wide fee simple access which must also be separate from any public drainage easement.

For the stormwater management facility off Carnoustie Circle, fee simple access off Oakmont Drive for the stormwater management facility must not overlap the public storm drainage easement required.

Aston Point Drive must be located outside the safety setback for fairways. At the time this comment was generated DPW was not aware for sure if the County had a fairway setback requirement, which as he understands now they do not have a formal requirement, or if they do it is not codified at this point. DPW would like to establish either a vegetative buffer or the applicant to confirm that going into design layout Aston Pointe Drive is not located within an expected safety setback for the tee for the 12th fairway. The idea is to reduce or eliminate the impact between vehicles traveling on Aston Pointe Drive and the people using the tee on the golf fairway.

Mr. Carter stated DPW would have similar concerns with Appleton Road or any other butting areas.
Mr. Orr stated that if there was a recognized national standard DPW would like for them to research it and address it.

No outfall location is shown for the 12th or 11th fairway stormwater facility. If they end up being infiltration facilities significant geotechnical evaluation will be required. Will the 12th fairway facility be solely for the residential community stormwater management or will it function as stormwater management for the golf course also? Mr. Whittie stated they envisioned it as part of the golf course but it could be a wet pond. Mr. Orr stated the same question applied to the stormwater pond off Torrey Pines Court. Mr. Whittie stated it would pickup the BG portion when it is developed. Mr. Orr stated when the design is approached and record the I&M agreement will need to be clear that both the future development and the area pointed out would share the golf course maintenance responsibilities with HOA and should identify the proportioned of maintenance responsibilities.

For lots 139-150, one inlet appears to be all that is shown for rear yard drainage. Suggest you investigate adding at least one more inlet.

Section 3.07.15 of the Road Code directs that Jackson Hall School Road and Cat Swamp Road must be upgraded to a Minor Collector Standard for a minimum distance of 100’ either side of the point of intersection between these roads and the proposed entrances.

The monumental entrances for Country Club Drive off Jackson Hall Schoolhouse Road are not aligned properly to establish Country Club Drive as the major collector thru-road. Jackson Hall Schoolhouse Road is proposed to become a stop condition at Country Club Drive by this preliminary plat.

Olympia Field Drive and Shadow Creek Lane to the loop must be constructed as commercial minor collector roads for access to the ‘BG’ area. Residential lots fronting these streets may create a future conflict between residential and business commercial traffic in the future and it is recommended, at a minimum, these lots have driveways designed with on lot turn-around capability.

Proposed Country Club Drive must be designed to a residential Major Collector Road Standard. Additionally, all lots fronting this road must have on-lot driveway turn-around capability with a design shown on the final lot grading plans. Provide a standard detail on the preliminary plat for lots with on-lot driveway turn-around capability. Current Departmental review leads us to the conclusion that the entirety of Country Club Drive must be constructed with the commencement of Section II, Phase II work. This requirement would include the extension of Country Club Drive south through lands of Wohner to a planned intersection with Cat Swamp Road. Please submit remaining alignment proposed for Country Club Drive to the Department for review prior to preliminary plat hearing by the Planning Commission. Why is the remaining alignment not shown to the anticipated interconnection with Cat Swamp Road? Mr. Stritzinger replied, “Not specifically. We’ll get that to you.”
The temporary turn-arounds shown must be terminated in a cul-de-sac if a concept plat is not approved for adjacent properties and showing interconnection by the time of engineering for each applicable section of development. This may result in a loss or reconfiguration of lots if it’s not properly addressed.

Prior to submittal for preliminary plat review by the Cecil County Planning Commission, the applicant must reach concurrence with the Department of Public Works on the offsite road improvements proposed for Cat Swamp Road, Barksdale Road, the Cat Swamp and Barksdale Road intersection, and the Barksdale and Appleton Road Intersection. No offsite road improvements proposal submitted by the applicant has been agreed upon to date. If the applicant proceeds to request preliminary plat approval without Departmental concurrence on offsite road improvements, the Department must recommend that the Planning Commission condition their approval on the applicant upgrading all of the afore-mentioned offsite county streets and intersections to the applicable standard Road Code sections. If accepted by the Commission, this condition would become binding to the preliminary plat approval and unchangeable by the Department singularly.

Acceleration and right turn lanes are required at each entrance proposed onto an existing County roadway. The engineer must address the need for bypass lanes within the design submittals. The Lochland drive entrance off Jackson Hall Schoolhouse Road requires a deceleration lane in accordance with the Road Code. The tapers referenced along Cat Swamp Road are either not depicted properly or not depicted.

Sight distance measurements must be provided for all proposed County Road access location to establish compliance with the Cecil County Road Code. Have the measurements been supplied for the access locations shown? Mr. Whittie stated for sight distance not as yet, no. That was not a previous condition. It is a new condition that he was just made aware of. Mr. Orr asked if the centerlines of the proposed entrances been marked in the field? Mr. Stritzinger replied, “Yea they should have been. I’ll check them again.” Mr. Whittie asked if DPW needed the site distances prior to Planning Commission. Mr. Orr stated site distance measurements are necessary in order to agree that the entrance locations proposed meet the required site distance requirements.

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

The Department strongly recommends the use of construction entrances, separate from the subdivision street entrances, for this project. The proposed construction entrances should be shown on the Preliminary Plat together with a phasing plan submittal. The County’s acceptance of proposed internal public road sections and the magnitude of maintenance bonds that will be required as well as the time frame over which they will be held will be subject to the project’s phasing.
Access from any lot to Appleton Road, Jackson Hall School Road, Cat Swamp Road, and Barksdale Road is denied except for the proposed entrances and the existing driveway for Lot 301. Final plats must include denied access notes, accordingly.

Lots 267 and 280 must be denied access to Country Club Drive as well as to Lochland Drive except for the westernmost 25’ of lots.

Lots 288 and 223 must be denied access to Country Club Drive as well as to Lochland Drive except for the easternmost 25’ of lots.

Lot 1 must be denied access to Country Club Drive except for its southernmost 25’ of frontage. Lot 98 must be denied access to Country Club Drive except for its northernmost 25 of frontage. Request the applicant Shorten the monumental entrance island for lot 98 access.

Lot 71 layout is unacceptable and may not access the circle or within 75’ of the circle ingress and egress points. Show the same 75’ of denied access affecting lots 161, 171, 172 and 109.

For any lots that share frontage on two proposed street rights-of-way, the lot must access via the more-secondary road section and be denied access along the roadway of higher intended usage. That comment refers to the following lots which would need to be revised for driveway orientation. Lots 3, 8, 13, 21, 44, 46, 72, 77, 133, 143, 155, 161, 167, 188, 210, 212, 218, 223, & 232 must be revised for driveway orientation.

The length of entrance islands for any of the proposed monumental entrances must not prohibit access in either direction to any lot.

The Radii for Lacosta Court are incorrectly denoted.

Does Parcel 37 access Jackson Hall School Road via a common drive across Parcel 38? Mr. Whittie stated yes, it does. The applicant will be providing an easement to allow continued access.

All driveways must be paved at least to the right of way and those accessing Country Club Drive, Lochland Drive, and the Minor Collector portion of Oakmont Drive must be provided with on-lot turnaround.
The driveway paving must be complete for all lots at the time when the surface course for the internal roads is installed. This requirement includes any vacant but platted lots. Any driveway exceeding 5% up-gradient-slope form the roadway must be paved to the crest. If the development is phased those requirements will apply to each phase when 80% of the lots are built-out. All of these requirements must be reflected on the Lot Grading Plan.

Adequate internal off-street parking must be provided at the soccer field off Oakmont Drive. Parking along Country Club Drive is prohibited and must be indicated with signs.

The Development contains some cul-de-sacs with radii that do not conform to the Road Code Standard R-14. Therefore, a variance, in accordance with Section 1.06 of the Road Code, to use less than the standard 75’ radius must be submitted.

Any applicable Road Code Variances must be requested prior to submittal for Preliminary Plat approval. The street R.O.W. entrance tapers must be offset 25’ from the R.O.W. point of intersection, and be straight lines, per 7.2.12.E.3 of the Subdivision Regulations.

Closed section curb & gutter streets are shown. Monumental entrances should use upright curbing for Country Club Drive. No sidewalk is shown – why not? Mr. Whittie stated the sidewalks would be proposed with the engineering drawings.

Mr. Orr stated for the offsite sewer alignment, the detail is vague and overly scaled for clarity of review. At concept approval, the Department required that the applicant submit a master water and sanitary sewer layout for the entire subdivision prior to submittal for any preliminary plat section. The layout must address/include any Highlands system interconnects and show any required pumping stations and force main alignments along with general utility depths. To date this information has not been submitted and will need to be submitted prior to proceeding the Planning Commission for preliminary plat request.

Have you obtained any of the necessary easements across private property to construct the gravity sewer and force main? Mr. Stritzinger stated some.

Mr. Orr stated any easements acquired for proposed public infrastructure must be transferable to Cecil County and must specifically address rights of ingress, egress & regress for maintenance and construction purposes. With project feasibility tied to your acquisition of easements, the Department will require you provide evidence of the same before any phase one infrastructure design submittals will be approved.
Currently the parcels proposed for development are not within the Master Water and Sewer Plan Service Districts. Until such time that the Board of County Commissioners of Cecil County issue an amendment to the MWSP to include these parcels, a final plat cannot receive an approval recommendation form the Department. At this time neither the Highlands nor the Meadow View WWTP plants have excess sewer capacity to serve this development. The sewer capacity limitations at the Meadow View WWTP will be eliminated at the end of the current design-build project for the Meadow View WWTP, which has an anticipated completion timeline of 18 months from March of 2004. The Meadow View water supply, while it does have a reliable water source through United Water Delaware’s long-term commitment to the County, did not anticipate serving this area of the County by design. The Developer must extend the water and sewer mains to Aston Pointe in accordance with Departmental requirements.

The ability of the existing water distribution system, together with the proposed extensions, to provide adequate fire flow and pressure must be demonstrated through a comprehensive network model. A baseline study of the Meadowview Plant has been completed. The Applicant will be responsible to update it.

Water and sewer connection fees will be required plus a likely Benefit Assessment fee for the upgrade of the Meadow View WWTP.

If the water tower/tankage is intended for public dedication, then the tower must be located on a fee simple conveyance intended for dedication to the Board of County Commissioners of Cecil County.

All cleanouts and water meter vaults must be designed to be outside of all paved or concrete areas on each individual lot.

What is the disposition of the gas transmission line running through this development (i.e. the diameter, type or the nature of the easement)? Mr. Whittie stated, “I have been in contact with them, and had sent this plan to the gas company and they have reviewed it and they do have a problem for it. The only issue that was brought up was that anywhere were the roads cross the easement in the event that they have to dig the line up they’re not responsible for replacing the road back. They’re just going to backfill it and it’s the responsibility of whoever to put the payment back. That’s the only thing that they brought up at the time. So I don’t know how we work that out but that was the only issue they had. They did not have any problems with the plans we had proposed.”

Mr. Carter stated, say that again. Mr. Whittie stated, “Their claim was that any work that was done as a result of having to dig up the gas line. If they had to do whatever maintenance that had to be they were not responsible for restoring the conditions as is. I mean they’re just going to backfill, whatever they need to do and walk away.” That was their statement that was made by the gentleman I talked to.” Mr. Carter stated, “That’s not going to work.” Mr. Orr suggested that the applicant discuss with the gas company the availability of sleeving the lines. If the gas company performs maintenance within what would be proposed as
the County ROW, the County is not obligated to go back and replace the paving for them. We’d rather see the utility installed in a sleeve where it would just basically be pulled out from underneath. If you cannot come to a resolution with the gas company the alignments that shows the County’s roads over the ROW’s could potentially not be valid.

Careful consideration must be given to safety concerns with the close proximity of the gas transmission line to dwellings as well as design of water and sewer main crossings. Gas main proximity to dwellings is not a regulatory item within the Department of Public Works’ jurisdiction at this time.

If the Planning Commission requires sidewalks, the Final Plats should include a note indicating that sidewalks maintenance will be required of the adjacent property owner, as required by the Cecil County Road Code.

What is the expected occupancy capacity of the proposed clubhouse? Mr. Stritzinger replied, “No, I mean just based on the standards for the clubhouse anywhere from 3-5000 gallons a day.”

Mr. Orr stated PWAs will be required for the proposed roads and storm drains, water distribution and treatment system, and sewer collection and pumping system. An Inspection and Maintenance Agreement is required for SWM facilities.

Mr. Funk stated a copy of the Soil Conservation Report had previously been presented to the applicant. The E&S strategy for the site will need to utilize smaller drainage areas. Do not rely on one large sediment basin and storm drain system to convey sediment land water during construction to break the areas down. He suggested that prior to designing the E&S Plan the applicant meet with the District to discuss the strategy prior to the actual design.

Mr. Markwardt stated bus service would initially be provided at Telegraph Road (Route 273) and County Club Drive. At some point, when the student count increases, access will be required prior to the roads being accepted by the County, at which time a signed waiver will be required by the Developer stating that they will maintain responsible snow removal. The intent will be to primarily restrict bus routes to County Club Drive and establish stops along the way of Country Club. Depending upon the amount of students generated from the Oakmount Drive, Jupiter Hills Drive and Aston Pointe Drive areas consideration may be given to looping in and off Oakmount and Jupiter Hill at some future point. Bus service will be provided to the south side of the development on Lochland Drive. He verified that the size and price range of the homes would remain the same. He asked, assuming approval by OPZ, when would the project start? Mr. Stritzinger stated as soon as possible.
Mr. Roop of the (US Army) Corps of Engineers stated comments were the same as noted during the meeting of 11/3/04. The Jurisdictional Determination (JD) was issued on 6/3/03.

Mr. Kyte, Cecil County Fire Chief’s Association, asked if the interior streets which were 22’ in width, would allow on street parking. Mr. Stritzinger stated that although he preferred not to have on street parking no signs would be posted to prevent it. Mr. Kyte stated that should on street parking be allowed on both sides of the street the fire equipment would not be able to gain access. Mr. Stritzinger replied ok. Mr. Kyte referenced a variance questioning the width of the cul-de-sac being 33’. Mr. Whittie stated the size should be 40’. Mr. Kyte stated that Elkton’s ladder truck would not be able to negotiate the turn as it would require 88’. An average tire truck could make the turn only if there was no on street parking within the cul-de-sac. He asked if the applicant would consider increasing the center of the cul-de-sacs by 5’ by means of the open space areas.

Mr. Ouano, Conectiv, had no comments.

Ms. Latham, MDE, stated that, to say the least, the water appropriation and water supply for this project was challenged. There have been water balance issues since the beginning. The water recharge to the property, at least to the residential side, is not enough to meet the demand during a drought year. Referencing the well on the corner of the property she noted that all of the impact would occur under the property to be developed. Ms. Latham stated that the Water Appropriation & Use Application CE2005G005 was received by MDE on 1/28/05. A package of additional requirements was sent and an aquifer test has been completed. The application will be considered complete on receipt of the hydrogeology analysis report, a certification of notification and other required forms. MDE’s evaluation of the completed application will consider reasonableness of the quantities requested, impacts to the resource and impacts to neighboring water users. Of particular concern is the water balance. The residential portion of Aston Pointe consists of about 116 acres. The drought year recharge to that area is not sufficient to supply 300 homes. It has been suggested that the area of the golf course be devoted to recharge for the community, but if that is the plan, it is not shown on the plat. If the golf course gives up its water rights to provide recharge to the community, a formal agreement must be drawn up and signed by all parties. The agreement must be presented to MDE for approval and a water use restriction included on the deed for the golf course property. The water appropriation and use permit could be issued based on the water balance of just this property. Basically that legal agreement would need to be in place. Since the golf course is a commercial enterprise that will eventually be owned and managed by somebody other than the Aston Pointe Community Association. Why was it given a lot number 302? Perhaps it should be evaluated as a separated project. What is the source of irrigation water for the golf course? None is shown on the blueprint. Use of treated sewage effluent for golf course irrigation water has been suggested. If so, it should be noted on the plat. Also the golf course will be required to obtain a permit for land application of treated effluent for MDE. Will there be irrigation of the athletic fields? If so, what is its source? Is treated effluent being considered there too? The Water Appropriation & Use application list one well but there are three wells area shown on the plat. What are the plans for the other two wells? Mr. Whittie stated they were test wells. Ms. Latham questioned the plan for these wells and noted the purpose needed to be stated somewhere. The area at the northeastern corner of the property is labeled for future development. Will this area also be served by the communities supply? Mr. Whittie stated the BG area would be served by this community. Ms. Latham stated that whether it was required for plating purposes when in the hydro geological analysis it should be taken into account.
Mr. King, read the State Highway Administration comments, a copy attached for reference.

Mr. Moore read the Health Department comments, a copy attached for reference. Mr. Moore added there were a lot of very poor soils in this area. If the project is phased and the well and septic is not included in the current phase then all septic tanks must be pumped and filled and all wells must be abandoned and sealed prior to record plat of the perspective phasing. How many existing buildings are on this property? Mr. Whittie replied six. Mr. Moore asked if the existing buildings were shown. Mr. Whittie stated the houses are located to be removed. Mr. Moore stated both the well and the septic need to be identified on the plat.

Mr. DiGiacomo of OPZ stated that in the temporary absence of a TAC Citizens’ Representative, the staff has received a significant volume of citizen input for the TAC review.

For the record, there is precedent for the staff’s recapitulation of the issues of concern, rather than reading every single comment verbatim. This approach is employed solely because of the quantity of input received combined with the temporary absence of a Citizens’ Representative to receive and air citizens’ comments in conjunction with the TAC’s review. Moreover, three things warrant being noted:

1) This recapitulation must not be construed as an endorsement of any citizen comments by Cecil County Government, the Planning Commission, or the Office of Planning & Zoning staff;

2) While the TAC Citizen’s Representative position remains unfilled, OPZ staff is temporarily filling that function, not that position. No member of the staff can be appointed as the Citizen’s Representative.

3) Inasmuch as the TAC makes no decisions, Planning Commission is the more appropriate and potentially effective venue for all citizen input, whether it be in-person testimony – or submitted via fax, e-mail or mail.

The vast majority of the input has repeatedly addressed the following areas of concern:

- Traffic – relating to the increased trips that would be generated by a golf course/country club, 300 new homes, and whatever is ultimately proposed on the thirty BG-acres. The assumptions, methodology, and recommendations of the revised Traffic Impact Study (TIS) have been called into question.

- Water Quality/Stormwater Management – relating to the creation of significant areas of impervious cover on what now are open fields and the resultant downstream environmental implications and exacerbation of existing stormwater problems for neighbors.

- Golf Course – relating to traffic generation, to the possible contamination of wells from fertilizer run-off, and to the possible conversion of the golf course to more new dwelling units at some future point.

- Water & Sewer – relating conformity with the Master Water and Sewer Plan and groundwater recharge issue associated with wells’ being used in conjunction with public sewers. In addition, some adjacent residents have been concerned they would be faced with the expense of mandatory connections to possible new water and sewer systems or extensions. Others expressed concern for adverse impacts on nearby,
existing wells.

- Density – relating to 300 new lots’ being proposed on approximately 116 acres, discounting the proposed 173-acre golf course/country club. Such density is questioned in terms of its compatibility with the existing community character.

- The BG-zoned 30 Acres – relating to some of the SR-zoned proposal’s spilling over onto the BG-zoned portion. In addition, some felt that it was inappropriate for a plat not to show the details of what is being proposed in the BG-zoned portion of the property.

- Schools – relating to potential overcrowding in schools and the revenue-negative impact of such residential development. Some expressed concern that existing County residents would be subsidizing the 300 new homeowners.

- Emergency Services – relating to the additional burden that would be placed upon the Emergency Services Department, the Sheriff’s Department, and the Singerly Volunteer Fire Company.

- Open space – relating to their being too little usable common open space and/or active recreational amenities. This was particularly an issue for the portion of the proposal to the south and east of Jackson Hall School and Cat Swamp Roads. The veracity of the common open space acreage was also questioned.

- Agricultural buffers – relating to the need for adequate buffers between this proposed development and existing agricultural operations. In addition, some felt that the adjacent agricultural operations note needed to be included on the plat to help ensure the right to farm in Cecil County.

Upon initial inspection, this project was in compliance with §3.8 of the Subdivision Regulations regarding public notification signs. For the record there was one inquiry regarding the certified mail notification to adjacent properties owners. That information can be confirmed today should anyone desire to view it.

The zoning is SR & BG. The SR zone permits a maximum base density of 1 dwelling unit per 1 acre, or 2 dwelling units per 1 acre with community facilities.

The Concept Plat, for 302 lots on 390.04 acres, was approved on 4/19/04, conditioned on:

1) The road names being approved prior to Preliminary Plat approval;

2) The estimated staging of construction being shown of the Preliminary Plat submitted for TAC review;

3) The PFCP’s being approved prior to Preliminary Plat approval;

4) The sensitive areas thresholds in the common open space information being provided on the Preliminary Plat prior to TAC review;

5) A Sensitive Species Survey being completed prior to the TAC’s review of the Preliminary Plat;

April 6, 2005, 9:00 a.m.
6) A Traffic Impact Study (TIS) being completed prior to the TAC’s review of the Preliminary Plat;

7) The boundary line survey being completed prior to the TAC’s review of the Preliminary Plat;

8) The Jurisdictional Determination (JD) being completed prior to Preliminary Plat approval; and

9) A bufferyard and setback modification being granted for the existing structure on proposed Lot 301.

On 5/20/04, the Planning Commission subsequently approved a revision to the Concept Plat that eliminated roadway connectivity to Locharron Drive in the Highlands.

On 10/18/04, the Planning Commission rescinded the requirement (condition #5 of Concept Plat approval) for a sensitive species survey for the midland sedge, as that species was declassified as rare, threatened, or endangered.

This Preliminary Plat, also proposing 302 lots, is generally consistent with the approved Concept and Revised Concept Plats. Phasing has been provided, an insert showing phasing – such as MRA provided on the Charlestown Crossing Plat – would be helpful.

Note # 17 indicates that a boundary line survey has been done. There was a slight increase in acreage. In addition, Note #6 includes at least part of the acreage of the adjacent Birney property.

Roadway connectivity to Jackson Hall School Road is now shown through the adjacent Birney property. There needs to be explanation as to how this will be possible. If the Birney property has been acquired, then its acreage must be added to the previous total, Note # 23 notwithstanding. As that would lower (rather than increase) the proposed density, that possible addition would not trigger the need for a revised Concept Plat.

That connectivity eliminates a previous “dog leg” roadway design connecting the portions of the proposed project to the north and south of Jackson Hall School Road. Additional minor modifications, consistent with §§7.2.12.B.1, 7.2.12.B.3, 7.2.3 and 7.2.5, include stub roads shown to adjoining properties, not including Locharron Drive in the Highlands.

A portion of the proposed Shadow Creek Court is still depicted in the BG-zoned portion of this site. In addition, a proposed water tank and a portion of the proposed water line are depicted in the BG zone, which specifies “future development.”
The commercial activities proposed for the BG-zoned portion of the property must be approved via a major Site Plan, consistent with §32 and §291 and Appendix A of the Zoning Ordinance.

A 173-acre golf course is still proposed as Lot 302. This proposed golf course can be approved as part of the proposed subdivision only if it is a private golf course, as was determined at Concept Plat review. Is this still proposed as a private golf course and who will own it? Mr. Stritzinger replied, yes, the Newark Country Club.

Mr. DiGiacomo stated a Bufferyard Standard C is recommended to buffer the golf course from adjacent residential uses, consistent with §100.3. Per §100.4 of the Zoning Ordinance, off-street parking and loading areas, golf tees, and maintenance facilities must be screened by a Bufferyard Standard B. None are depicted on the Preliminary Plat but must be shown prior to being reviewed by the Planning Commission.

The details of the golf course’s clubhouse and maintenance facility shall be included as part of a major Site Plan, consistent with §291 and Appendix A of the Zoning Ordinance. That Site Plan or those Site Plans shall not be approved if any of its details are in conflict with the approved Final Plat. If the Site Plan details are in conflict and cannot be changed, then a possible revision to the Concept Plat may be necessary. Therefore, the Site Plan should be approved prior to, and consistent with, Final Plat approval.

Note # 18’s contention that these details are subject to “final determination” is in conflict with notes regarding the clubhouse and maintenance facility, and, thus, unacceptable.

The unnamed access road to the proposed maintenance facility crosses both the driveline of the 12th hole and a proposed cart path right-of-way. Their details should be included on the Preliminary Plat submitted for Planning Commission review, as the golf course, itself, is part of the Preliminary Plat submittal and not part of any subsequent Site Plan.

No slopes greater than 25% have been shown on the Preliminary Plat. 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.

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’.
An ongoing issue exists regarding the perennial stream located on site, Note #22 notwithstanding. Morris & Ritchie contends that a revision was made on the USGS Quad sheet used for previous submittal and that the perennial streams do not extend as far into the site as previously believed.

§ 174.1.a dictates that the USGS quad sheets be used in determining the presence and extent of perennial streams. Unless this issue is satisfactorily resolved, the Preliminary Plat is not approvable as currently submitted. What steps have been taken with the USGS to rectify this situation? Mr. Whittie presented documentation from 1992. He stated that as shown on their plan this documentation verifies where the perennial streams start and stop. Mr. DiGiacomo noted that it was different than what was shown on the OPZ’s maps. OPZ does not have a hard copy and are unable to pull it up from the USGS website. Mr. Whittie stated that he would provide OPZ with a copy.

Mr. DiGiacomo stated that permits are required from the (US Army) Corps of Engineers and MDE for the numerous non-tidal wetland and stream impacts prior to recordation. The JD has been done, as previously mentioned by Mr. Roop.

Where the proposed cart paths are not part of a stream or wetland crossing, they must be located outside the wetland non-disturbance buffers as has been shown.

58.5 acres (15%) of common open space are required in the SR zone, based on 390.04 acres. However, based upon the new acreage of 391.09, 58.7 acres are required, as must be stated in Note #11. This plat indicates that 59.55 (was 60.31) acres are proposed, in addition to the proposed 173-acre golf course. If then entire Birney property’s acreage is included, then the required amount of common open space required would increase accordingly.

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. Those thresholds and calculations have been included on the Preliminary Plat.

20% landscaping of the development envelope is required in the SR zone.

Sidewalks are recommended on at least one side of all internal roads in the SR zone. In addition, for a proposal of this magnitude, adequate sidewalks, walking/bike paths, any possible greenway linkages, as well as direct non-motorized access to the BG portion should be included. It is easier to include them now than to try to retrofit them later.
Bufferyard Standard C is required, outside the right-of-way, along the road frontages of Appleton, Cat Swamp, Jackson Hall School, and Telegraph Roads. A Bufferyard Standard C is also required to buffer the golf course from adjacent residential uses (§100.3) and to buffer the parking areas (§100.4).

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 question of a Bufferyard A has been raised in conjunction with the Whitmyre lot in the Highlands. Established precedent dictates that a Bufferyard A need not be implemented to buffer an agricultural use on a lot in a recorded subdivision, especially in the SR zone. However, a vegetative buffering of such uses should be considered for incorporation into the Landscape Plan as a positive design feature.

Street trees with 10’ planting easements are required, outside the right-of-way, along both sides of all internal roads. In areas with community facilities, no street trees shall be planted within 20 feet of sewer laterals and cleanouts.

Where feasible, the natural vegetative equivalent may be used to satisfy the bufferyard and street tree requirements.

The Forest Stand Delineation (FSD) has been approved. The wetland locations shown on the Preliminary Plat do not match those shown on the approved FSD. That must be rectified.

The PFCP has been submitted, but it has not been approved. It must be approved prior to the Planning Commission’s review of the Preliminary Plat. Its details and those of the Preliminary Plat submitted for Planning Commission approval must be in agreement. No forestry details have been included on this Preliminary Plat.

The final Forest Conservation Plan (FCP) and Landscape Plan must be approved prior to Planning Commission review of the Final Plat. A FCP for the gas line easement is already on file (#297). 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. The metes and bounds description of the FRA must be shown on the record plat.

The identity of the gas line owner must be provided on the Final and Record Plats. For the record, does natural gas flow through the gas lines? Mr. Whittie replied yes.

Mr. DiGiacomo stated that all required documents from the gas line company granting permission or agreeing to easement impacts must be received prior to Final Plat review. All documents requiring recordation must be recorded prior to the recordation of the Record Plat.

Confirmation must be received from the gas company prior to Final Plat review that all proposed roads, intersections, and the parking lot at the golf course, as well as sanitary sewer lines, water lines, and any required stormwater conveyance devices will not have any adverse impacts on the gas line within the easement.

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

As stated at previous reviews, all reviewing agencies must have completed their reviews of the TIS and concur with its methodologies, findings and recommendations prior to the Planning Commission’s review of the Preliminary Plat.

A Traffic Impact Study (TIS) and a revised TIS have been completed. Staff has methodological concerns, especially regarding adherence to the trip distribution consensus reached at the original TIS scoping meeting.

Those technical issues appear moot, as the Delaware Department of Transportation and the Maryland State Highway Administration have already indicated their required improvements. Those would include the signalization of the Nottingham/Telegraph – Jackson Hall School Roads intersection, and either the construction of a roundabout or the signalization of the Appleton – Telegraph Roads intersection. The requirements of the Cecil County Department of Public Works were articulated in earlier comments.

Staff will recommend the implementation of the DelDOT, DPW, and SHA recommendations as a condition of any Preliminary or Final Plat approval. Copies of this plat have been sent to the Newark Planning Department and DelDOT.
Access to common open space between lots must be marked with concrete monuments.

A Homeowners’ Association for maintenance of common open space, any landscaped islands, and common parking areas must be established with $50 per recorded lot placed in escrow for improvements prior to recordation, with all lot owners, including proposed 301 and 302, becoming members.

Active recreational amenities shown in common open space must be included in the public works agreement. A parking area is recommended at the proposed athletic field. If located in the common open space it can be owned by the HOA, but its acreage must be deducted from the common open space provided, consistent with §176.2.a.

Note # 14 is unclear with respect to water service. What is it that the supplemental water from community wells is to be a supplement to? Mr. Stritzinger stated it must have been leftover from a pervious submittal. Mr. DiGiacomo verified that at this time all lots are proposed to be hooked up to public water.

The water service source and appropriate details must be determined prior to Preliminary Plat review.

Verification of the groundwater appropriation permit must be received prior to the Planning Commission’s review of the Final Plat.

If the water source for the supplemental system is an on-site private system, then verification that the proposed water system is capable of serving all proposed lots and the golf course facilities must be received from MDE prior to Final Plat review by the Planning Commission. Documentation of all approvals for the system and the operator required by the Public Service Commission (PSC) must be submitted prior to Final Plat review. Any other PSC approvals, if necessary, to extend a water line to this property must be received prior to Final Plat approval.

The sewer and water components of the Master Water and Sewer Plan must be amended for this site prior to Final Plat review. If the sewer service is public, then, §175.1, 2, 3 and 4 do not pertain.

Verification of water allocation and sewer capacity must be received prior to the Planning Commission’s review of the Final Plat. The identity of the waste water treatment plant must be included on the Final and Record Plats. The name of the water company providing the water must also be included on the Final and
Record Plats.

The Record Plats shall contain a statement signed by the Health Department, approving authority; to the effect that use of the water system and the 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, or specifically-designated, lots offered for sale.

Fire hydrant locations should be finalized in consultation with the Department of Public Works and the Singerly Volunteer Fire Company.

As they are attractive hazards, serious consideration should be given to protective fencing around the stormwater management facilities.

Per §4.1.22 (r), the Preliminary Plat must include the “total number of lots, area of lots, density, total area and types of right-of-way dedicated, and total area of subdivision … in table form.”

§187.2 provides for requiring bufferyards between zones. The BG-zoned portions’ Site Plan and Landscape Plan must address that requirement. Staff will so recommend as a condition of any Preliminary or Final Plat approval.

The applicant was reminded of the Monday noon submission deadline for review by the Planning Commission this month.

Ms. Latham stated that it was her understanding this project would be interconnected with the Highlands Meadowview system. If for some reason it isn’t over 100 homes on water supply you need to have a standby well that’s able to produce the average annual water use of that community which in this case is about 47 gallons a minutes. Assuming the hookup with Highland Meadowview where to occur they would be considered the standby source.
3. Don Sutton and David Dodge presented Mews at North East Creek, Lots 1-204, MD Rte 40 & Mechanics Valley Road, Preliminary Plat, McCrone, Inc. Fifth Election District

Mr. Sutton stated one lot between Lots 20 and 21 had been removed based on the JD’s finding of an additional wetlands crossing.

Mr. Orr of DPW stated that it was the Department’s understanding that the Town of North East will own the water distribution system in this development. The CCDPW recommends that the water distribution system including fire hydrant locations be designed to meet or exceed the County’s standards. We also recommend that the Town request that the serving fire company review fire hydrant spacing and locations. The water lines must be reflected on the sanitary sewer plans and as-builds. All easements for the water lines must be reflected on the final plat.

A SWM Plan, 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. 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 show 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.”

The downstream conveyance of storm water must be analyzed in accordance with Section 251-9 A. (5) of the County’s SWM Ordinance.

If stormwater discharge is directed off of the site on to adjacent property it is the responsibility of the Developer to obtain appropriate easements from the affected property owners per Sections 251-13 and 251-15.D of the Cecil County SWM Ordinance.
The sight distance measurements along Mechanics Valley Road must be confirmed by the engineer within the initial Road Improvements Proposal which must precede preliminary plat submittal for Planning Commission review.

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

Any applicable Road Code Variance must be requested prior to submittal for Preliminary Plat approval. On Mews Drive the applicant must identify that the horizontal curvature geometry shown meets Section 3.04.1 of the Road Code in regards to sight lines remaining within the right-of-way or revise the same for compliance prior to submittal for preliminary plat approval.

The phasing of this development will significantly impact the competency of the roadways in completed sections because of the potential for large amounts of construction traffic accessing later sections. Developer should pursue future construction phasing with the intent to minimize construction traffic impacts to established sections or preliminary phases of the project.

The Department strongly recommends that the Planning Commission condition their approval of any phasing, that Phase One contain all four (4) stream crossing permits required for this subdivision layout.

All lots must front Minor Roads wherever possible. Lot 90 should be denied access except for its westernmost 30’ of frontage along Valley Vista Drive.

The driveway locations for Lots 3 & 86 must be reviewed at the time the road Plan and the lot grading plan are submitted to avoid creating traffic conflicts with the Collector roads they access.

All driveways must be paved at least to the right of way and those accessing Valley Vista Drive, Vista Creek Drive, and South Falls Drive, must be provided with turnaround capability. The driveway paving must be complete for all lots at the time the surface course for the internal roads is installed. This requirement includes any vacant but platted lots. Any driveway exceeding 5% up-gradient-slope form the roadway must be paved to the crest. If the development is phased these requirements will apply to each phase when 80% of the lots are built-out. All of these requirements must be reflected on the Lot Grading Plan.

Lot frontage dimensions dictate that closed section road is used. Modified curb and gutter may be used internally, but standard curb will be required for the entrance(s) from at least the curb return PCs.
The Department has concerns in regards to headlight impacts on the dwellings proposed for Lots 47 & 75. Property line adjustments should be considered to reduce this impact. This was a concept plat comment. How have you addressed this issue with the preliminary plat submitted? Mr. Sutton stated they had not looked at the house placement as of yet, but would do so.

Mr. Orr stated the village greens, proposed with this layout, require some type of decorative barrier, to separate the active recreation and/or tot lot usage from travel ways/traffic lanes. The barrier is to be installed along their road frontages and maintained by the homeowner’s association.

The limits of the Road Condition Survey, as identified in the Department’s Road Code Guidance Manual, should extend from 250’ north of the proposed entrance to the Maryland SHA owned part of the intersection with U.S. Route 40. A survey scope has been identified and the consultants should submit the initial road improvements proposal prior to preliminary plat review by the Planning Commission.

Significant road improvements, beyond the requirements of 3.07.15 of the Road Code, will be necessary to Mechanics Valley Road pursuant to 2.7.1 of the Subdivision Regulations. Traffic counts from the March 2005 updated TIS identify volumes which may require Mechanics Valley Road be upgraded to meet a Major collector road standard from the proposed site access, south to Pulaski Highway. Improvements may include acceleration and deceleration lanes, a bypass lane on Mechanics Valley Road, and/or vertical alignment corrections at several locations along Mechanics Valley Road and/or a full upgrade of Mechanics Valley Road. The Developer must complete the established offsite road condition survey and submit the same, along with an initial road improvements proposal prior to submitting preliminary plat for Planning Commission review. The March 2005 updated TIS states, under the Link Analysis that the roadway, specifically Mechanics Valley Road, is a minimum of 24 feet in width from US 40 to Bouchelle Road. This statement directly conflicts with CCDPW’s measurements of less than 24’ width south of the bridge. The applicant must rectify the disparity prior to preliminary plat submittal for planning commission review. The TIS identifies deficient guardrail at Mechanics Valley and Bouchelle road which must be upgraded and replaced as part of the offsite road improvements required of the Developer. Additionally, the engineer must incorporate the TIS improvement recommendations into the overall offsite road improvements proposal for Mechanics Valley Road.

The Route 40 pumping station has no more capacity and sewer allocation cannot be made until it is upgraded. Mechanics Valley LLC is currently in the process of conducting the required upgrades (in accordance with their agreement with the BOCC) that if successfully completed, will provide build-out capacity for the area identified by the Department as the MD Route 40 corridor.

A preliminary sewer system layout has been submitted and review comments were provided to the engineer. The consulting engineer should resubmit a final version of the layout for comment prior to commencing site engineering.
The Department recommends that the Town require a PWA for the water lines and all water line easements required must be reflected on the final plat.

The County will require PWAs for the internal streets & storm drains and sanitary sewer work as well as an I&M Agreement for all SWM facilities.

Mr. Funk stated that the applicant had previously been supplied with a copy of the Soil Conservation Report. He informed the applicant not to rely on one large sediment basin and storm drain system to convey sediment land water during construction to break the areas down. He suggested that prior to designing the E&S Plan the applicant meet with the District to discuss the strategy prior to the actual design.

Mr. Markwardt confirmed that Section 1 students would load the buses at Vista Creek Drive/West Court and the Route 40 entrance would be the first available entrance. Once there is a turnaround point a waiver will be required to allow the buses access in and snow removal. As the development progresses bus service will continue until at some point and time the buses will enter and exit the development off of Valley Vista Drive. He asked if the size and prices of the homes had changed. Mr. Sutton stated they had not changed. Mr. Markwardt asked if approved by OPZ when would construction begin. Mr. Sutton replied approximately 9 to 10 months.

Mr. Roop of the (US Army) Corps of Engineers stated comments had not changed. The Jurisdictional Determination (JD) was completed on 7/24/04.

Mr. Kyte, Cecil County Fire Chief’s Association, asked if the 18’ wide roadway around the cul-de-sac could be increase to 25’ to accommodate the ladder truck which requires 100’ to turn. As the streets are 20-22’ wide, he asked that parking only be allowed on one side of any streets under 26’ wide. He stated that the applicants and the North East Fire Department were in contact concerning the water storage and hydrant issues.

Mr. Ouano, Conectiv, had no comments.

Ms. Latham, MDE, stated that a Water Appropriation Permit would not be required.

Mr. King, read the State Highway Administration comments, a copy attached for reference.
Mr. Moore read the Health Department comments, a copy attached for reference.

Mr. DiGiacomo of OPZ stated although in the past a significant volume of public comment had been received relating to traffic and safety issues associated with the access point on Mechanics Valley Road, none had been received in conjunction with this submittal. Upon initial inspection, this project was in compliance with §3.9.1 of the Subdivision Regulations regarding public notification signs.

The zoning is SR, which permits a maximum base density of 1 dwelling unit per 1 acre, or 2 dwelling units per 1 acre with community facilities.

The Concept Plat, proposing 205 lots on 171.0 acres, for a proposed density of 1.2/1, was approved on 12/20/04, conditioned on:

1) A JD being completed prior to the Planning Commission’s review of the Preliminary Plat;
2) The Bufferyard C requirement on Mechanics Valley Road being modified to accommodate sight distance issues;
3) The TIS being updated prior to the TAC’s review of the Preliminary Plat;
4) The monumental boulevard entrance configuration being extended back to Valley Vista Drive;
5) The current four stream crossing permits for Phase 1 being submitted to DPW prior to Final Plat review; and
6) Protective fencing being constructed to prohibit pedestrian access to the railroad.

This Preliminary Plat, proposing 204 lots on 170.66 acres, is consistent with the approved Concept Plat.

The boundary line survey has been completed, as indicated in Note #14.

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.

Slopes greater than 25% must be shown again on the preliminary plat. Steep slopes have been depicted.
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 impacts prior to recordation. A Jurisdictional Determination (JD) must be done prior to preliminary plat review by the Planning Commission and as previously stated by Mr. Roop the JD was completed on 7/24/04.

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. Those calculations must again be included on the Preliminary Plat submitted for review by the Planning Commission.

Consideration should be given to exploring possible greenway and hiking trail linkages, especially in the open space along the Northeast Creek. Such linkages could include the East Coast Greenway and the Mason Dixon Trail.

The Comprehensive Plan identifies a greenway along the Little Northeast Creek. In accordance with §’s 178.2 and 182 of the Zoning Ordinance, land proposed as open space along the Little Northeast Creek should be set aside as an access easement or fee simple dedication. The plat shows a “possible future greenway trail.”

Tracts 2 and 3 are shown as “to be conveyed to adjoiners.”

Protective fencing is recommended around the stormwater management areas – especially those near designated recreation areas. Such protective fencing should be included in the Public Works Agreement.

With respect to those recreation areas, if playground equipment is proposed, then it, too, must be included in the Public Works Agreement.
A notation on the plat indicates that the AT&T easement will be relocated to align with proposed roads on the preliminary plat submitted to the Planning Commission. Those exact alignments should be shown. Prior to final plat review, agreements should be obtained with AT&T for the exact details of the proposed relocation.

The details of sheet 3 reveal that the driveway to the residence on the adjacent lands of Guiberson is partially situated on proposed Lot 90 and proposed common open space. A Final Plat with that configuration cannot be approved.

20% landscaping of the development envelope is required in the SR zone.

Sidewalks are recommended on at least one side of all internal roads, the names of which all have been approved (including Cottage Court).

A Bufferyard Standard C is required, outside the right-of-way, along the frontages on Mechanics Valley Road and the Pulaski Highway. Note #18 indicates that a waiver of the Bufferyard C requirement is being requested. This relates to sight distance issues.

Rows of street trees are required with a 10’ planting easement, outside the right-of-way, along both sides of all internal roads. 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 Department of Natural Resources.

The Forest Stand Delineation (FSD) was approved 12/5/03. The site is not home to any rare, threatened, or endangered species.

The PFCP has not been submitted. It must be approved prior to Planning Commission review of the Preliminary Plat. The final Forest Conservation Plan (FCP) and Landscape Plan must be approved prior to Planning Commission review of the Final Plat. 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.

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

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

The Master Water & Sewer Plan must be amended to include this site as W1 and S1 areas prior to the Planning Commission’s review of the Final Plat.

Verifications of sewer capacity and water allocation must be obtained from the Cecil County DPW and the Town of North East, respectively, prior to Final Plat review by the Planning Commission.

The Final and 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 offered for sale.

The revised TIS has been received and is under review. It reiterates the recommendations contained in the previous TIS.

Previous comments received from the North East Fire Company expressed concerns about only one access point – now moot. In addition, there was concern regarding the availability of placement of hydrants – which will be addressed in the Preliminary Plat review.

The fire hydrant/standpipe locations being shown on the preliminary plat should be consistent with DPW regulations and the recommendations from the North East Volunteer Fire Company as well as the fire chief representative serving on TAC.
The applicant was reminded of the Monday noon submission deadline for review by the Planning Commission this month.

4. Tim Granger and Christopher Diebold presented **Colora Hills (The Estates at), Lots 1-6, Colora Road, Concept Plat, American Engineering & Surveying, Inc., Sixth Election District**

Mr. Granger stated the project was a six lot mini road subdivision located in the sixth election district. Mr. Granger pointed out an error he had found on the plat and would correct. Lot 1’s 40’ building restriction line will be corrected to reflect 100’. The house would then rotate 90º and face Colora Road.

Mr. Orr, DPW, stated that a SWM Plan, Street & Storm Drain Plan, and a Mass & Final Grading Plan are required and must be approved by the CCDPW prior to Final Plat Approval. The internal Street grade leaving Colora Road may not exceed 5% within the limits of the intersection right-of-way, or a minimum of 55’ from the centerline of Colora Road. With the grades shown, the mini-road travel way and cul-de-sac must be paved in accordance with Section 2.13.F of the Road Code. Paved improvements within the Colora Road ROW must adhere to County road criteria for stone sub base and pavement thicknesses.

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.

- “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.”

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

- “No clearing or grading is permitted beyond the limits of disturbance show 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.”

Any Road Code Variances sought must be requested prior to submittal for Preliminary Plat approval. The street R.O.W. entrance tapers must be offset 25’ from the R.O.W. point of intersection, and be straight lines, per 7.2.12.E.3 of the Subdivision Regulations.
Lot 1 is denied access to Colora Road. Add a note to the final plat indicating this requirement.

Applicant must provide stopping sight distance measurements for the Colora Road access to DPW prior to preliminary plat submittal. Please mark the proposed entrance location in the field by flagging or stage on the roadside bank. Section 3.07.15 of the Road Code requires that Colora Road be upgraded to a minor road standard for 100’ either side of the proposed entrances. The design engineer must address the requirement for minimum acceleration and deceleration lanes, as well as any tree clearing or Colora Road roadside drainage improvements along this development’s entire road frontage on the street construction drawings.

The private mini-road subdivision and plans must adhere to the provisions of Section 2.13 of the Road Code which addresses requirements for private roads. A statement clearly outlining the responsibilities of the homeowners in the maintenance of roads and storm drainage systems must be approved by the Planning Commission and placed on the final plat. Deed restrictions must be developed and recorded in accordance with Road Code Section 2.13.D.

We recommend you investigate the use of a common driveway for lots 4 & 5 cul-de-sac entrance to minimize the number of driveway pipes located around the cul-de-sac perimeter. Lot grading plans for Lots 2 & 5 must address the on-lot steep slopes.

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

If stormwater discharge is directed off of the site on to an adjacent property it is the responsibility of the Developer to obtain appropriate easements from the affected property owners in accordance with Section 251-13 and 251-15.D of the Cecil County SWM Ordinance.

The downstream conveyance of stormwater must be analyzed in accordance with Section 251-9 A. (5) of the County’s SWM Ordinance. Special care must be given to the design if a concentration of runoff will result from the SWM facilities. What configuration do you currently anticipate for the SWM facility discharge? Mr. Grainger stated they anticipated a stormwater pond that will discharge into the roadside ditch along Colora Road. Mr. Orr stated if any direct concentrated discharge to the south side of Colora Road is proposed DPW will require that you improve the roadside drainage along Colora Road to the first defined discharge location.
A PWA will be required for the private mini-road shown and shall include the Colora Road improvements associated with the mini-road entrance.

An Inspection and Maintenance Agreement will be required for the private SWM facilities.

Mr. Funk provided the applicant with a copy of the Soil Conservation Report. He stated that a comprehensive S&E Control Plan for mass grading through individual lot construction would be required. He suggested that prior to designing the E&S Plan the applicant meet with the District to discuss the strategy prior to the actual design.

Mr. Markwardt stated bus service would be provided at the intersection of Colora Road and the proposed mini road. No interior bus service will be provided. He questioned the size, price range and construction commencement of homes. Mr. Granger replied the price range would be at a minimum of 2800 ft² with a range of $350,000. He stated assuming approval the project would start in the fall of 2006.

Mr. Roop of the (US Army) Corps of Engineers stated based on the plans there are no non-tidal wetlands or waters of the US present on the property, therefore a permit will not be required. A Jurisdictional Determination (JD) has not been issued.

Mr. Kyte, Cecil County Fire Chief’s Association, stated that the 12’ wide roadway leading into the cul-de-sac would need to be increased to 18’. He questioned if the applicant intended to install a water suppression tank. Mr. Granger replied, no but he had considered installing a dry hydrant to draw off of the stormwater pond. Mr. Kyte asked if the pond would hold water at all times. Mr. Granger replied, more than likely. Mr. Kyte noted that in order for the pond to sustain water through drought conditions it would required some type of infiltration of streams to fill the pond. If the applicant will not consider a suppression tank, the cul-de-sac will need to be increased to 100’ as there is a dry hydrant located two miles from this development. Water could be trucked in from the hydrant should the need occur, although it is better to have an on site water supply when the homes are of this magnitude, 3000 ft² and up.

Mr. Ouano, Conectiv, asked that the applicant show the two utilities poles near the entrance to the development, off of Colora Road, on the plat.

Ms. Latham, MDE, stated that six lots would not require a Water Appropriation Permit would not be required.

Mr. King, State Highway Administration, had no comment.
Mr. Moore read the Health Department comments, a copy attached for reference. In addition he stated that since the applicant had identified the pond, Lots 1, 2 and 6 sewage areas would be required to be 100’ from the normal line and identified on the preliminary plat.

Mr. DiGiacomo of OPZ stated two citizen comments had been received concerning this project. One comment was from Mr. Eldridge from the east and Mr. Borland from the west. Both property owners were concerned with the same issue; the number of lots on the number of acres in the NAR zone.

Upon initial inspection, this project was not in compliance with §3.8 of the Subdivision Regulations regarding public notification signs. A subsequent inspection on 3/30/05 revealed that the required signs had been installed, and photographic evidence thereof has been added to the file.

The zoning is NAR which permits a maximum base density of 1 dwelling unit per 5 acres. Bonus density eligibility carries with it a permitted density of 1/3. This Concept Plat proposes 6 lots on 6.49 acres, for a proposed density of 1/1.082. This proposed density utilizes the provisions of §2.4.1 of the Subdivision Regulations, utilizing the full minor subdivision potential of the Parcel of Record utilizing an interior road.

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

As §4.0.1 of the Subdivision Regulations allows for the elimination of a Concept Plat for projects with fewer than 10 lots & 25 acres, why hasn’t a Preliminary Plat been submitted? Mr. Granger stated because percs had not been completed and felt it would be better to approach it on the concept plat stage.

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

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. A Jurisdictional Determination (JD) must be done prior to preliminary plat review by the Planning Commission.

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

No common open space is required for only 6 lots, however the stormwater management facility appears to be proposed on common open space rather than on an individual lot.

No landscaping of the development envelope is required in the NAR zone.

No sidewalks are recommended.

Bufferyard Standard C is required, outside the right-of-way, along the road frontages of Colora road. Rows of street trees with 10’ planting easements are required, outside the right-of-way, along both sides of all internal roads. 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) must be approved prior to Planning Commission review of the Concept plat. The Preliminary Forest Conservation Plan (PFCP) must be approved prior to Planning Commission review of the Preliminary Plat. The final Forest Conservation Plan (FCP) and Landscape Plan must be approved prior to Planning Commission review of the Final Plat. 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. The metes and bounds description of the FRA must be shown on the record plat.
The internal road name will need to be approved by the County 911 Emergency Center prior to Planning Commission review of the Preliminary Plat.

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

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

A Mini-road 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.

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 was reminded of the Monday noon submission deadline for review by the Planning Commission this month.

There where no further comments.

Respectfully submitted,

Lisa A. Jones

Lisa A. Jones

Administrative Assistant
May 4, 2005, 9:00 a.m.

Technical Advisory Committee

PRESENT: DiGiacomo, King, Kyte, Markwardt, Moore, Orr, Roop, Woodhull and Jones

ABSENT: Davis, Funk, Latham and Ouano

1. Michael Paraskewich, Sr., Michael Paraskewich, Jr. and Michael Davitt presented Washington Woods, LP, Lots 1-4, Grove Neck and Cassidy Wharf Road, Concept Plat, PELSA Company, Inc., First Election District

Mr. Paraskewich, Sr., stated this project had originally been submitted as a preliminary plat but had since been informed by OPZ that it would need to be changed to concept. The project consists of four lots being developed and a one acre lot of remaining lands not being developed at this time. Feasibility perc testing has been completed. Wetland delineation, steep slope determination, field topography around the dwelling and septic areas have been completed. Lot 1 contains all steep slopes and wetlands associated with this project. The applicant has offered at their own free will to modify the standard required Bufferyard C to a vegetative buffer that far exceeds the requirement on all sides. The dwellings will be located outside of the 300’ agriculture buffer and therefore should be eligible for Bufferyard A waiver. Thirty feet of ROW has been dedicated along Grove Neck Road and Cassidy Wharf Road.

Mr. DiGiacomo provided the applicant with a copy of the Soil Conservation Report.

Mr. Woodhull of DPW stated that a SWM Plan and a Final Lot Grading Plan are required and must be approved by the CCDPW prior to Final Plat Approval. Lot grading plan must identify any roadside ditch re-grading or construction necessary to provide for driveway culverts and the required storm event conveyance.

The Final Plat must include the Lot Grading Plan standard note. 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.
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- “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.”

- “No clearing or grading is permitted beyond the limits of disturbance show 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.”

Any Road Code Variances sought must be requested prior to submittal for Preliminary Plat approval. A 25’ minimum offset for right-of-way chamfer is required at the intersection of Cassidy Wharf and Grove Neck Roads. We request this be increased to 150’ to accommodate future turn lane, sight distance, and intersection geometric improvements.

Show any denied access areas to Cassidy Wharf Road on the preliminary and final plats. Lot 4 must be denied access to Grove Neck Road – add a note to the final plat to this effect. Show any cross culvert locations along adjacent county road segments on the preliminary plat.

The applicant must provide stopping sight distance measurements for the Cassidy Wharf Road access (driveway) locations to DPW prior to preliminary plat submittal. Have the proposed driveway locations been marked in the field? Mr. Davitt replied, no.

Mr. Woodhull stated all driveways must be paved at least to the right of way. All driveways exceeding 5% up-gradient-slope must be paved to the crest. The Lot Grading Plan must include notes to this effect.

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

No provisions for stormwater management facilities are shown. Please discuss how you intend to address stormwater management, conceptually. Mr. Paraskewich, Jr., replied, quality would be addressed via the driveway disconnect area, and quantity would not exceed the 10%.

Mr. Woodhull stated that if stormwater discharge is directed off of the site on to an adjacent property it is the responsibility of the Developer to obtain appropriate easements from the affected property owners in accordance with Section 251-13 and 251-15.D of the Cecil County SWM Ordinance.
The downstream conveyance of storm water must be analyzed in accordance with Section 251-9 A. (5) of the County’s SWM Ordinance. Special care must be given to the design if a concentration of runoff will result from the SWM facilities.

An Inspection and Maintenance Agreement will be required for any private SWM facilities, assuming there are any.

Cassidy Wharf Road condition, in the area of the proposed subdivision, can generally be described as tar & chip, approximately 18’ wide, with no evidence of surface distress, and at this point and time the County doesn’t proceed any additional offsite road improvements being required.

Any filling in the isolated wetlands requires approval from MDE. A Jurisdictional Determination (JD) has been issued, 12/22/03.

Mr. Markwardt stated bus service would be provided at corner of Grove Neck Road/Cassidy Wharf Road. He questioned the size, price range and construction commencement of homes. Mr. Davitt replied, the size would be 3000 ft² and up. Price range would be $600,000 and up. He stated that only one of the properties would be developed and it would be quite some time before construction would commence.

Mr. Kyte, Cecil County Fire Chief’s Association, stated that the applicants should contact the local fire department for their comments.

Mr. King, State Highway Administration, had no comment.

Mr. Moore read the Health Department comments, a copy attached for reference.

Mr. DiGiacomo read the MDE comments, a copy attached for reference.

Mr. DiGiacomo of OPZ stated that upon initial inspection this project was not in full compliance with §3.8 of the Subdivision Regulations regarding public notification sign. Subsequent inspection has revealed that an additional sign had been installed.
The zoning is SAR which permits a maximum base density of 1 dwelling unit per 8 acres. Bonus density eligibility carries with it a permitted density of 1/5.

§4.0.1 of the Subdivision Regulations allows for the elimination of a Concept Plat for projects with fewer than 10 lots and 25 acres. Since this proposal consists of more than 25 acres, this plat must be reviewed as a Concept Plat.

This Concept Plat proposes 4 lots, plus remaining lands, on 79.990 acres, for a proposed density of 1/15.99. This plat is consistent with §2.4.4 of the Subdivision Regulations.

§2.0 of the Subdivision Regulations allows for a combined Preliminary-Final Plat if there are from 1 to 5 lots. Therefore, if the Concept Plat is approved by the Planning Commission, then, at that time, a combined Preliminary-Final Plat can be submitted for review by the TAC.

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

The plat must reference Minor Subdivision # 2236.

The vicinity map indicates that this parcel is located on tax map # 61. General Note # 1 indicates it to be tax map # 62. The correct tax map number (61) must be consistently cited on all subsequent submissions.

The 911 Emergency Center has disapproved the proposed subdivision name, as there is already an existing Washington Woods in Elkton. A new name must be approved prior to the Planning Commission’s review of the Preliminary or the Preliminary-Final Plat.

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.
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. A Jurisdictional Determination (JD) must be done prior to preliminary plat review by the Planning Commission.

The graphics for the forest line, the wetlands, and 80’ contour line are identical. That must be corrected on any plat submitted for review by the Planning Commission. How are the wetlands boundaries differentiated from the wetlands buffers? Mr. Paraskewich, Sr., supplied Mr. DiGiacomo with a larger copy of the wetlands buffers identifying various points. Mr. DiGiacomo suggested that the applicant provide a more visible and detailed copy for the Planning Commission members.

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

No common open space is required for fewer than 10 lots.

No landscaping of the development envelope is required in the SAR zone.

Sidewalks are not recommended.

If the remaining lands are not to be developed, then why aren’t they simply made part of proposed Lot 4? If the remaining lands are not to be developed, then to what purpose will they be put? Mr. Davitt stated it was his belief that by owning the remaining lands the adjoining farmers could continue to post their signs on the property.

Mr. DiGiacomo stated a Bufferyard Standard C would be required, outside the right-of-way, along the Grove Neck Road road frontage.

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The vicinity map should be oriented such as north to the right, rather than to top, for both the plat and the vicinity map. §4.1.22 (b) specifies a maximum scale (1”=2000’) for vicinity maps. As no scale is provided for the vicinity map, it cannot be determined if this plat is in compliance. The vicinity map scale must be provided on any Preliminary or Preliminary-Final Plat submitted for TAC and Planning Commission review, and it must comply with §4.1.22 (b).

Cassidy Wharf Road is functionally classified as a local road and therefore does not require a 100’ building restriction line (BRL). The setback requirement is 40’ but as a 72’ bufferyard is noted on the plat a 72’ building restriction line would be required.

Bufferyard Standard A is required along the western lot lines of proposed Lots 1-4 and along the southern lot line of proposed Lot 1. It has already been noted by the applicant that they will exceed that Bufferyard A standard. The 100’ building restriction line, which is part of the bufferyard requirement, should be shown.

Where feasible, the natural vegetative equivalent may be used to satisfy the bufferyard requirements.

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

Why isn’t a 30’ road widening dedication noted on the plat for Cassidy Wharf Road? Mr. Paraskewich, Sr., replied he had revised the plat to include a note.

Mr. DiGiacomo stated the Forest Stand Delineation (FSD) must be approved prior to Planning Commission review of the Concept plat. The Preliminary Forest Conservation Plan (PFCP) must be approved prior to Planning Commission review of the Preliminary Plat. The final Forest Conservation Plan (FCP) and Landscape Plan must be approved prior to Planning Commission review of the Final or Preliminary/Final Plat. Neither an FSD nor a PFCP have been submitted.

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. The metes and bounds description of the FRA must be shown on the Final and Record plats.
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.

Per §4.2.13 (b), the approval blocks must be located in the lower left hand corner of the plat.

Mr. Roop of the (US Army) Corps of Engineers stated a Department of Army (DOA) Permit was not required since there were no non-tidal wetlands or waters of the US present on the property. A Jurisdictional Determination (JD) hasn’t been issued.

The applicant was reminded of the Monday noon submission deadline for review by the Planning Commission this month.

2. Donald Sutton presented Baldwin Station, Lots 1-20, Elk Mills Road, Concept Plat, McCrone, Inc., Third Election District

Mr. Sutton stated the 20 lot subdivision would access through the Lands of Lane with add-on’s A & B shown on the plat. The existing dwelling will remain with a proposed access off of Sunburst Drive. It is currently accessing through add-on A & B off an existing deeded easement.

Mr. Woodhull of DPW stated that a SWM Plan, Street & Storm Drain Plan, and a Mass & Final Grading Plan are required and must be approved by the CCDPW prior to Final Plat Approval. A SHA access permit is required for the Elk Mills entrance location shown. The internal street grade leaving Elk Mills Road may not exceed 5% within the limits of the intersection right-of-way. If the cul-de-sac length shown exceeds 1500 feet, a mid-block turn around is required in accordance with the subdivision regulations. What is the length shown? Mr. Sutton replied, approximately 1300’.

Mr. Woodhull stated 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.
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- “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.”

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

- “No clearing or grading is permitted beyond the limits of disturbance show 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.”

Any Road Code Variances sought must be requested prior to submittal for Preliminary Plat approval. The street R.O.W. entrance tapers are to be offset 25’ from the R.O.W. point of intersection, and be straight lines, per 7.2.12.E.3 of the Subdivision Regulations. Horizontal Curve Two, from Elk Mills Road, appears to have a radius too sharp for the required line of sight to fall within the 50’ wide Minor Road right-of-way shown. The applicant’s engineer must verify this geometry satisfies Section 3.04.1 of the Road Code or make required revisions before proceeding to Planning Commission with this concept.

Lands of Lane shall be denied access to Elk Mills Road and a new driveway location must be shown on the construction drawings accessing Sunburst Drive. Driveway shall be set back a minimum of 75’ from the intersection right-of-way. Add a note to the plat indicating the denied access requirement.

The concept plat must indicate the SHA plat number and show the ROW terminus for the proposed County Road adjacent to the site. The ROW dedication is not for the Board of County Commissioners in this case – it is the SHA. County maintenance of Elk Mills Road ends several hundred feet northwest of this site.

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

If stormwater discharge is directed off of the site on to an adjacent property it is the responsibility of the Developer to obtain appropriate easements from the affected property owners in accordance with Section 251-13 and 251-15.D of the Cecil County SWM Ordinance.

The downstream conveyance of storm water must be analyzed in accordance with Section 251-9 A. (5) of the county’s SWM Ordinance. Special care must be given to the design if a concentration of runoff will result from the SWM facilities. What configuration do you anticipate for the SWM facility discharge? Mr. Sutton replied, although they hadn’t addressed a preliminary design, the proposed area would be located were the

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existing buildings are currently located and open space located at the north end of the entrance.

A PWA will be required for the street and storm drain improvements.

An Inspection and Maintenance Agreement will be required for the private SWM facilities.

Mr. Roop of the (US Army) Corps of Engineers stated a Department of Army (DOA) Permit was not required since based on the plans there were no non-tidal wetlands or waters of the US present on the property. A Jurisdictional Determination (JD) hasn’t been issued.

Mr. Markwardt stated bus service would be provided at Sunburst Drive/Elk Mills Road. He questioned the size, price range and construction commencement of homes. Mr. Sutton replied the size would be 3-4 bedrooms. Price range would be $300,000, plus. Assuming approval, the project would commence in 2-3 years.

Mr. Kyte, Cecil County Fire Chief’s Association, asked if with the potential for on street parking, could the street leading into the development be widened to 26’ blacktop with a 10’ buffer taken out of the center allowing access to the ladder truck to maneuver around the cul-de-sac. He recommended that the applicant contact the Singerly Fire Department in order to install a water suppression tank at the entrance, near Lot 1.

Mr. King, read the State Highway Administration comments, a copy attached for reference.

Mr. Moore read the Health Department comments, a copy attached for reference. In addition Mr. Moore stated the well and sewage system for the existing dwelling on parcel 136 must be shown on the preliminary plat.

Mr. DiGiacomo read the MDE comments, a copy attached for reference.

Mr. DiGiacomo provided the applicant with a copy of the Soil Conservation Report.
Mr. DiGiacomo of OPZ stated that in the temporary absence of a TAC Citizens’ Representative, the staff had received one comment which has been placed in the OPZ subdivision file and will be shared with the Planning Commission members. The letter was from Mr. Robert Bauwin expressing his interest in obtaining a stub road to his property.

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

The zoning is SR which permits a maximum base density of 1 dwelling unit per 1 acre, or 2/1 if community facilities are provided. This Concept Plat proposes 20 lots plus remaining lands on 22.22 acres, for a proposed density of 0.95/1.

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

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.

Slopes greater than 25% must be shown on the preliminary plat.

A 110’ perennial stream buffer is required from any 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. A Jurisdictional Determination (JD) must be done prior to preliminary plat review by the Planning Commission.

The habitats of rare, threatened, and endangered species must be avoided.
A minimum of 15% common open space is required in the SR zone; approximately 23% is proposed. All “common open space” must be identified and referred to as such.

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. Those thresholds must be calculated and submitted on any Preliminary Plat submitted for TAC review.

20% landscaping of the development envelope is required in the SR zone.

Sidewalks are recommended along at least one side of the proposed Sunburst Drive.

Proposed lots 15, 16 and 17 exceed the 3:1 length to width ratio established in §7.4.2.

Bufferyard Standard C is required, outside the right-of-way, along the road frontages of Elk Mills Road. That requirement may need modification for the common open space road frontage that would provide access to the proposed stormwater management area.

Rows of street trees with 10’ planting easements are required, outside the right-of-way, along both sides of all internal roads. 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) must be approved prior to Planning Commission review of the Concept plat. The Preliminary Forest Conservation Plan (PFCP) must be approved prior to Planning Commission review of the Preliminary Plat. The final Forest Conservation Plan (FCP) and Landscape Plan must be approved prior to Planning Commission review of the Final Plat. 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. The metes and bounds description of the FRA must be shown on the record plat.

The proposed Sunburst Drive road name has been approved.

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

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

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 was reminded of the Monday noon submission deadline for review by the Planning Commission this month.

3. Michael Burcham and Rich Julian presented The Woods at Tome, Lots 1-29, Cemetery Road, Concept Plat, McCrone, Inc., Fifth Election District

Mr. Burcham stated the project was located just outside of the Town of North East on the west side of Cemetery Road. Forty-nine lots are proposed with a loop road system accessing off of Cemetery Road. The Town of North East has verified supply water to this project and sewer will be supplied by the County. Agreements are in process for two small add-on areas, add-on area A & B, currently owned by the trustees of the Methodist Church; therefore, allowing the applicants access without disturbing the nontidal wetlands. There is an existing driveway within the panhandle that accesses the cemetery property.

Mr. DiGiacomo stated that comments were received from the Town of North East regarding a number of issues including access issues and the advisability of a traffic impact study which will be forwarded to the applicant.
Mr. Woodhull of DPW stated it was the Department understands that the Town of North East will own the water distribution system in this development. The CCDPW recommends that the water distribution system including fire hydrant locations be designed to meet or exceed the County’s standards. We also recommend that the Town request that the serving fire company review fire hydrant spacing and locations. The water lines must be reflected on the sanitary sewer plans and as-builds. All easements for the water lines must be reflected on the final plat.

A SWM Plan, 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. 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 show 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.”

The downstream conveyance of storm water must be analyzed in accordance with Section 251-9 A. (5) of the County’s SWM Ordinance.

If stormwater discharge is directed off of the site on to adjacent property it is the responsibility of the Developer to obtain appropriate easements from the affected property owners per Sections 251-13 and 251-15.D of the Cecil County SWM Ordinance. Permanent Stormwater Management facilities may not be placed within a perennial stream buffer. Verify location of perennial stream buffer at southwest corner of site and adjust stormwater management facility accordingly.

Applicant must provide stopping sight distance measurements for the Cemetery Road access to DPW prior to preliminary plat submittal. Please mark the proposed entrance location in the field by flagging or staking on the roadside bank. Section 3.07.15 of the Road Code requires that Cemetery Road be upgraded to a Minor Collector Road standard for 100’ either side of the proposed entrances. The design engineer must address the requirement for minimum acceleration and deceleration lanes. The concept plat does not show an availability of current right-of-way along Cemetery Road for the required improvements. Any right-of-way acquisition necessary shall be performed by the applicant and at the applicant’s expense.

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

Any applicable Road Code Variance must be requested prior to submittal for Preliminary Plat approval. On Tome Woods Way, the applicant must identify that the horizontal curvature geometry shown meets Section 3.04.1 of the Road Code in regards to sight lines remaining within the right-of-way. From a graphical scale check, the design does not appear satisfactory and must be shown by the engineer to meet the geometric requirements before proceeding to Planning Commission with a Concept Plat.

All driveways must be paved at least to the right of way. The driveway paving must be complete for all lots at the time when the surface course for the internal roads is installed. This requirement includes any vacant but platted lots. Any driveway exceeding 5% up-gradient-slope form the roadway must be paved to the crest. If the development is phased these requirements will apply to each phase when 80% of the lots are built-out. All of these requirements must be reflected on the Lot Grading Plan.

Lot frontage dimensions dictate that closed section road is used. Modified curb and gutter may be used internally, but standard curb will be required for the entrance(s) from at least the curb return PCs.

The Department has concerns in regards to headlight impacts on the dwellings proposed for Lot 2. Property line adjustments should be considered by the designer to reduce this impact.

A separate conceptual sanitary sewer routing is required and must be submitted to the Department prior to TAC submittal for Preliminary Plat. A interconnect to the Thomas Avenue sewer is not likely to be approved.

A Protocol Three offsite Road Condition Survey is required for Cemetery Road and Thomas Avenue and must be submitted to the Department of Public Works along with an Initial Road Improvements Proposal prior to submittal of a Preliminary Plat to Planning Commission.

Subdivision entrance geometry design must be coordinated with the Department and a plan view submittal made prior to any major engineering effort commencing for the subdivision. The guardrail on the east side of the culvert under Cemetery Lane, as well as the culvert must be addressed. It is unclear if the existing culvert under Cemetery Lane, just north of the proposed entrance, is identified for any historic significance.
The Department recommends that the Town require a PWA for the water lines and all water line easements required must be reflected on the final plat.

The County will require PWAs for the internal streets & storm drains and sanitary sewer work as well as an I&M Agreement for all private SWM facilities.

Mr. Roop of the (US Army) Corps of Engineers stated any filling in the intermittent stream or adjacent wetlands required a Department of Army (DOA) permit. Any filling in the isolated wetlands requires approval from MDE. No Jurisdictional Determination (JD) has been issued.

Mr. Markwardt stated as part of the approval process between the Town of North East and Cecil County Public Schools agreed not to route school busses upon Cemetery Road. Therefore, bus service will not be provided in that area and students would be in walking distance to North East Elementary and Middle Schools. With the proposed add-ons it is unclear at this time if the high school students will be required to walk to school or to MD Route 7 or Cecil Avenue. The Town of North East is aware of this issue. There is no good walking path for the students except on the roadway itself. He questioned the size, price range and construction commencement of homes. Mr. Sutton replied the size would be 1600 – 2600 ft² with a price range of $220,000 to $250,000. Assuming approval the project start would start within 2-3 years.

Mr. Kyte, Cecil County Fire Chief’s Association, stated on street parking is a dilemma; therefore, he would like to see the roadway widened at the entrance. When questioned about the water source, Mr. Burcham stated water source had not been determined at the concept stage. Mr. Kyte stated a 10” main, in some areas 6”, will be required in order to furnish this housing development. He asked if the developer would consider widening Cemetery Lane 100’ on each side all the way out to the Rte 7.

Mr. King, State Highway Administration, had no comments.

Mr. Moore read the Health Department comments, a copy attached for reference.

Mr. DiGiacomo read the MDE comments, a copy attached for reference.

Mr. DiGiacomo provided the applicant with a copy of the Soil Conservation Report.
Mr. DiGiacomo of OPZ stated that upon initial inspection, this proposal was found to be in compliance with §3.8 of the Subdivision regulations regarding public notification signs.

The zoning is DR which permits a maximum base density of 1 dwelling unit per one acre, or 4/1 if community facilities are provided. This Concept Plat proposes 49 lots on 23.11 acres, for a proposed density of 2.12/1.

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

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.

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’.

The perennial stream buffer for the perennial stream to the south of the property has not been shown. It appears that, even without expansion, the stream buffer would engulf most of the proposed stormwater management area. Per §174.1.a, “Permanent or temporary stormwater and/or sediment control devices shall not be permitted in this buffer.”

Per §174.1.b, Planning Commission waiver of the buffer requirement is a possibility, since this property is not in the Critical Area but is in the Development District, as defined in the Comprehensive Plan. In any event, all stream buffers must be show on any plat submitted for review by the Planning Commission.

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

Portions of proposed Lots 1, 16-17, 26, 28, 31, 37-38, 48-49, road right-of-way, and areas of common open space are depicted to contain nontidal wetlands and buffers.
Permits are required from the (US Army) Corps of Engineers and MDE for all non-tidal wetland and stream impacts prior to recordation. A Jurisdictional Determination (JD) must be done prior to preliminary plat review by the Planning Commission.

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

15% common open space is required in the DR zone; 29.4 % is proposed. All “common open space” must be identified and referenced as such.

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.

20% landscaping of the development envelope is required in the DR zone. In addition, §187.2 provides that the Planning Commission may require bufferyards to separate different zoning districts. If so, then a bufferyard may need to be incorporated into the Landscape Plan associated with proposed Lots 1-14 and common open space.

Sidewalks are recommended along both sides of the proposed Tome Woods Way, to the east of proposed Lots 1 and 29. To the west of proposed Lots 1 and 29, because a stream buffer is involved, a sidewalk leading to Cemetery Road on only one side of Tome Woods Way is preferable.

Bufferyard Standard C is required, outside the right-of-way, along the road frontages of Cemetery Road.

Rows of street trees with 10’ planting easements are required, outside the right-of-way, along both sides of all internal roads. 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 Department of Natural Resources.
The Forest Stand Delineation (FSD) must be approved prior to Planning Commission review of the Concept plat. The Preliminary Forest Conservation Plan (PFCP) must be approved prior to Planning Commission review of the Preliminary Plat. The final Forest Conservation Plan (FCP) and Landscape Plan must be approved prior to Planning Commission review of the Final Plat.

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. The metes and bounds description of the FRA must be shown on the record plat.

The proposed Tome Woods Way road name has been approved. The proposed Tome Woods Way is depicted within a perennial stream buffer. Per §174.1.b (1) & (2), Planning Commission waiver of the buffer requirement is a possibility, since this property is not in the Critical Area but is in the Development District, as defined in the Comprehensive Plan.

The locations of fire hydrants must be established in consultation with the North East Volunteer Fire Company and DPW.

Has any consideration been given to the feasibility of establishing and addition point of ingress and egress? Mr. Julian stated they had researched the issue and would continue to looking into possibilities.

Mr. DiGiacomo stated an access to common open space between lots must be marked with concrete monuments.

Has the feasibility of greenway or hiking trail linkages to the adjacent DNR lands been explored? Mr. Juliano replied, no.

Mr. DiGiacomo stated a Homeowners’ Association for maintenance of common open space must be established with $50 per recorded lot placed in escrow for improvements prior to recordation.
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 shows this site to be classified as W1 and S1.

The water supply source is shown to be the Town of North East.

The sewer service provider is shown to be the Cecil County Department of Public Works.

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

This site is included in the area covered by the water service agreement between the Town of North East and the Cecil County Board of County Commissioners.

Written verification of water allocation must be received from the Town of North East prior to the Planning Commission’s review of the Final Plat.

Written verification of sewer service allocation must be received from DPW prior to the Planning Commission’s review of the Final Plat.

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.

Areas adjoining the proposed project that are within the Town of North East’s corporate limits need to be clearly shown on the plat.

The applicant was reminded of the Monday noon submission deadline for review by the Planning Commission this month.
4. Joe Welsh and Bob Pyle presented Timothy D. Brooks & Laranda K. Brooks (Lands of), Lots 1-5, Biggs Highway MD Rte 274), Preliminary/Final Plat, Welsh Engineering, Sixth Election District

Mr. Welsh stated the project was located just south of the Town of Rising Sun and Wilson Road. The proposed project consists of approximately 17 acres with a prior add-on. A private mini-road is proposed. One lot has an existing dwelling on the property. The wetlands and buffers shown on the plat have been delineated by GORTEX Environmental. As noted on the plat the driveway will be removed from Lot 1 with a denied access as it will be solely for the use of the horses grazing. Lot 1 will access off of the new mini-road. Proposed Lots 4 and 5 will share a driveway. Well and septic are proposed. Mr. Powell’s parents will reside in one of the proposed dwellings.

Mr. Woodhull of DPW stated that a SWM Plan, Street & Storm Drain Plan, and a Mass & Final Grading Plan are required and must be approved by the CCDPW prior to Final Plat Approval. A SHA access permit is required. The internal Street grade leaving Route 274 may not exceed 5% within the limits of the intersection right-of-way. If mini-road profile grades exceed 5%, the mini-road travel way and cul-de-sac must be paved in accordance with Section 2.13.F of the Road Code.

The Final Plat must include the Lot Grading Plan standard note. 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.

· "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."

· "No clearing or grading is permitted beyond the limits of disturbance show 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."

Any Road Code Variances sought must be requested prior to submittal for Preliminary Plat approval. The street R.O.W. entrance tapers must be offset 25’ from the R.O.W. point of intersection, and be straight lines, per 7.2.12.E.3 of the Subdivision Regulations. None are shown.

The private mini-road subdivision and plans must adhere to the provisions of Section 2.13 of the Road Code which addresses requirements for private roads. A statement clearly outlining the responsibilities of the homeowners in the maintenance of roads and storm drainage systems must be approved by the Planning
Commission and placed on the final plat. Deed restrictions must be developed and recorded in accordance with Road Code Section 2.13.D.

We agree with your proposed use of a common driveway and cul-de-sac entrance for lots 4 & 5. This would minimize the number of driveway pipes located around the cul-de-sac perimeter and eliminate the need to impact the wetlands buffer shown on Lot 5.

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

If stormwater discharge is directed off of the site on to an adjacent property it is the responsibility of the Developer to obtain appropriate easements from the affected property owners in accordance with Section 251-13 and 251-15.D of the Cecil County SWM Ordinance.

The downstream conveyance of storm water must be analyzed in accordance with Section 251-9 A. (5) of the County’s SWM Ordinance. Special care must be given to the design if a concentration of runoff will result from the SWM facilities. What configuration do you anticipate for the SWM facilities? Mr. Welsh replied, yes. They are proposing roof and driveway disconnects, discharging it to the wetlands.

Mr. Woodhull stated a PWA will be required for the private mini-road shown.

An Inspection and Maintenance Agreement will be required for the private SWM facilities.

A preliminary plat must include all the details set forth in Section 4.1.22 of the Subdivision Regulations. This plat does not meet that criteria and cannot receive a recommendation for preliminary approval. The DPW does not recommend the Applicant proceed to planning commission with a preliminary plat request until the proper revisions to this plat are made by their engineer.

No infrastructure design submittals have been approved by the DPW to date. As such, no final plat approval can be recommended. The DPW does not recommend the Applicant proceed to planning commission until the proper procedures are followed by their engineer.
Mr. Roop of the (US Army) Corps of Engineers stated the wetlands were isolated and will require approval from MDE. No Jurisdictional Determination (JD) has been issued.

Mr. Markwardt stated bus service would be provided at the entrance of the mini-road and Biggs Highway. He questioned the size, price range and construction commencement of homes. Mr. Welsh replied the size 2-3000 ft² with a price range of $300,000 plus. Assuming approval, the project will start spring of 2006.

Mr. Kyte, Cecil County Fire Chief’s Association, questioned why the cul-de-sac had not been set back further off of the highway. Mr. Welsh replied, in an attempt to bypass the wetlands. Mr. Kyte stated water need to be trucked into the project the turning radius would not allow for turning the emergency vehicles around and therefore they would have to back the equipment out some 1600’. For this reason Mr. Kyte asked if some type of turnaround could be constructed on Lot 5.

Mr. King, read the State Highway Administration comments, a copy attached for reference.

Mr. Moore read the Health Department comments, a copy attached for reference. In addition Mr. Moore stated there was a requirement of 10’ off of the Lamonica property line and 15’ off of the road ROW leading in.

Mr. DiGiacomo read the MDE comments, a copy attached for reference.

Mr. DiGiacomo provided the applicant with a copy of the Soil Conservation Report.

Mr. DiGiacomo of OPZ stated that in the temporary absence of a TAC Citizens’ Representative, the staff had received a significant volume of citizen input for the TAC review.

Mr. DiGiacomo of OPZ stated that upon initial inspection, on 4/21/05, this project was not in compliance with §3.8 of the Subdivision Regulations regarding public notification signs. The engineer was contacted accordingly, and subsequent inspection, on 4/27/05, revealed that the sign had been installed.

That sign references a “Summer Garden Farms.” The plat references the Lands of Timothy D. Brooks and Laranda K. Brooks. The applicant is advised that plat must conform to §4.2.13 (a), regarding subdivision name.

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The zoning is NAR which permits a maximum base density of 1 dwelling unit 5 acres. Bonus density eligibility carries with it a permitted density of 1/3.

§4.0.1 of the Subdivision Regulations allows for the elimination of a Concept Plat for projects with fewer than 10 lots and 25 acres. §2.0 of the Subdivision Regulations allows for a combined Preliminary-Final Plat if there are from 1 to 5 lots.

This Preliminary-Final Plat proposes 5 lots on 17.07 acres, for a proposed bonus density of 1/3.414.

Tax records indicate the acreage to be 17.0846 acres. Has a boundary line survey been done? Mr. Welch replied, yes. Mr. DiGiacomo stated it must be completed prior to the Planning Commission’s review of the Preliminary-Final Plat for density calculation purposes.

Minor Subdivision #662 must be referenced on the plat prior to Planning Commission review.

Based upon the acreages provided, this proposal does not qualify for bonus density eligibility. Discounting the mini-road acreage, proposed Lots 2-5 constitute 40.9% of the acreage; proposed Lot 1 constitutes 59.1%. Including the mini-road acreage, proposed Lots 2-5 constitute 39.1% of the acreage, but proposed Lot 1 then constitutes only 56.1%.

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.

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. A Jurisdictional Determination (JD) must be done prior to preliminary plat review by the Planning Commission and based on the Army COE comments earlier today it is in the process.

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

No common open space is required for fewer than 10 lots.

Neither landscaping nor sidewalks are required in the NAR zone.

Bufferyard Standard C is required, outside the right-of-way, along the Biggs Highway road frontage. The plat erroneously shows a Bufferyard Standard A to buffer the Biggs Highway. That must be corrected prior to review by the Planning Commission.

Bufferyard Standard A is required to buffer all adjacent agricultural uses. Bufferyards A require a 100’ building restriction line (BRL), which has not been shown on proposed Lot 2 and a portion of proposed Lot 1. Currently, the dwelling location on proposed Lot 2 is within the BRL. The existing structures on proposed Lot 1 are also partially within the BRL, so a setback modification must be granted in order for this subdivision proposal to be approved.

Per §187.2, a zone-separating bufferyard must be installed along the common boundary line of the SR-zoned Lamonica property to the north. This must be reflected in any Landscape Plan that is submitted.

Rows of street trees with 10’ planting easements are required, outside the right-of-way, along both sides of the proposed Kaylee Court. 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), final Forest Conservation Plan (FCP) and Landscape Plan must be approved prior to the Planning Commission’s review of the Preliminary-Final Plat.
No FSD, PFCP, FCP or Landscape Plan has been submitted. Therefore, those details, including forest retention areas, have not been included on this Preliminary-Final Plat. It is, therefore, presently impossible to determine what impacts such subsequent details may have on the feasibility of this proposed design. It is unreasonable for the Preliminary-Final Plat to proceed forward for Planning Commission review and possible approval without the TAC’s ever having seen those details.

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. The metes and bounds description of the FRA must be shown on the Preliminary-Final and Record plats. None are shown.

A Landscape Agreement must be executed prior to recordation.

The road name Kaylee Court has been approved.

All adjacent owner, deed reference, and zoning classification information must be clearly provided on the plat prior to its review by the Planning Commission.

Proposed Lot 1 must be denied direct access to MD 274, as noted on the plat.

This design includes 2 (out of 5, or 40%) panhandle lots. Proposed lots 1, 4, and 5 exceed the 3:1 length to width ratio established in §7.4.2. Has any consideration been given to an alternative design that is more consistent with the Subdivision Regulations? Mr. Welsh replied, Lots 4 and 5 yes. Lot 1 is proposed for pasture land.

Mr. DiGiacomo stated if and when approved, covenants prohibiting the subdivision of the large lot must be recorded and noted on the plat prior to recordation. This Preliminary-Final Plat includes no such note.

Per §4.2.13 (b) of the Subdivision Regulations, the approval blocks must be located in the lower left hand corner of the plat. That must be corrected prior to Planning Commission review.
A Mini-road Maintenance Association for maintenance of the proposed Kaylee Court mini-road must be established prior to recordation, with the owners of all lots becoming members.

A note indicates that proposed Lots 4 and 5 will utilize a shared common use drive. Its graphic details are not provided – especially with regard to any potential conflicts with any proposed FRAs, for example.

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. That statement has been omitted from the plat. It must be included on the prior to any review by the Planning Commission.

The plat contains no bufferyard or street tree non-disturbance notes. Those notes must appear of the Preliminary-Final and Record Plats.

The plat contains no forest retention/afforestation non-disturbance note. That note must appear of the Preliminary-Final and Record Plats.

The applicant was reminded of the Monday noon submission deadline for review by the Planning Commission this month.

Mr. DiGiacomo advised that the applicant submit the project as a concept plat to the Planning Commission. The FSD must be completed prior to the OPZ recommending approval.

There where no further comments.

Respectfully submitted,

Lisa A. Jones
Administrative Assistant
June 1, 2005, 9:00 a.m.

Technical Advisory Committee

Present: Di Giacomo, Tony (CCP&Z); King, Butch (MDSHA); Kyte, James (Fire Chiefs Committee Rep.); Latham, Cynthia (MDE); Markwardt, Bob (CCPS); Moore, Joe (DEH); Roop, John (USACE); Woodhull, Mark (CCDPW); Dempsey, Gale (CCP&Z)

Call to Order: Mr. Di Giacomo called the meeting to order at 9:00 a.m.

1. Wohner Property, Lots 1-74, Cat Swamp Road, Concept Plat, Morris & Ritchie Associates, Fourth Election District: James Kieffer & Tim Whittie, Morris & Ritchie Associates with Bill Stritzinger of Aston Development appeared to present this item.

James Kieffer presented a summary of the Wohner property proposal relative to its location and the magnitude of the proposal. Mr. Kieffer stated that a JD has been completed. The FSD has been submitted.

Mark Woodhull, Department of Public Works (CCDPW), stated that Medina & Country Club Drives will need to be shown as cul-de-sacs if Aston Pointe does not receive final plat approval. A stormwater management plan, road and storm drain plan, sanitary sewer and water plan and a mass and final grading plan must be approved by DPW prior to submittal for final plat approval. The final plat must include the lot grading plan standard note indicating sidewalk that maintenance will be required of the adjacent property owner. The lot grading plan must include the standard construction limit note. These notes must read:

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 SWM approval, with CCDPW.

Final Plat: Sidewalk maintenance will be required of 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 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. Woodhull continued by stating that any road code variances sought must be requested prior to submittal for preliminary plat approval. The required deceleration lane and entrance curb return from Cat Swamp Road onto Country Club Drive appears to require right of way acquisition. Any right of way acquisition or construction drainage easements associated with offsite road and entrance improvements shall be accomplished by the developer at the developer’s cost. Mr. Woodhull questioned if Country Club Drive will be designed with a monumental entrance? Mr. Kieffer answered in the affirmative. Country Club is to be designed and constructed to a major collector standard.

The applicant must provide stopping sight distance measurements for the Cat Swamp Road to DPW prior to preliminary plat approval. Mr. Woodhull queried as to whether the proposed Country Club Drive intersection has been marked? Mr. Kieffer answered no. Mr. Woodhull requested that CCDPW be notified when the marking occurs. All driveways must be paved at least to the right of way. The driveway paving must be complete for all lots at the time when the surface course for the internal roads is installed. This requirement includes any vacant but platted lots. Any driveway exceeding an up gradient of 5% from the roadway must be paved to the crest. If the development is phased these requirements will apply to each phase when 80% of the lots are built out. All of these requirements must be reflected on the lot grading plan. Where determined by CCDPW, utility poles must be relocated at the owner’s expense. If stormwater discharge is directed off of the site on to adjacent property it is the responsibility of the developer to obtain appropriate easements from the affected property owners in accordance with Sections 251-13 and 251-15.D of the Cecil County Stormwater Management ordinance. The downstream conveyance of storm water must be analyzed in accordance with Section 251-9A.(5) of the County’s stormwater management ordinance. Special care must be given to the design if a concentration of runoff will result from the stormwater management facilities.

An inspection and maintenance agreement will be required for any private stormwater management facilities. Offsite road improvements to Cat Swamp and Barksdale Roads are required of the Aston Pointe developer per the conditions of the Aston Pointe preliminary plat approval from April 2005. Also, inasmuch as the Aston Pointe proposal, at this time is tied to the completion of Country Club Drive, including the alignment shown on this plat, the developer must have an approved and executed PWA in place covering the required offsite road improvements for the Aston Pointe development prior to any final plat recordation for this proposal, or obtain a phasing approval revision from the CCDPW and Planning Commission.

Mr. Woodhull inquired as to where the public water and public sewer intended to serve this proposal will come from? Mr. Stritzinger answered that the sewer and water will come from the Aston Pointe extensions and become part of those improvements. The public infrastructure required for this proposal does not exist/have the required capacity at this time. Additionally, a master water and sewer plan amendment is required for this project, as submitted, to proceed to final plat. A public water and sewer allocation must be obtained from the CCDPW prior to final plat. Careful consideration must be given to safety concerns with the close proximity of the gas transmission line to dwellings as well as design of water and sewer main crossings. Gas main proximity to dwellings is not a regulatory item within the CCDPW jurisdiction at this time.

The gas line is routed across County ROWs. Therefore, the applicant must inform the owner of the line that they must obtain a maintenance easement to be allowed to work in the County’s ROW. Final construction drawing approval for any of the road crossings will not occur until written approval of the design has been
received from the gas company. Geo-

Tech report will be required for Country Club and Medina Drives at the stream crossings. Where wetlands encroach in the right of way for adequacy of sub-base, permit from MDE is required for stream crossings and wetland disturbances. Lots 33, 42, 47 & 51 denied access to Medina Drive, Lots 27 and 60 must be denied access to Country Club Drive. Sight distance for proposed entrance on Cat Swamp is a concern on Cat Swamp Road due to over vertical. Three different indications for edge of woods a concern. Mr. Keiffer explained the different forest delineations.

John Roop, Corps of Engineers, stated that a permit will be required for any wetland disturbances. Mr. Roop has a concern with the plat’s property lines not matching the JD’s property lines.

Bob Markwardt, Cecil County Public Schools (CCPS), inquired as to the size of the proposed dwellings and to their price. Mr. Stritzinger stated that the homes would start at $425,000 and range between 2,500 and 3,500 square feet. Mr. Markwardt inquired as to the phasing of the proposal. Mr. Stritzinger stated it would begin approximately 36 months after commencement on Aston Pointe. Bus stop locations will be eventually be created once the roads are accepted by the County.

Butch King, Maryland State Highway Administration (SHA), stated that the SHA had no comment on this proposal.

James Kyte, County Fire Chief’s Committee Representative, requested 26 foot of blacktop on streets and requested fire hydrants throughout. Mr. Whittie stated an 8 inch water line will be looped. Mr. Kyte requested a 100 diameter paving for the cul-de sacs. This would be sufficient.

Cynthia Latham, Maryland Department of the Environment (MDE), expressed concerns over water source and tie-in with Aston Pointe which does not yet exist. Mr. Stritzinger reminded her that the County is the appropriator. Ms. Latham explained the parameters for groundwater supply and stated that Aston Pointe may not be able to supply. Ms. Latham cautioned that an alternate plan should be considered as water supply is unknown. Mr. Stritzinger reminded her of Meadowview’s capacity and how Aston Pointe’s well would augment the County’s system.

Ms. Latham queried as to how the connection would occur. Mr. Stritzinger provided elucidation on where the existing system presently serves and where it will connect. Ms. Latham questioned as to what function the Aston Pointe wells will serve? Mr. Stritzinger provided edification on how the Aston Pointe well will supplement the County’s system to reduce reliance on water from Delaware and how his proposed projects will be served by the county’s system. Ms. Latham summarized MDE’s confusion regarding this scenario.
and how she is not clear about what is proposed to occur. Mr. Stritzinger reiterated that the County has capacity to serve this project; the County has written letters stating it has capacity, and that the proposed well would be a supplement to the Meadowview system.

Joe Moore, Health Department, stated that the identity of the public water and sewer plants must be on the preliminary, final, and record plats. Water allocation and sewer allocation must be obtained from the Cecil County Department of Public works prior to final plat approval. Plans for the water lines and sewer lines must be approved by the CCDPW prior to record plat approval. Show the proposed water and sewer lines on the preliminary plat. Show the closest existing water and sewer lines on the preliminary plat. Any buildings must be identified on preliminary plat. The Health Department is requesting that CCDPW require a gravity flow sewer line from Country Club Drive to Jackson Hall School Road as a condition of approval of this project due to failing septic systems and disapproved parcels in this area. This project must be included in the Comprehensive Master Water and Sewer Plan. Required water and sewer statements must be on the final and record plats. A portion of the property was disapproved for on site sewage system on 20 April 1988 due to seasonal high water table/perched water table.

Tony Di Giacomo, Office of Planning & Zoning (CCP&Z) and temporarily filling the function of TAC Citizens Representative, read the comments of Ed and Sally Cairns regarding this proposal, as these comments best reflect and summarize all the other comments received. All citizen comments are in the file for perusal by the Planning Commission.

Tony Di Giacomo provided CCP&Z comments, as follows.

Upon initial inspection, this project was not in compliance with §3.8 of the Subdivision Regulations regarding public notification signs. Subsequent inspection on 5/23/05 revealed that the project was in compliance.

The zoning is SR (Suburban Residential). The SR zone permits a maximum base density of 1 du/ 1 ac. With community facilities, a density of 2/1 is permitted. This Concept Plat proposes 74 lots on 72.22 acres, for a proposed density of 1.02/1.

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

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.
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. A Jurisdictional Determination (JD) must be done prior to preliminary plat review by the Planning Commission.

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

A minimum of 15% common open space is required; 56.9% 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.

A minimum 20% landscaping of the development envelope is required in the SR zone. Sidewalks are recommended on at least one side of all internal roads.

Bufferyard Standard C is required, outside the right-of-way, along the Cat Swamp Road frontages. Mr. Di Giacomo asked what is proposed for the area to the west of Cat Swamp Road? Mr. Kieffer responded that the boundary line survey must first determine that the property actually extends to the west of Cat Swamp Road. That is not certain at this point in time.

Rows of street trees with 10' planting easements are required, outside the right-of-way, along both sides of all internal roads. 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 Department of Natural Resources.

The Forest Stand Delineation (FSD) must be approved prior to Planning Commission review of the Concept plat (§5.1.C, Cecil County Forest Conservation Regulations). The Preliminary Forest Conservation Plan (PFCP) must be approved prior to Planning Commission review of the Preliminary Plat (§6.2.B(1), Cecil County Forest Conservation Regulations).

The final Forest Conservation Plan (FCP) and Landscape Plan must be approved prior to Planning Commission review of the Final Plat (§6.3.B(1)(a), Cecil County 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. The metes and bounds description of the FRA must be shown on the record plat.

All internal road names have been approved. DelDOT and the Newark Planning Department have been informed of this proposal. A Traffic Impact Study (TIS) may be required.

Mr. Di Giacomo asked if the possibility of a stub road to the adjoining lands of Ulrich been considered or discussed. Mr. Stritzinger responded that it had not.

Access to common open space between lots must be marked with concrete monuments. A Homeowners Association (HOA) for maintenance of common open space must be established with $50 per recorded lot placed in escrow for improvements prior to recordation. Mr. Di Giacomo asked if it is anticipated that these owners would be members of the Aston Pointe HOA or a separate and distinct HOA. Mr. Stritzinger replied that these lots are intended to be included in the Aston Pointe HOA.

Note # 11 indicates that this project is to be served by public water and sewer.

The Record Plats shall contain a statement 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.

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The Master Water and Sewer Plan must be amended to include this site prior to the Planning Commission's review of the Final Plat.

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

All required documents from the gas line company granting permission or agreeing to easement impacts must be received prior to Final Plat review. All documents requiring recordation must be recorded prior to the recordation of the Record Plat.

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 was reminded of the Monday noon submission deadline for review by the Planning Commission this month.

2. The Villages of Elk Neck, Section IV, Lot 83, Clear Field Court, Preliminary/Final Plat, Northern Bay, Fifth Election District

Mike Estes of Northern Bay Land Planning appeared to present this item. Mr. Estes stated that this is Lot 83, the final lot of Section IV which was approved preliminarily on 17 June 2002. Design phase started the development of the stormwater management and septic planning. The final plat for this section was approved on 21 July 2003. These requirements caused the reconfiguration of this lot.

Mark Woodhull, CCDPW, stated that the applicant must verify that the stormwater management plan and design for Section IV included provisions for this lot. If not, a stormwater management design is required and must be approved/technically complete prior to final plat submittal to the Planning commission. A lot grading plan has been submitted and is currently under review. 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. The lot grading plan must include the standard construction limits note. The note reads as follows:

A lot grading plan has been approved by the CCDPW for the 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 stormwater management approval with CCDPW. Sidewalk maintenance will be required of the adjacent property owner as required by the Cecil
County Road Code. 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 of the developer and/or builder may be subject to the enforcement of the penalty provisions therein. Any road code variances sought must be requested prior to submittal for preliminary approval. Mr. Estes will provide a lot drainage plan to CC&DPW. Mr. Woodhull continued by saying that any road code variances sought must be requested prior to submittal for preliminary plat approval. If stormwater discharge is directed offsite on to an adjacent property it is the responsibility of the developer to obtain appropriate easements from the affected property owners in accordance with Section 251-13 and 251-15.D of the Cecil County Stormwater Management Ordinance.

Butch King indicated that SHA had no comments. Bob Markwardt indicated that CCPS had no comments.

John Roop queried as to the presence of wetlands. Cynthia Latham stated that a groundwater appropriation permit has been issued.

Joe Moore stated that a groundwater appropriation permit has been issued by the Maryland Department of the Environment that covers the project through 2011. Well location is too close to dwelling, must be 30’. Show a tank elevation at 21’. Preliminary plat complies with Maryland Department of the Environment Regulations 26.04.02 and 26.04.03 with above.

James Kyte was pleased by the dry hydrant located 3,700’ from the site. He questioned a fire suppression tank on site. Mr. Estes will consult with the property owner.

Tony Di Giacomo the stated no public comments had been received.

Mr. Di Giacomo read CCP&Z comments, as follows. Upon initial inspection, this project was found to be in compliance with §3.8 of the Subdivision Regulations regard public notification signs. The zoning is SR (Suburban Residential).

The current[1] Concept Plat for the Villages of Elk Neck, which proposed 12 lots on 84 acres in the NAR-zoned portion of the project and 182 lots on 316 acres in the SR-zoned portion, was approved on 11/15/99 with the following conditions:
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1) That a Traffic Impact Study (TIS) be reviewed prior to Preliminary Plat review by the Technical Advisory Committee;

2) That at least one stub road be extended to Forest Knoll (If a second stub is extended to Forest Knoll beyond what was required in Forest Knoll’s conditional approval, then that should be coordinated;

3) That a looped road for common access to Racine School Road, from lots 8-19 be added; and

4) That a jurisdictional determination be done by the Corps of Engineers prior to Preliminary Plat review by the Planning Commission.

That Concept Plat did not include the then-already-existing developments: Section One, Longview, 41 lots and Section Two, Woodholme, 51 lots. It was approved with 80.5 acres common open space in the SR-zoned portion of the project being proposed.

The Section III, Woodholme Three, Final Plat, lots 52-81, was approved on 5/21/01 and subsequently recorded. It included 3.80 acres (8%) of common open space.

The Section IV, Woodholme Four Preliminary Plat was approved 6/16/02, conditioned on:

1) Health Department requirements being met;

2) Department of Public Works requirements being met;

3) The owners of these lots becoming members of the Homeowners Association for maintenance of common open space with $50 per recorded lot placed in escrow for improvements prior to recordation,

4) The Landscape Plan and Forest Conservation Plan being approved prior to review of the Final Plat by the Planning Commission;

5) A Landscape Agreement, including any bufferyards, being executed prior to recordation;

6) Deed restrictions for long-term protection of the forest retention areas being recorded prior to recordation of the plat. The metes and bounds description of the FRA must be shown on the record plat;

7) Future sections including adequate common open space, consistent with the approved Concept Plat; and

8) A site-specific grading plan being submitted for proposed Lots 89, 90, & 94 along with the road construction plans.

The Section IV, Woodholme Four Final Plat, Lots 82, 84-105 was approved on 7/21/03, conditioned on:

1) Health Department requirements being met;

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2) Department of Public Works requirements being met;

3) The owners of these lots becoming members of the Homeowners Association for maintenance of common open space with $50 per recorded lot placed in escrow for improvements prior to recordation;

4) The Landscape Agreement being executed prior to recordation;

5) Deed restrictions for long-term protection of the forest retention areas being recorded prior to recordation of the plat. The metes and bounds description of the FRA must be shown on the record plat;

6) Future sections including an aggregate total of at least 60.5 acres of common open space;

7) The sensitive areas in common open space calculation for all future sections and phases including this section's common open space acreage;

8) The sensitive areas in common open space calculation for all future sections and phases being required on the respective Preliminary Plats submitted for TAC review; and

9) A site-specific grading plan being submitted for proposed Lots 89, 90, & 94 along with the road construction plans.

The Section IV, Woodholme Four Final Plat, Lots 82, 84-105, Recordation Plats were signed on 1/15/04.

This Preliminary-Final Plat is consistent with the approved Concept, Preliminary, and Final Plats.

A balance of an additional 60.5 acres of common open space will be required in future sections or phases. There is the potential for an additional 128 lots remaining.

The FSD was approved on 10/4/99. The PFCP was approved on 6/12/02.

The FCP was approved on 6/6/03, and Landscape Plan was approved on 10/10/03.

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. The metes and bounds description of the FRA must be shown on the record plat.

The owners of this lot must become members of the Homeowners Association for maintenance of common open space, with $50 per recorded lot placed in escrow for improvements prior to recordation.
The applicant was reminded of the Monday noon submission deadline for review by the Planning Commission this month.

3. Baldwin Station, Lots 1-18, Elk Mills Road, Preliminary Plat, McCrone, Inc., Third Election District

Donnie Sutton appeared to present this proposal. The number of lots has been reduced due to percolation testing. They have also tried to accommodate the 50' stub requirement of the Planning Commission to the adjoining property.

Mark Woodhull, CCDPW, stated that a stormwater management plan, street and storm drain plan, and a mass and final grading plan are required and must be approved by CCDPW prior to final plat approval. An SHA access permit is required for the Elk Mills Road entrance location. The internal street grade leaving Elk Mills Road may not exceed 5% within the limits of the intersection right of way. 3.5% grade is proposed. 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. The lot grading plan must include the standard construction limits note. These notes read: 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 reforestation, forestation, and/or forest retention will require a consistency review of the stormwater management approval with CCDPW. Sidewalk maintenance will be required of the adjacent property owner as required by the Cecil County Road Code.

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 Code of Cecil County and either or both of the developer and/or builder may be subject to the enforcement of the penalty provisions therein. Any road code variances sought must be requested prior to submittal for preliminary plat approval. Lands of Lane shall be denied access to Elk Mills Road and a new driveway location must be shown on the construction drawings accessing Sunburst Drive. Driveway shall be setback a minimum of 75' from the intersection right of way. The preliminary plat shows this information. Add a note to the final plat indicating the denied access requirement. Where determined necessary by the utility company, the owner, the designer, or DPW, utility poles must be relocated at the owners expense. If stormwater discharge is directed off site on to an adjacent property it is the responsibility of the developer to obtain appropriate easements from the affected property owners in accordance with Section 251-13 and 251-15.D of the Cecil County stormwater management ordinance. Areas of concern to DPW are the two cross culverts. The downstream conveyance of stormwater must be analyzed in accordance with Section 251-9A.(5) of the county's stormwater management ordinance. Special care must be given to the design if a concentration of runoff will result from the stormwater management facilities.
Mr. Woodhull inquired as to the configuration of the stormwater management discharge at the entrance and whether a private drainage and stormwater easement and structure would be needed to cover conveyance along lots 1, 2, & 3 and to direct the same to the proposed stormwater management facility? Mr. Sutton stated that he will look into these issues. Mr. Woodhull continued that given the house location on proposed lot 15, consideration should be given to an inlet and closed drainage conveyance to collect the rear lot yard runoff from lots 11 through 14 and convey the same to the stormwater management facility to the east. Show these private drainage and stormwater easements, along with additional drainage structures on the preliminary plat for Planning Commission review.

All driveways must be paved to the right of way. The driveway paving must be complete for all lots at the time when surface course for the internal roads is installed. This includes any vacant but platted lots. Any driveway exceeding 5% up gradient slope from the roadway must be paved to the crest. If the development is phased these requirements will apply to each phase when 80% of the lots are built out. All of these requirements must be reflected in the lot grading plan. CCDPW recommends designing a shared access location with designed closed section drainage for the lot 7 & 8 driveway locations. Driveways do not need to adjoin only to be located in a manner to allow for proper culvert pipe installation. A Public Works Agreement will be required for the street and storm drain improvements. An inspection and maintenance agreement will be required for the private stormwater management facilities. Mr. Woodhull queried as to the ownership of the future 50’ right of way? Mr. Sutton responded that it will not be dedicated at this time and that it will remain a paper street.

Bob Markwardt stated that the school bus stop will be at the corner of Sunburst drive and Elk Mills Road.

John Roop stated that based on the plans submitted, there are no wetlands present.

Jim Kyte requested that paving be increased from 20’ to 26’, and the cul-de-sac needs to be designed to allow 25’ paving around circle, additionally, a fire suppression tank is needed in a 20,000 or 30,000 gallon volume.

Cynthia Latham stated that a Groundwater Appropriation Permit will be required. Ms. Latham questioned the well spacing.

Butch King stated that the entrance needs to be staked. Mr. Sutton stated that the SHA could not find a right-of-way plat. He asked if a thirty foot right-of-way is sufficient. Mr. King responded that it will depend on the improvements.
Joe Moore stated that a groundwater appropriation permit is required from MDE prior to final plat approval. Additional percolation testing are required for lots 2, 8, 9, 10, 12, 14, 15, 17, and 18. Show swale on lot 9. Move tank and pump out of swale on lot 15. Show clearing on lot 15 for well site and also on lot 8. The existing building, well and septic tank to be removed, abandoned and sealed and pumped and filled at time of construction of the stormwater management facility. Label the stormwater management facility dry pond or wet pond. If wet pond, show the normal water contour and keep the sewage areas on lots 16 and 17 at least 100' away from water. Existing berm to be removed on lots 15 & 16. Show restricted tank locations on lots 1, 2, 7, 8, 11, 12, 13 and 16. Show spot elevations at dwellings and both ends of sewage area on lot 14 or show pumping.

A revised preliminary plat showing stormwater management facility, include drywells and forest retention areas must be submitted to the Cecil County Health Department prior to record plat approval. Lots 13 and 14 must have 100' lot widths. Lot 7 must have 150' lot width. Place note on plat Wells must be drilled on lots 2, 3, 4, 5, 6, 7, 14, 15, 16, and 17 prior to issuance of building permit. Submit a site grading plan for lots 14 & 15 showing stormwater from existing swale will not be diverted to within 25' of sewage areas on these lots. Show tank top elevations on lots 12 & 13, Health Department did record search on wells drilled in these areas and wells yields are between 4 gallons and 20 gallons per minute around property. Further away wells are 2 gallons per minute. Ms. Latham question whether wells needed to be spaced further apart. Discussion ensued on what would constitute a low yield well.

Tony Di Giacomo stated that there was no public comment.

Mr. Di Giacomo provided CCP&Z comments, as follows. Upon initial inspection, this proposal was found to be in compliance with §3.8 of the Subdivision regulations regarding public notification signs.

The zoning is SR (Suburban Residential). The SR zone permits a maximum base density of 1 du/1 ac., or 2/1 if community facilities are provided.

The Concept Plat, proposing 20 lots plus on 21.07 acres, for a proposed density of 0.95/1, was approved on 5/16/05, conditioned on:

1) The boundary line survey being completed prior to Preliminary Plat review by the TAC;
2) The JD being completed prior to Preliminary Plat review by the Planning Commission; and
3) The proposed density being correctly stated on all subsequent plats;
4) A stub being shown north of Lot 1 connecting Sunburst Drive to a possible future mini-road.
This Preliminary Plat, now proposing only 18 lots, is generally consistent with the approved Concept Plat. The new proposed density is 0.85/1. The density has now been correctly stated on the plat.

Mr. Di Giacomo asked if the required boundary line survey had been done. Mr. Sutton replied that it was being completed. Tax records indicate that Parcels 8 and 582 are separate and distinct. Mr. Di Giacomo asked if Parcel 8's acreage had been included in the total. Mr. Sutton replied that it had and that Parcel 8 will be referenced on the plat.

No slopes greater than 25% have been shown.

A Jurisdictional Determination (JD) must be done prior to preliminary plat review by the Planning Commission.

A minimum of 15% common open space is required; approximately 21.3 % 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. As stated at previous reviews, those thresholds must be calculated and submitted on any Preliminary Plat. That information does not appear on the plat.

20% landscaping of the development envelope is required in the SR zone.

Sidewalks are recommended along at least one side of the proposed Sunburst Drive.

Bufferyard Standard C is required, outside the right-of-way, along the road frontages of Elk Mills Road. That requirement may need modification for the common open space road frontage that would provide access to the proposed stormwater management area.

Rows of street trees with 10 planting easements are required, outside the right-of-way, along both sides of all internal roads. Where feasible, the natural vegetative equivalent may be used to satisfy the bufferyard and street tree requirements.

The Forest Stand Delineation (FSD) was approved on 5/9/05 by virtue of the Natural Heritage Service's having exceeded their 30-day time limit to respond to the consultant's inquiry regarding the presence of rare, threatened or endangered species. Therefore, the Natural Heritage Service's letter must be received, and any resultant species survey be completed, prior to PFCP approval.

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The Natural Heritage Letter still has not been received. The habitats of rare, threatened, and endangered species must be avoided. The PFCP must be approved prior to the Planning Commission’s review of the Preliminary Plat (§6.2.B(1), Cecil County Forest Conservation Regulations).

The final Forest Conservation Plan (FCP) and Landscape Plan must be approved prior to Planning Commission review of the Final Plat (§6.3.B(1)(a), Cecil County 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. The metes and bounds description of the FRA must be shown on the record plat.

The proposed Sunburst Drive road name has been approved.

Access to common open space between lots must be marked with concrete monuments. A Homeowners Association for maintenance of common open space must be established with $50 per recorded lot placed in escrow for improvements prior to recordation.

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 Monday noon submission deadline for review by the Planning Commission this month.

4. Stoney Brook Knoll, Lots 1-41, Liberty Grove Road, Concept Plat, McCrone, Inc., Sixth Election District

Donnie Sutton of McCrone and Steve Balderston appeared to present this proposal. Mr. Sutton presented a summary of the proposal seeking bonus density on the east side of Liberty Grove Road in close proximity to Murphy’s Run. An intermediate turn around is being proposed to satisfy DPW.
Mark Woodhull, CCDPW, stated a stormwater management plan, road and storm drain plan, and a mass and final grading plan must be approved by the CCDPW prior to submittal of a final plat. 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. The lot grading plan must include the standard construction limits note. These notes must read as follows: 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 stormwater management approval, by the CCDPW. Sidewalk maintenance will be required of the adjacent property owner as required by the Cecil County Road Code. 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 Code of Cecil County and either or both the developer and/or builder may be subject to the enforcement of the penalty provisions therein. Any road code variances sought must be requested prior to submittal for preliminary plat approval. The street right of way entrance tapers must be offset 25' from the right of way point of the intersection and be straight lines per Section 7.2.12.E.3 of the Subdivision Regulations. The internal street grade leaving Liberty Grove Road may not exceed 5% within the limits of the intersection right of way. Show the Liberty Grove Road cross culvert on the preliminary plat and include the drainage easements. Applicant must confirm with the Department that the horizontal curves shown meet the geometric requirements of section 3.04.01 of the road code or revise the same prior to concept plat submittal to the Planning Commission this is a layout issue. In consideration of the topography shown, locating the Chestnut Drive street right of way directly adjacent to the northern property boundary leaves no room for back of ditch grading or balancing of the street section cut/fill without easements from the adjoiners.

DPW suggests realignment of the proposed street right of way to address this situation. Show the Liberty Grove Road cross culvert on the preliminary plat. Lot 1 is denied access to Liberty Grove Road and a note stating this must be must be added to the plat. Include a note on fee simple dedication on Liberty Grove Road. If the distance from Liberty Grove Road to the first Walnut Crest intersection exceeds 1,500 linear feet along the street centerline, a mid-block turnaround is required. Has any consideration been given to connectivity to other adjoining parcels? Mr. Sutton replied that due to wetland issues, it is not feasible. The downstream conveyance of stormwater must be analyzed in accordance with Section 251-9A.(5) of the County’s stormwater management ordinance. If stormwater discharge is directed offsite on to adjacent property it is the responsibility of the developer to obtain appropriate easements from the affected property owners per Section 251-13 and 251-15.D of the Cecil County stormwater management ordinance. Any stormwater management facility discharging into the Basin Run watershed shall be designed to meet stream class III and IV standards in the 2000 Maryland Stormwater Design Manual addressing thermal impacts.

The applicant must provide stopping sight distance measurements for the Liberty Grove Road access to DPW prior to preliminary plat submittal. The proposed entrance location must be marked in the field by flagging or stake on the roadside bank. Section 3.07.15 of the road code requires that Liberty Grove Road be upgrade to a minor collector road standard for 100 on either side of the proposed entrances. Deceleration lane and offsite road improvements to the south must accommodate and must be extended to adjoin the Liberty Grove Road improvements designed for the Murphy’s Run subdivision. The design engineer must address the requirements for minimum acceleration deceleration and bypass lanes. Any right of way acquisition
necessary shall be performed by the applicant at the applicant’s expense. Where determined necessary by the utility companies, the owner, the designer, or DPW utility poles must be relocated at the owner’s expense. All driveways must be paved to at least the right of way.

The driveway paving must be complete for all lots at the time when surface course for the internal roads is installed. This requirement includes any vacant but platted lots. Any driveway exceeding %5 up gradient slope from the roadway must be paved to the crest. If the development is phased these requirements will apply to each phase when 80% of the lots are built out. All of these requirements must be reflected on the lot grading plan. Mr. Sutton indicated an open section road is being proposed in response to a question from Mr. Woodhull. An inspection and maintenance agreement is required for all private stormwater management facilities. Note 7 suggests a boundary survey has been done, yet there is no surveyor’s seal on the drawing. Mr. Sutton stated that it is being worked on.

Bob Markwardt, CCPS, stated that from lot 24 to liberty grove road is ¾ of a mile, does not meet 1 mile distance. This proposal needs a bus shelter for bus stop and off street parking and perhaps a gravel area for parents to wait for bus without blocking traffic. No interior bus traffic is anticipated. Mr. Markwardt asked about price and size of homes and construction time table. Mr. Sutton answered that houses would be in the $400,000 to $500,000 range, 2,500 to 3,500 square feet, with a two- to three-year construction start time anticipated.

John Roop, Corps of Engineers, stated permits are required for wetland impacts.

Mr. Kyte stated 26 wide streets are recommended, and a fire suppression tank is needed before lot 6. 30,000 gallons is recommended. A slight 10 wide pull off is requested, and a 25 wide paving in cul-de-sac is requested.

Cynthia Latham, MDE, stated they will need a water appropriation permit.

Butch King, SHA, had no comments.

Joe Moore stated that a groundwater appropriation permit is required by MDE prior to final plat approval. Percolation tests and soil evaluations have been conducted to define a satisfactory 10,000 square foot sewage area on each lot. Additional percolation tests must be conducted after preliminary plat review by the Technical Advisory Committee. Show all wells and septic systems sewage areas within 100 of property lines on preliminary plat. Show all swales on preliminary plat. Label lots consecutively. Identify stormwater pond as wet or dry pond. Sewage areas must be 100 from wet ponds.
Tony Di Giacomo summarized the public comments received on this project. For the record, contrary to some comments that had been received, Mr. Di Giacomo stated that no public water and sewer service had been proposed in conjunction with this project. Copies are available in file for perusal.

Mr. Di Giacomo presented CCP&Z comments, as follows. Upon initial inspections, this project was found not to be in compliance with §3.8 of the Subdivision Regulations regarding public notification signs. Subsequent inspection revealed compliance as of 5/24/05.

The zoning is NAR (Northern Agricultural Residential). The NAR zone permits a maximum base density of 1 du/5 ac. Bonus density eligibility carries with it a permitted density of 1/3. This Concept Plat proposes 41 lots on 124.5 acres, for a proposed density of 1/3.04.

The vicinity map incorrectly labels McCauley Road as MD 269. That must be corrected on any plat submitted for review by the Planning Commission.

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

A number of the proposed lots are depicted to have steep slopes. 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. Slopes greater than 25% must be again 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. A Jurisdictional Determination (JD) must be done prior to preliminary plat review by the Planning Commission. The habitats of rare, threatened, and endangered species must be avoided.
15% common open space is required; 51.7% is proposed. The proposed large lot (3) consists of 9.5% of the total acreage, and together with the common open space yields 61.2% of the total acreage. Thus, the proposal is consistent with §22.2.b and qualifies for bonus density eligibility.

No landscaping of the development envelope is required in the NAR zone.

No sidewalks are recommended in the NAR zone.

Bufferyard Standard C is required, outside the right-of-way, along the Liberty Grove Road frontages. Proposed Lot 41 may require a Bufferyard Standard A along its northern property line.

Rows of street trees with 10’ planting easements are required, outside the right-of-way, along both sides of the proposed Chestnut Ridge Drive and Walnut Crest Circle. 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) must be approved prior to Planning Commission review of the Concept plat (§5.1.C, Cecil County Forest Conservation Regulations). The Preliminary Forest Conservation Plan (PFCP) must be approved prior to Planning Commission review of the Preliminary Plat (§6.2.B(1), Cecil County Forest Conservation Regulations).

The final Forest Conservation Plan (FCP) and Landscape Plan must be approved prior to Planning Commission review of the Final Plat (§6.3.B(1)(a), Cecil County 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. The metes and bounds description of the FRA must be shown on the record plat.

The proposed Chestnut Ridge Drive and Walnut Crest Circle road names have been approved.
Mr. Di Giacomo asked if a mid-block turnaround had been considered for Chestnut Ridge Drive. Mr. Sutton replied that it would be looked at.

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

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

Covenants prohibiting the subdivision of the large lot must be recorded and noted on the plat prior to recordation.

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 Monday noon submission deadline for review by the Planning Commission this month.

5. Butler's Crossing, Section 3, Lots 13-19, Joe Meltz Road, Concept Plat, McCrone, Inc., Concept Plat

Donnie Sutton of McCrone, Inc. appeared to present this proposal. Mr. Sutton presented a summary of the proposal and explained that the property is under new ownership. They would like to change the name to Bayline Estates. Road names came in too late for inclusion on the plat. They would be Bayline Avenue and Buckingham Court for the mini-road. Mr. Sutton reviewed the thought process behind road design.

Mr. Woodhull, CCPDW, stated that a stormwater management plan, a street and stormdrain plan, and a mass and final grading plan are required and must be approved by the CDPW prior to final plat approval. The internal street leaving Joe Meltz Road may not exceed 5% within the limits of the intersection right of way. If the mini-road profile grades exceed 5%, the mini-road travel way and cul-de-sac must be paved in accordance with Section 2.13.F of the road code. The final plat must include the lot grading plan standard note. The lot grading plan must include the standard construction limits note. These notes will read as follows: A lot grading plan has been approved by the CDPW for the construction shown hereon. A site construction as
built shall be submitted to the CCDPW prior to the 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 stormwater management approval with CCDPW. No clearing or grading is permitted beyond the limits of disturbance shown hereon. Any expanded clearing or grading in the absence of an approved revised lot grading plan may be considered noncompliance with Chapter 251 of the Cecil County Code and either or both the developer and/or builder may be subject to enforcement of the penalty provisions therein. Any road code variances sought must be requested prior to submittal for preliminary plat approval. The street right of way entrance tapers must be offset 25’ from the right of way point of intersection, and be straight lines per Section 7.2.12.E.3 of the subdivision Regulations. Recommend elimination of the modified midblock turn around planned at the terminus of Joe Meltz Road and construct a standard intersection with 20 linear feet of Joe Meltz Road extended north of the intersection curb returns and tee turnaround. Show plat reference for existing right of way shown along Joe Meltz Road, north of the SRC plat reference. If none exists, the right of way owner must be established and right of way deeded to Cecil County. Applicant will be required to upgrade Joe Meltz Road from to a minor road standard from approximately the southern boundary line of the Livingstone parcel to and including the mid-block turnaround area shown. Applicant is responsible to have a title search completed and a clear deed conveyed to Cecil County for the portion of Joe Meltz Road not currently maintained by Cecil County. (i.e. from the north right of way of SRC plats referenced to the mid block turnaround.

The private mini-road subdivision and plans must adhere to the provisions of Section 2.13 of the road code which addresses requirements for private roads. Any areas of the existing gravel lane intended to be used for the private mini-road must be evaluated by a geotechnical engineer for depth, material suitability, and subgrade stability and by a civil engineer for grade and width suitability in accordance with the road code standards. The cross culvert must also be analyzed for storm event conveyance and condition. Guardrail may be necessary along the crossing. A statement clearly outlining the responsibilities of the homeowners in the maintenance of the roads and storm drainage systems must be approved by the Planning Commission and placed on the final plat. Deed restrictions must be developed and recorded in accordance with road code section 2.13.D. No more than three additional lots may accessed from the Delaware side of the site. Where determined necessary by the utility companies, the owner, the designer, or DPW, utility poles must be relocated at the owner’s expense. If stormwater discharge is directed offsite on to an adjacent property it is the responsibility of the developer to obtain appropriate easements from the affected property owners in accordance with Section 251-13 and 251-D. The downstream conveyance of stormwater must be analyzed in accordance with Section 251-9A (5) of the County’s stormwater management ordinance.

Special care must be given to the design if a concentration of runoff will result from the stormwater management facility. What configuration do you anticipate from the stormwater management facilities? Mr. Sutton answered that there is no stormwater configuration as of yet. A public works agreement will be required for the private mini-road shown. An inspection and maintenance agreement will be required for the private stormwater management facility. Note #7 suggests a boundary survey has been performed, yet no surveyor’s seal is on the plat. Mr. Sutton responded that the boundary survey is completed and the seal will be on the plat presented to the Planning Commission.
Butch King, SHA, had no comments.

Bob Markwardt, CCPS, stated that there will be no internal bus service. He also questioned the size of the dwellings and construction schedule. Mr. Sutton responded that the dwellings will be in the range of 2,000 to 3,000 square feet with a 2 to 3 year construction schedule anticipated.

John Roop stated that any wetland or stream disturbance will require permits, and a JD has been issued.

Jim Kyte requested the first cul-de-sac be widened. The road can stay at 20 and the far end cul-de-sac needs to be 100 and the local fire company needs to be contacted to see if they would like to have a fire suppression tank.

Cynthia Latham, MDE, was unable to find a GAP. Ms. Latham realized she was looking under the wrong name. The GAP will need to be revised. Mr. Sutton said the project is under a new owner and they will upgrade to reflect these lots.

Mr. Moore, Health Department, stated that the groundwater appropriation permit CE2002G033 (01) must be updated to include lots 18 & 19. Percolation tests and soil evaluations have been conducted to define a satisfactory 10,000 square foot sewage area on each lot. Additional tests may be required after preliminary plat review by the TAC. Show well locations and septic systems/sewage areas within 100 of property line on preliminary plat.

Tony Di Giacomo stated that there were no public comments.

Mr. Di Giacomo provided CCP&Z comments, as follows. Upon initial inspection, this project was found to be in compliance with §3.8 of the Subdivision Regulations regarding public notification signs.

The zoning is SAR (Southern Agricultural Residential). The original Butler’s Crossing Concept Plat (Lots 4-11) was approved on 11/16/98, at a density of 1/21.2, conditioned on:

1) The limits of the County maintenance of Joe Meltz Road being verified prior to preliminary plat review by the Technical Advisory Committee;

2) A paved road provided by the developer being extended a sufficient distance to provide an entrance to Lot 10 eliminating the need for a panhandle lot; and
3) Elimination of the street tree requirement.

A Butler's Crossing Preliminary Plat for Lots 4-10 was approved on 12/20/99, conditioned on:

1) Health Department requirements being met;

2) Department of Public Works requirements being met;

3) Bufferyard A being provided to separate residential use of the portion of Lot 8 in the vicinity of the proposed dwelling from the agricultural operation of the Peverly property to the west,

4) Landscape plan for any remaining bufferyards being approved prior to Planning Commission review of the final plat;

5) Landscape Agreement being executed prior to recordation;

6) Permit being obtained from the Maryland Department of the Environment and the Corps of Engineers for the stream crossing of Lot 8, prior to recordation;

7) Final Forest Conservation Plan being approved prior to final plat review by the Planning Commission;

8) Any further development of the remaining lands resulting in ten or more lots will require 15% common open space and the establishment of a Homeowner's Association, and if partially in New Castle County, then New Castle County approving the subdivision plat prior to Cecil County recordation;

9) A jurisdictional determination being received prior to final plat review by the Planning Commission; and

10) A 300-foot setback from agricultural operation being provided on Lot 10, otherwise a Bufferyard A being provided.

The Final Plat for Section 1, Lots 4-7 & 10, was approved on 3/20/00, conditioned on:

1) Health Department requirements being met;

2) Department of Public Works requirements being met;

3) Any further development of the remaining lands resulting in ten or more lots will require 15% common open space and the establishment of a Homeowner's Association, and if partially in New Castle County, then New Castle County approving the subdivision plat prior to Cecil County recordation;

4) Deed restrictions for the long-term protection of the Forest Retention/Afforestation Areas being recorded and noted on the plat prior to recordation and the metes and bounds description of the forest retention areas being shown on the record plat;

5) A 300-foot setback from agricultural operation being provided on Lot 10, otherwise a Bufferyard A being provided; and
6) Persistent misspellings being corrected.

The Final Plat for Section 2, Lots 8 and 9, was approved on 10/16/00, conditioned on:

1) Health Department requirements being met;

2) Department of Public Works requirements being met;

3) Any further development of the remaining lands resulting in ten or more lots will require 15% common open space and the establishment of a Homeowner’s Association, and if partially in New Castle County, then New Castle County approving the subdivision plat prior to Cecil County recordation;

4) Deed restrictions for the long-term protection of the Forest Retention/Afforestation Areas being recorded and noted on the plat prior to recordation and the metes and bounds description of the forest retention areas being shown on the record plat;

5) The title block on sheet 2 being corrected; and

6) A copy of the stream crossing authorization being forwarded to the Office of planning and Zoning for inclusion in the file, prior to recordation.

A Concept Plat for Section 3, lots 11-18, was approved on 5/20/02 at a density of 1/8.42, conditioned on: 1) the proposed mini-road’s name being approved by the County’s Emergency Management Agency prior to Planning Commission review of the preliminary plat.

A Section 3 Preliminary-Final Plat for lots 11 and 12 was approved on 12/16/02, conditioned on:

1) Health Department requirements being met;

2) Department of Public Works requirements being met;

3) The owners of these lots becoming members of the Homeowners Association for maintenance of common open space with $50 per recorded lot placed in escrow for improvements prior to recordation;

4) Deed restrictions for the long-term protection of the Forest Retention/Afforestation Areas being recorded and noted on the plat prior to recordation and the metes and bounds description of the forest retention areas being shown on the record plat; and

5) The standard forest retention note being placed on the record plat.

The SAR zone permits a maximum base density of 1 du/8 ac. Bonus density eligibility carries with it a permitted density of 1/5. This Concept Plat proposes 7 lots on 85.22 acres, for a proposed density of 1/7.46. Considering all sections, 19 lots on 169.3 yield a density of 1/8.91.
Mr. Di Giacomo asked on what the plat’s stated density of 1/8.69 based? Mr. Sutton stated that he would double-check the figures.

Mr. Di Giacomo asked if a boundary line survey had been done? Mr. Sutton replied in the affirmative.

The Section 3, Lots 11 & 12 Record Plat was signed on 7/22/03. Per §4.0.9 of the Subdivision Regulations, both previously-approved Concept Plats have expired. The approved Section 3 Preliminary-Final Plat consisted only of Lots 11 & 12.

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. 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. A Jurisdictional Determination (JD) must be done prior to preliminary plat review by the Planning Commission.

The habitats of rare, threatened, and endangered species must be avoided. 15% common open space is required.

A common condition of the 12/20/99, 3/20/00, and 10/16/00 approvals was Any further development of the remaining lands resulting in ten or more lots will require 15% common open space and the establishment of a Homeowner’s Association, and if partially in New Castle County, then New Castle County approving the subdivision plat prior to Cecil County recordation.

The 15% common open space required in those repeated conditions of approval was based upon 169.3 acres. Therefore, since 3.802 acres of common open space were provided in Section 3, Lots 11 & 12, 21.593 acres of

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common open space are still required. 22.5 acres been proposed.

No landscaping of the development envelope is required in the SAR zone.

No sidewalks are recommended.

Bufferyard Standard A is required along the northern lot lines of proposed Lots 15, 16, & 18. Rows of street trees with 10’ planting easements are required, outside the right-of-way, along both sides of all internal roads. 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.

A Forest Stand Delineation (FSD) approved on 10/12/99. Its validity has expired. Either a new FSD must be approved or an extension of the previous approval must be granted prior to the Planning Commission’s review of the Concept Plat (§5.1.C, Cecil County Forest Conservation Regulations).

The Preliminary Forest Conservation Plan (PFCP) must be approved prior to Planning Commission review of the Preliminary Plat (§6.2.B(1), Cecil County Forest Conservation Regulations). The final Forest Conservation Plan (FCP) and Landscape Plan must be approved prior to Planning Commission review of the Final Plat (§6.3.B(1)(a), Cecil County Forest Conservation Regs.).

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. The metes and bounds description of the FRA must be shown on the record plat.

The internal road names will need to be approved by the County 911 Emergency Center prior to Planning Commission review of the Preliminary Plat. Road names are required on Concept Plats, per §4.0.13 (h) of the Cecil County Subdivision Regulations.

Access to common open space beside lots must be marked with concrete monuments. The owners of these lots must become members of the Homeowners Association that was established for maintenance of common open space, with $50 per recorded lot placed in escrow for improvements prior to recordation.
A Mini-road 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.

As stated at previous reviews, any development of the remaining lands in New Castle County via the private mini-road, then the mini-road maintenance association must be formed and the incorporation documents recorded in both counties prior to recordation of the roadway in Cecil County.

The mini-road cannot be accessed by more lots than is permitted for mini-roads, even if some of those lots are located in New Castle County.

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 Monday noon submission deadline for review by the Planning Commission this month.

Mark Woodhull, in addition, stated that proposed lot 14 needs to be denied access to Joe Meltz Road.

6. Stoney Acres, Lots 1-6, Biggs Hwy., Concept Plat, McCrone Inc., Fifth Election District

Donnie Sutton from McCrone, Inc. again appeared to present the proposal. He provided a summary of the project, noting that it is a revision of three parcels. The proposal is reconfiguring the tax parcels through the add-ons and proposing a mini-road from Maryland Route 274.

Mark Woodhull, CCDPW, stated that a stormwater management plan, street and storm drain plan and a mass and final grading plan are required and must be approved by the CCDPW prior to final plat approval. The internal street grade leaving Maryland Route 274 may not exceed 5% within the limits of the intersection right of way. If mini-road grades exceed 5% the mini-road travel way and cul-de-sac must be paved in accordance with Section 2.1.3F of the road code. The final plat must include the lot grading plan standard note. The lot grading plan must include the standard construction limit note. These notes are as follows: 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 the use and/or occupancy of any of the sites shown hereon. Any change
Any road code variances sought must be requested prior to submittal for preliminary plat approval. The private mini-road subdivision and plans must adhere to the provisions of Section 2.13 of the road code which addresses requirements for private roads. A statement clearly outlining the responsibilities of the homeowners in the maintenance of roads and storm drainage systems must be approved by the Planning Commission and placed on the final plat. Deed restrictions must be developed and recorded in accordance with road code section 2.13.D. Where deemed necessary by the utility companies, the owner, the designer, or DPW, utility poles must be relocated at the owner’s expense. If stormwater discharge is directed off of site on to an adjacent property it is the responsibility of the developer to obtain appropriate easements from the affected property owners in accordance with Section 251.13 and 251.15.D of the Cecil County Stormwater Management Ordinance. The downstream conveyance of stormwater must be analyzed in accordance with Section 251.9A.(5) of the County’s Stormwater Management Ordinance. Special care to the design if a concentration of runoff will result from the stormwater management facilities.

What configuration is anticipated for the stormwater facilities as none is shown? Mr. Sutton responded that is not yet known. If a 25’ wide access strip is intended to convey runoff by an open ditch and serve as an access road, it must be expanded to 35’ or convey the runoff via a culvert. A public works agreement will be required for the private mini-road shown. An inspection and maintenance agreement will be required for the private stormwater management facilities. Note #7 suggests a boundary survey has been done, yet no surveyor’s seal appears on the plat. Mr. Sutton responded that the boundary survey has been done.

Bob Markwardt, CCPS, stated that bus service would be provided at Pebble Lane and Maryland Route 274. He queried as to the size, cost and construction timetable. 2,000-3,000 square feet at $200,000 and up. A two year schedule is anticipated.

John Roop, Corps of Engineers, stated that there are no wetlands on site.

Jim Kyte questioned whether the road would be blacktop or gravel. Mr. Sutton responded that is yet to be determined, it may be blacktopped. Mr. Kyte stated that it should be 18’ wide to allow for cars to pass. No fire suppression tank is proposed and it is 7/10ths of a mile to the closest fire hydrant. The cul-de-sac radius should be large enough for fire equipment to turnaround.

Cynthia Latham, MDE, stated that a GAP is not needed. She questioned whether she is disoriented due to the north arrow. Mr. Sutton explained why the north arrow appears to be wrong.
Butch King, SHA, asked if the existing entrance would be used. Mr. Sutton responded there is no existing entrance. Mr. King asked that the proposed entrance be staked. Lot 6 is denied access to Rte. 274 and must be noted on the plat. A permit is required to construct the entrance, which must be at least 24 wide back to the right of way line, and must be constructed in accordance with their rules and regulations.

Joe Moore stated that a groundwater appropriation permit is not required by MDE for 6 lots. Percolation tests and soil evaluations have been conducted to define a satisfactory 10,000 square foot sewage area on each lot. Mr. Moore stated that additional tests may be required after preliminary plat review by the TAC. Show all well locations and sewage areas, septic systems within 100 of property lines.

Tony Di Giacomo referenced comments received from two individuals, copies are in file for perusal. The comments regarded the high density of this proposed development.

Mr. Di Giacomo presented CCP&Z comments on this proposal, as follows.

Upon initial and subsequent inspection, this project was not in compliance with §3.8 of the Subdivision Regulations, regarding public notification signs. On 5/25/05, digital photos of the installed signs were submitted.

The zoning is RR (Rural Residential). The RR zone permits a maximum base density of 1 du/ 5 ac. Bonus density eligibility carries with it a permitted density of 1/3. This Concept Plat proposes 6 lots, a private mini road, and common open space on 7.09 acres, for a proposed density of 1/1.18.

The tax maps show the locations of Parcels 157 and 195 differently than they are represented on the plat. What accounts for that discrepancy? Mr. Sutton indicated that the configuration represented on the plat was, in fact, correct.

The invocation of §2.4.1 seems specious. Records indicate that Parcel 195 retains full minor subdivision potential, and that Parcel 157 consists of two distinct tracts. Proposed Lot 6 appears to be simply a reconfiguration, and proposed Lots 1-5 could be realized as a minor subdivision. Because of the proposed mini road in that minor subdivision, it would need to be reviewed and approved through the major subdivision process which is being done with the TAC review today.

§2.4.1, on the other hand, deals specifically with major subdivisions and the adding of minor subdivision lots as a bonus, provided that those minor subdivision lots are served by an internal road. It does not pertain to
minor subdivisions that must be approved through the major subdivision process because of a proposed internal road, pursuant to §2.4.2.

§24.2.a of the Zoning Ordinance permits a minor subdivision density of 1/1 in the RR zone.

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

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. 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. A Jurisdictional Determination (JD) must be done prior to preliminary plat review by the Planning Commission.

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

Mr. Di Giacomo stated that no common open space is required for fewer than 10 lots, yet 18% is proposed. Mr. Sutton indicated that was to accommodate stormwater management facilities.

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.

No landscaping of the development envelope is required in the RR zone.
No sidewalks are recommended.

Bufferyard Standard C is required, outside the right-of-way, along the road frontages of roads.

A Bufferyard Standard A appears to be required along northern borders of proposed Lots 3 and 4.

Rows of street trees with 10’ planting easements are required, outside the right-of-way, along both sides of the proposed Pebble Lane. 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) must be approved prior to Planning Commission review of the Concept plat (§5.1.C, Cecil County Forest Conservation Regulations). The Preliminary Forest Conservation Plan (PFCP) must be approved prior to Planning Commission review of the Preliminary Plat (§6.2.B(1), Cecil County Forest Conservation Regulations).

The final Forest Conservation Plan (FCP) and Landscape Plan must be approved prior to Planning Commission review of the Final Plat (§6.3.B(1)(a), Cecil County 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. The metes and bounds description of the FRA must be shown on the record plat.

The Pebble Lane road name has been approved. Proposed Lots 1 & 6 must not directly access MD 274.

Access to common open space between lots must be marked with concrete monuments.
A Homeowners Association for maintenance of common open space must be established with $50 per recorded lot placed in escrow for improvements prior to recordation. A Mini-road Association for maintenance of the mini road must be established prior to recordation, with the owners of all lots becoming members.

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 Monday noon submission deadline for review by the Planning Commission this month.

7. State Line Farm Estates, Lots 1-24, Telegraph Road, Preliminary Plat, McCrone Inc., Fourth election District.

Donnie Sutton of McCrone, Inc. also appeared to present this proposal. Mr. Sutton summarized the project and stated the boundary line survey has been completed and lot reconfiguration is a result of percolation testing. The missing sign has been replaced on Evan Drive.

Mark Woodhull, CCDPW, stated that a stormwater management plan, road and storm drain plan, and a mass and final grading plan must be approved by the CCDPW prior to submittal for a final plat approval. 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. Lot grading plan must include the standard construction limits note. The notes must read as follows: 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 sites shown hereon. Any changes to the forest retention, forestation and/or reforestation will require consistency review of stormwater management approval with CCDPW. Sidewalk maintenance will be required of the adjacent property owner as required by the Cecil County Road Code. 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 noncompliance with Chapter 251 of the Cecil County Code and either and/or both the developer and builder may be subject to the enforcement of the penalty provisions therein. Any road code variances sought must be requested prior to submittal for preliminary plat approval. Closed section road width is shown yet drainage appears to show open section. Mr. Sutton indicated open section will be used. Intersection appears to be misaligned. Required easements for preliminary plat are not shown and must be shown on the preliminary plat for Planning Commission review. The internal street grade leaving Evan Drive may not
exceed 5% within the limits of the intersection right of way. Applicant shall reconstruct Kristopher Way from the Evan Drive intersection east to minor road standard. Disclose the nature of Sheryl Drive i.e. public, private, right of way, improved, not improved, deed reference, etc. Note 13 indicates no title search was used in preparation of the boundary survey. How will the proper identity of any easements or encumbrances in this area be known without title search? Mr., Sutton stated Sheryl Drive is a private right of way for lands of Lanzi, Sweetman & Brown. The adjoining landowners deeds indicate a private right of way. If properties of Duffy, Brown, Lanzi, Sweetman and Cavanaugh enjoy deeded access across Sheryl Drive, show the improved areas and any easements (ingress, egress, regress areas etc.) along with the deed reference.

The applicant must confirm with the Department that the horizontal curves shown meet the geometric requirements of Section 3.04.1 of the road code or revise the same prior to preliminary plat submittal to the Planning commission. The alignment was revised from the concept plat and appears to depict a street centerline radius too narrow to approve without a road code variance. Where is the construction access easement from Maryland Route 273 previously shown on the concept plat? Mr. Sutton stated it was omitted and will be placed on the preliminary plat. Lots 17 & 24 are to be denied access to Evan Drive and a note added to the final plat indicating the same. The downstream conveyance of stormwater must be analyzed in accordance with Sections 251-9A.(5) of the County’s stormwater management ordinance. If stormwater is directed off of site on to adjacent property it is the responsibility of the developer to obtain appropriate easements from the affected property owners per section 251-13 and 251-15.D of the Cecil County Stormwater Management Ordinance. Any proposed use of the onsite pond for stormwater management will require a geotechnical evaluation of the embankment for compliance with current MD-378 pond code criteria, a condition report prepared by the engineer addressing the condition of the embankment, inflow, and outfall structures and a pond hazard classification prior to submitting site engineering.

The applicant must provide stopping site distance measurements for the Evan Drive access points to DPW prior to preliminary plat submittal. Section 3.07.15 of the road code requires that Evan Drive be upgraded to minor collector standard for 100’ either side of the proposed entrances. The design engineer must address the requirements for minimum acceleration and deceleration and bypass lanes. Any right of way acquisition necessary shall be performed by the applicant and at the applicant’s expense. Where determined necessary by the utility companies, the owner, designer or DPW, utility poles must be relocated at the owner’s expense. All driveways must be paved to the right of way. The driveway paving must be completed for all lots at the time when the surface course for the internal roads is installed. This requirement includes any vacant but platted lots. Any driveway exceeding 5% up gradient slope from the roadway must be paved to the crest. If the development is phased these requirements will apply to each phase when 80% of the lots are built out. All of these requirements must be reflected on the lot grading plan. A public works agreement is required for the internal streets and storm drains. An inspection and management agreement is required for all private stormwater management facilities.

Bob Markwardt, CCPS, stated that lot represents a turnaround area for school buses. Will lot 6 be denied access to Rte. 273. Mr. Sutton responded that will be determined by SHA. Mr. King responded that lots 6, 9 & 10 will be denied access. Mr. Markwardt stated they will need to adjust to that. Bus service is provided on Evan Drive.
Mr. Roop, Corps of Engineers, stated that there are no wetlands.

Jim Kyte stated that he could not find the closest water source therefore they should consider a fire suppression tank at Evan Drive and Kristopher Way.

Cynthia Latham, MDE, could not find a GAP for this proposal.

Mr. King, SHA, questioned DPW about construction entrance. Mr. King stated that access to lot 6 will be re-examined due to School Board comments. A temporary construction entrance will be allowed between lots 9 & 10. However, when the development is built the temporary entrance must be removed and all access to lots 9 & 10 must be off Kristopher Way with no direct access to Telegraph Road (MD. RTE. 273).

Joe Moore stated that GAP is required from MDE prior to final plat approval. Additional percolation tests must be conducted on lots 2, 3, 4, 5, 7, 8, 11, 13, 14, 16, 17, 18, 21, 22 and 24. Percolation tests on lots 24 and 4 must be conducted seasonally and possibly on lot 7. Revise sewage areas on lots 3, 7, 8, 11, 13, 15, 16, 18, 19, 21 and 22. Revise dwelling and well location on lot 20. Place note on plat that wells on lots 1, 9, 10, 12, 13, 14, 22, 23 and 24 must be drilled prior to issuance of a building permit. Show existing septic tank and surveyed well location on lot 6. Show proposed well locations on property of Rodney Willis and John C. Reynolds and remove word “approximate” from the plat.

Show swale on lot 4 close to perc hole #14. Show surveyed well location and septic tanks on lots 18 & 19 (Hillcrest). Show well(s) and septic system/sewage areas on property of John Reynolds and parcel north of Reynolds along Rte. 273. Show restricted tank locations on lots 2, 3, 4, 5, 8, 9, 10, 11, 12, 13, 16, 19, 20, 21, and 22. Show septic system locations on lands of Diem, Peterson, and Jannings.

Identify type of stormwater management pond near lots 2 & 3 (wet or dry pond). If wet pond sewage areas on lots 2 & 3 must be 100’ from the designed water line. Show designed water line on revised preliminary plat. Submit a site grading plan for lots 2, 3 and 5 to show natural drainage will be directed away from the sewage areas. A revised preliminary plat showing forest retention areas and stormwater management devices including drywells must be submitted to the Cecil County Health Department prior to record plat approval. Due to perc rate, lot 13 requires 125’ lot width. Well on lot 11 must be 100’ from sewage area. Is the road curb and gutter or grass swale? Mr. Sutton responded open section. Several sewage areas need to maintain 25’ foot separation. Identify building types on lot 6. There is no CoB2 soil type in Cecil County. What are the building restriction lines particularly on lots 12 & 14? Mr. Sutton responded 30’. Lot 25 in Hillcrest needs to show sewage area and well and then the approximate location existing septic area should be approved sewage area on Willis and Reynolds.
Tony Di Giacomo summarized public comments. Copies of public comments received have been placed in the file for reference. Generally, comments concerned stormwater management, traffic, school impacts and high density development.

Mr. Di Giacomo provided CCP&Z comments, as follows. Upon initial inspection, this project was found to be not in compliance with §3.8 of the Subdivision Regulations regarding public notification signs. Subsequent inspection revealed the project to be in compliance as of 5/24/05.

The zoning is SR (Suburban Residential). The SR zone permits a maximum density of 1 du/ 1 ac.

The Concept Plat, proposing 28 lots\[2\] on 33.1 acres, for a proposed density of 1/1.18, was approved on 8/16/04, conditioned on:

1) The correct F.I.R.M. community panel numbers being cited on the Preliminary Plat submitted for TAC review;

2) A JD being completed prior to Preliminary Plat review by the Planning Commission;

3) A setback modification being granted for the existing structures on proposed Lot 28 forward of the building restriction line;

4) A Bufferyard C modification being granted for proposed Lot 28 because of the location of existing structures;

5) The disposition of the Sherryl Drive area being determined prior to Preliminary Plat review by the Planning Commission; and

6) A boundary line survey being completed (or a signed and sealed copy being provided to OPZ) in conjunction with the preparation of the Preliminary Plat for density calculation purposes.

Mr. Di Giacomo stated that the boundary line survey had been complete.

Consistent with §176.2.a, Sherryl Drive was no longer proposed as part of the common open space on the approved Concept Plat. On this Preliminary Plat, Sherryl Drive is once again included in the common open space. In cannot exist as common open space.

At the Planning Commission’s review of the Concept Plat, it was stated that the lands of Lanzi were accessed from Delaware, possibly across the Sherryl Drive. Mr. Di Giacomo asked if that actually was the case. Mr. Sutton replied that it was. Mr. Di Giacomo stated, if so, then that access alignment cannot be part of the
proposed common open space, per §176.2.a.

Other modifications to the approved Concept Plat’s design include:

1) Only 24 lots are now proposed, for a revised density of 1/1.26;
2) The percentage of common open space acreage has increased from 17.22% to 22.5%;
3) The design and location of the Kristopher Way cul-de-sac has changed;
4) The southeastern property boundary has changed, causing one existing structure to straddle the property line;
5) Minor Subdivisions 2191, 2251, and 3259 have been referenced;
6) Proposed Lot 6 (old 28) is now proposed to be accessed from the Kristopher Way cul-de-sac;
7) The number of panhandle lots has increased to three (3), and
8) The lot numbering scheme has been modified because of the reduction in the number of proposed lots.

The F.I.R.M. map panel number has not been corrected. That was a condition of Concept Plat approval. Mr. Sutton stated that the correct panel number would be used on the plat submitted for review by the Planning Commission.

Proposed lots 1-5, 7-9, 11-12, 19-24 & areas of common open space are depicted as having areas of steep slopes. 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.

Slopes greater than 15% have been shown. Mr. Di Giacomo asked if there are any areas of slopes 25% or greater? Mr. Sutton replied in the negative.

Stream buffers and expansions thereof have been shown. Permits are required from the (US Army) Corps of Engineers and MDE for any non-tidal wetland or stream impacts prior to recordation. A Jurisdictional Determination (JD) must be done prior to preliminary plat review by the Planning Commission. Mr. Di Giacomo asked about the status of the JD. Mr. Sutton replied that it was in the process of being completed.

June 1, 2005, 9:00 a.m.
This proposal satisfies the common open space requirements of the SR zone. 15% common open space is required; 22.5% 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. Those thresholds shall be calculated and included on the Preliminary Plat.

20% landscaping of the development envelope is required in the SR zone.

Sidewalks are recommended on at least one side of the internal streets.

Bufferyard Standard C is required, outside the right-of-way, along the road frontages of Telegraph Road (273). As the existing structures on proposed Lot 6 are proposed to remain, modifications to the Bufferyard C were granted with Concept Plat approval.

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

The contiguous to operating farms notice has been provided on the plat. No Bufferyards Standard A have been depicted, however. Where feasible, the natural vegetative equivalent may be used to satisfy the bufferyard and street tree requirements.

The Forest Stand Delineation (FSD) was approved on 8/11/04. This site contains no habitats of rare, threatened, and endangered species.

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

The final Forest Conservation Plan (FCP) and Landscape Plan must be approved prior to Planning Commission review of the Final Plat (§6.3.B(1)(a), Cecil County 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. The metes and bounds description of the FRA must be shown on the record plat.

All internal road names have been approved.

Access to common open space between and beside lots must be marked with concrete monuments. A Homeowners Association for maintenance of common open space must be established with $50 per recorded lot placed in escrow for improvements prior to recordation.

The applicant was reminded of the Monday noon submission deadline for review by the Planning Commission this month.

8. **Brookwood Estates, Lots 1-7, Moore Road, Concept Plat, McCrone, Inc., Eighth Election District.**

Bud Felty of McCrone Inc. appeared to present this proposal. Mr. Felty provided a summary of the proposal. The subdivision proposes a subdivision on 38 acres with a min-road. Property has steep slopes and has nice home sites at top part of property. Density is within limits, proposal to get to top of hill is to use 25' wide shared access easement over an existing driveway. This permits them to avoid 15% and 25% slopes. The mini-road will serve lots 1, 2 & 3 and provide road frontage for other lots. The shared driveway will permit reduction in grading and clearing. The property is entirely wooded with the exception of three acres on lot 1.

Mr. Woodhull, CCDPW, stated that a stormwater management plan, street and stormdrain plan, and a mass and final grading plan are required and must be approved by CCDPW prior to final plat approval. The internal street grade leaving Moore Road may not exceed 5% within the limits of intersection right of way. If mini-road profile grade exceeds 5%, the mini-road travel way and cul-de-sac must be paved in accordance with Section 2.13 F of the Road Code. The final plat must include the lot grading plan standard note.

The lot grading plan must include the standard construction limits note. These notes are as follows: 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 the use and/or occupancy of any of the sites shown hereon. Any change to the forest retention, forestation, and/or reforestation will require consistency review of the SWM approval with CCDPW. 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 and/or both the developer and builder may be subject to the enforcement of the penalty provisions therein. Any road code variances sought must be requested prior to submittal for preliminary plat approval. Cul-de-sac right of way radius required by the code is 50’, a 45’ radius as shown is not approvable. Lot one, as shown, does not have frontage on a County road. By definition, a private mini-road may serve a maximum of seven lots only if the two corner lots have frontage on a County or State maintained road. Revise the plat prior to proceeding the Planning Commission. The private mini-road subdivision and plans must adhere to the provisions of Section 2.13 of the road code which addresses the requirements for private roads. A statement clearly outlining the responsibilities of the homeowners in the maintenance of roads and storm drainage systems must be approved by the Planning Commission and placed on the final plat.

Deed restrictions must be developed and recorded in accordance with Road code Section 21..3.D. Where determined necessary by the utility company, the owner, DPW, the designer, utility poles must be relocated at the owner’s expense. If stormwater discharge is directed offsite to an adjacent property it is the responsibility of the developer to obtain appropriate easements from the affected property owners in accordance with Section 251-13 and 251-15.D of the Cecil County stormwater management ordinance. The downstream conveyance of stormwater must be analyzed in accordance with Section 251.9A.(5) of the County’s SWM ordinance.

Special care must be given to the design if a concentration of runoff will result from the SWM facilities. A public works agreement will be required for the private mini-road shown. An inspection and maintenance agreement will be required for the private SWM facilities. The stormwater management design submittal shall provide for grading and layout of the proposed shared driveway and easement access. Deed restrictions must identify construction and maintenance responsibilities for the shared driveway access as this to be privately installed and maintained. A separate maintenance agreement for lots 4, 5, 6, & 7. Note #7 suggests a boundary survey has been done, yet no surveyor’s seal appears on the plat. Mr. Felty responded that it has been completed.

Bob Markwardt, CCPS, stated that bus service would be provided at the corner of Rockwood and Moore Roads. He inquired as to the size of the homes planned? Mr. Felty responded 2,000 – 3,000 square feet. Estimated cost is $200,000 to $300,000 and construction should be underway by the summer of 2006.

John Roop, Corps of Engineers, stated no wetlands are present, and a JD has been done.

Mr. Kyte stated the local fire company needs to be contacted to make sure this meets their needs. Mr. Felty inquired as to whom he should check with? Mr. Kyte said that Wayne Tome is the Chief.

Ms. Latham, MDE, said a GAP is not required for 7 lots.

June 1, 2005, 9:00 a.m.
Butch King, SHA, stated that there is no Maryland Route 338.

Joe Moore, Health Department, stated that a GAP is not required by MDE for 7 lots. Some percolation tests have been conducted on the property. Additional tests may be required after preliminary plat review by the TAC. Some seasonal testing may be required. Show surveyed locations of wells and septic systems on lots 1 and 7. Place a note on plat that the dug well on lot 7 will be abandoned and sealed prior to record plat approval. Show any wells and septic systems/sewage areas within 100 from property lines.

Tony Di Giacomo stated that there were no citizen comments received on this project.

Mr. Di Giacomo presented CCP&Z comments, as follows. Upon initial and subsequent inspections, this project was found not to be in compliance with §3.8 of the Subdivision Regulations regarding public notification signs. Subsequent inspection on 5/25/05 revealed the required signage to have been installed.

The zoning is NAR (Northern Agricultural Residential). The NAR zone permits a maximum base density of 1 du/5 ac. Bonus density eligibility carries with it a permitted density of 1/3. This Concept Plat proposes 7 lots, common open space, and a private mini-road on 37.7 acres, for a proposed density of 1/5.39.

The Department of Public Works Road Code defines a mini-road as one serving not more than 5 interior lots or not more than 7 lots if a maximum of two corner lots have frontage on state- or county-maintained roads. Therefore, as designed, there can be no more than 6 lots permitted. Otherwise, the proposed Brookwood Drive must be a County road. Mr. Felty stated that the layout would be reconfigured to ensure that there were 2 corner lots with County road frontage.

The vicinity map incorrectly labels Rowlandsville Road as MD 338. That must be corrected on any plat submitted for review by the Planning Commission.

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

All proposed lots are depicted to have steep slopes. 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. Slopes greater than 25% must be again 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. A Jurisdictional Determination (JD) must be done prior to preliminary plat review by the Planning Commission.

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

No common open space is required; 1.6 acres are proposed.

No landscaping of the development envelope is required in the NAR zone.

No sidewalks are recommended.

Bufferyard Standard C is required, outside the right-of-way, along the Moore Road frontages. Rows of street trees with 10’ planting easements are required, outside the right-of-way, along both sides of the proposed Brookwood Drive. 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) must be approved prior to Planning Commission review of the Concept plat (§5.1.C, Cecil County Forest Conservation Regulations). The Preliminary Forest Conservation Plan (PFCP) must be approved prior to Planning Commission review of the Preliminary Plat (§6.2.B(1), Cecil County Forest Conservation Regulations).
The final Forest Conservation Plan (FCP) and Landscape Plan must be approved prior to Planning Commission review of the Final Plat (§6.3.B(1)(a), Cecil County 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. The metes and bounds description of the FRA must be shown on the record plat.

The proposed Brookwood Drive road name has been approved.

This design appears to embrace two mini-roads. That is confusing and has a number of potential problems, including addressing and emergency response.

The Department of Public Works Road Code stipulates that all lots, including any corner lots, must access the mini road. Mr. Di Giacomo asked why, then, has a proposed 25' wide shares driveway and access easement been shown on proposed Lots 5-7. Mr. Felty responded that since none of the proposed lots would, as designed, access a County road, they would, therefore, access, the proposed mini-road.

Proposed lots 3, 5 and 6 exceed the 3:1 length to width ratio established in §7.4.2. Access to common open space between lots must be marked with concrete monuments.

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

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.

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.

All required documents from the gas line company granting permission or agreeing to easement impacts must be received prior to Final Plat review. All documents requiring recordation must be recorded prior to the
recordation of the Record Plat.

The applicant was reminded of the Monday noon submission deadline for review by the Planning Commission this month.

Mark Woodhull additionally stated that since lot 1 will be given frontage on Moore Road, it will need to be denied access on Moore Road.

9. The Tradition, Lots 5-82, Cayots Corner Road & St. Augustine Road, Concept Plat, McCrone inc., Second Election District.

Donnie Sutton of McCrone Inc., and John Price appeared to present the proposal. Mr. Sutton stated that this project is seeking bonus density and individual wells and septic systems. The design is driven by preliminary percs and they are attempting to provide a compact design. Mr. Sutton indicated 78 lots are being proposed through bonus density.

Mark Woodhull stated that a SWM plan, road and stormdrain plan, and a mass and final grading plan must be approved by the CCDPW prior to submittal for final plat approval. The final plat must include the lot grading plan standard note. The lot grading plan must include the standard construction limits note. The notes must read as follows: 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 consistency review of the SWM approval with CCDPW. 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. Any road code variances must be requested prior to submittal for preliminary plat approval. The internal street grade leaving MD. Rte. 310 may not exceed 5% within the limits of the intersection right of way.

A Maryland State Highway Administration Access Permit is required. If the existing paved lane is intended to serve the barn on lot 82, include an ingress and egress easement across parcel 26, and identify any maintenance responsibilities in the lot 82 deed restrictions. Conversely, if the paved lane on the lot 82 panhandle is intended to serve parcel 26 also, show an ingress and egress easement and identify maintenance responsibilities in deed restrictions for lots 82 and parcel 26. Applicant must confirm with the department that the horizontal curves sown meet the geometric requirements of section 3.04.1 of the road code or revise the same prior to concept submittal to the Planning commission. This is a layout issue. Lots 6, 14, 20, and 26 should access Eagle Terrace and be denied access to Heritage Drive. Mr. Woodhull asked for record whether there was any consideration of connection to adjoining parcels? Mr. Sutton discussed the layout.
Add a note indicating the same to the final plat. The downstream conveyance of stormwater must be analyzed in accordance with section 251-9.A.(5) of the County’s SWM ordinance. Based on the detail of the topography shown, any concentrated discharge from the northern most SWM facility may need to enter the perennial stream onsite before it leaves the property boundaries or an offsite easement may be required by the department. Field run site topography along with outfall location and orientation must be shown for this area on the preliminary plat submitted for TAC review. If stormwater discharge is directed off of site to adjacent properties it is the responsibility of the developer to obtain appropriate easements from the affected property owners per Sections 251-13 and 251-15.D of the Cecil County SWM ordinance. The SWM requirements of the minor sub will need to be addressed as per the Director. Where determined necessary by the utility companies, the owner, the designer, or the DPW, utility poles must be relocated at the owner’s expense. All driveways must be paved at least to the right of way. The driveway paving must be complete for all lots at the time when the surface course for the internal roads is installed. This requirement includes any vacant but platted lots.

Any driveway exceeding 5% up-gradient-slope from the roadway must be paved to the crest. If the development is phased these requirements will apply to each phase when 80% of the lots are built out. All of these requirements must be reflected on the lot grading plan. The streets will be open section per Mr. Sutton. A public works agreement is required for the internal streets and storm drains. An inspection and maintenance agreement is required for all private SWM facilities. Note # 7 suggest a boundary line survey has been completed, yet there is no surveyor’s seal. If the SWM facilities outfall along Heritage Drive are to be directed across lot 4, adjoining holdings, add and show a private SWM easement across the same. Is the proposed use of lot 82 and common open space non forested areas agricultural? If so, the applicant is reminded that per 2000 Maryland Stormwater design Area these onsite areas must be modeled in their proposed conditions for determination of site over bank flood protection volume requirements.

For areas not intended to be converted to meadow, this may translate to stormwater management requirements for active farming operations proposed on lot 82 or the common open space. The consulting engineer should thoroughly discuss this item with the applicant prior to preparing any site stormwater management designs. Mr. Sutton stated there is no proposed changes to lot 82. Mr. Woodhull stated Heritage Drive proposed with a collector right of way so driveways accessing Heritage Drive should be provided with a turn around capability.

Bob Markwardt, CCPS, asked about the size and price range of homes? Mr. Sutton responded 2,000-3,000 square feet in the area of $700,000. Bus service would be provided at east Heritage entrance and Cayots Corner. A bus shelter and off street parking is suggested. If necessary, a bus stop could be provided at both Heritage locations. Mr. Sutton said construction is estimated to commence in 2 years.

John Roop stated that no JD has been issued.
Jim Kyte stated that paving width should be 26’ on Eagle Terrace and Legend Court. One 30,000 gallon fire suppression tank should be located between proposed lots 47 & 48.

Cynthia Latham, MDE, stated that a water appropriation permit will be required.

Butch King, SHA, stated that a Traffic Impact Study (TIS) will need to be done to see what impacts this development will have on surrounding roads. Access to the site must be in accordance with the Maryland State Highway Access Manual as well the rules and regulations of this administration. All access to lots 5, 6, 7, 8, 9, 10, 11, 12, 13, and 15 must be off either Heritage Drive or Eagle Terrace with no direct access to Cayots Corner Road.

A permit must be issued to the developer by this office for the improvements within the State right of way associated with the entrance. Any additional right of way needed for the proposed improvements must be deeded in fee simple to the State Highway Administration. Storm drain plans and computations must be submitted for review and approval by the Highway Hydraulics Division. Need to see on the plan if any existing accesses are on the other side of MD 310. Further comments may be warranted as the project progresses.

Joe Moore, Health Department, stated that a GAP is required by MDE prior to final plat approval. Test wells may be required by MDE. Approximately 200 percolation tests and soil evaluations have been conducted to define satisfactory 10,000 square foot sewage areas. Additional percolation tests must be conducted after TAC review of preliminary plat. Percolation tests must be conducted on proposed lot 14 and 82. Show swales on preliminary plat. Identify SWM facility as dry pond or wet pond on revised preliminary plat. Sewage areas must be 100’ from the designated water level of pond. Show wells and septic systems/sewage areas within 100’ of the property lines.

Tony Di Giacomo summarized the citizen comments relative to traffic, SWM, well water, and number of lots as to bonus density. For the record, contrary to some comments that had been received, Mr. Di Giacomo stated that no public water and sewer service had been proposed in conjunction with this project. Public comments are in file for perusal.

Mr. Di Giacomo provided CCP&Z comments, as follows. Upon initial inspection, this project was not in compliance with §3.8 of the Subdivision Regulations regarding public notification signs. Subsequent inspection on 5/24/05 revealed that this project was in compliance.

The zoning is SAR (Southern Agricultural Residential). The SAR zone permits a maximum base density of 1 du/ 8 ac. Bonus density eligibility carries with it a permitted density of 1/5. This Concept Plat proposes 78
lots on 425.4 acres, for a proposed bonus density of 1/5.45.

Parcels 5 and 27 are currently in MALPF districts. MALPF termination documentation must be recorded prior to the Planning Commission’s review of the Final Plat.

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

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. 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. A Jurisdictional Determination (JD) must be done prior to preliminary plat review by the Planning Commission.

Per the Planning Commission’s policy, established on 3/20/95 and revised on 1/16/96, so long as the wetlands are in the common open space or the forest retention area or the large lot, a JD need not be done.

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

No landscaping of the development envelope is required in the SAR zone.

No sidewalks are recommended in the SAR zone.

15% common open space is required; 23.4% is proposed. The proposed large lot (82) and common open space together comprise 80.1% of the total acreage, thus qualifying for bonus density eligibility.
common open space between Cayots Corner Road and proposed Lots 6-13 must be identified as common open space.

Bufferyard Standard C is required, outside the right-of-way, along the road frontages of St. Augustine and Cayots Corner Roads. Staff would support a Bufferyard Standard A in lieu of the Bufferyard C, as that could better preserve to local rural character.

Rows of street trees with 10’ planting easements are required, outside the right-of-way, along both sides of all internal roads. 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) must be approved prior to Planning Commission review of the Concept plat (§5.1.C, Cecil County Forest Conservation Regulations).

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

The final Forest Conservation Plan (FCP) and Landscape Plan must be approved prior to Planning Commission review of the Final Plat (§6.3.B(1)(a), Cecil County 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. The metes and bounds description of the FRA must be shown on the record plat.

This proposed design includes 3 panhandle lots (28, 29, & 82). The road names Eagle Terrace, Heritage Drive, and Legend Court have been approved.

Access to common open space between and beside lots must be marked with concrete monuments. Covenants prohibiting the subdivision of the large lot must be recorded and noted on the plat prior to recordation.
A Homeowners Association for maintenance of common open space must be established with $50 per recorded lot placed in escrow for improvements prior to recordation.

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.

Proposed Lots 2, 3, & 4 must be approved via the Minor Subdivision process prior to this proposal’s Final Plat review by the Planning Commission.

The applicant was reminded of the Monday noon submission deadline for review by the Planning Commission this month.
A Concept Plat for the Villages of Elk Neck was previously approved for 367 residential lots and 7 acres for neighborhood commercial on 3/19/91.

The Villages of Elk Neck, *Longview* Preliminary Plat was approved 3/19/91, and the Final Plat was approved 6/17/91.

The Villages of Elk Neck, *Section II: Woodholme* Preliminary Plat was approved on 6/15/92, and the Final Plat was approved on 11/16/92.

The Villages of Elk Neck, *Section IIa: Woodholme II* Preliminary Plat was approved on 4/19/93, and the Final Plat was approved on 7/19/93.

29 lots were proposed on the Concept Plat submitted for TAC review.
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Technical Advisory Committee

Present: Di Giacomo, Tony (CCP&Z); Woodhull, Mark (CCDPW); Latham, Cynthia (MDE); Moore, Joe (DEH); Markwardt, Bob (CCPS); Kyte, James (FA); Graham, Daniel (Citizen Rep); Tulloch, Lindsay (SCS); King, Butch (SHA); Dempsey, Gale (CCP&Z)

The meeting was called to order at 9:00 a.m. by Tony Di Giacomo.

1. Donna’s Village, Lots 1-33, Old Bayview Road, Preliminary Plat, Frederick Ward Associates, Fifth Election District.

Christopher Diebold appeared to present the preliminary plat.

Lindsay Tulloch presented the comments from Soil Conservation Service. They are primarily concerned with the stormwater management ponds and the soil limitations on site.

Bob Markwardt presented the comments from Cecil County Public Schools. He inquired as to the size and cost of the dwellings and when the project would commence. Mr. Diebold responded the dwellings would be 2,000 sq. ft. and be priced from $250,000 to $280,000. The project is anticipated to start in July 2006. Mr. Markwardt indicated that bus service would not be provided at both locations for Ray’s Way. Pedestrian access would be needed.

Mark Woodhull provided CCDPW comments. The Concept Plat identifies water supply for this site from and owned by the Town of North East. Has public water allocation and capacity been confirmed by the Town? The CCDPW recommends that the water distribution system be designed to meet or exceed the County’s standards. The serving fire company must review fire hydrant spacing and locations. The water lines must be reflected on the sanitary sewer plans and as-builts. Town water easements must be shown on the record plat. Please confirm that parcel 736 is included within the project limits shown. The public sanitary sewer mains are to be owned and maintained by Cecil County. Sewer service laterals for Lots 1-8 must connect to the new sewer main in the proposed Ray’s Way. Add a note to the Final Plat identifying that no structures are permitted upon the sanitary sewer easements shown crossing residential lots. This includes the open channel ditches show, which must be redesigned outside the sewer easement. Sanitary sewer house connections must be made to the proposed sewer lines and not to any manholes. As such, the proposed sewer lines must be extended to lots 4, 16, 17, 24, 25 & 30. The proposed 20’ wide easements located on lots 9 & 10 may need to be widened if the sewer is deeper than 10’ below proposed grade. All public sewer main installed at 15’ and...
greater depths are to be ductile iron pipe. A sanitary sewer allocation request must be made to the Department of Public Works for these 33 lots. A SWM plan, Street & Storm Drain plan, Sanitary Sewer plan, and a Mass & Final Grading plan are required and must be approved by the CCDPW prior to Final Plat Approval. Internal Street grade leaving Old Bayview Road may not exceed 5% within the limits of the intersection right-of-way, or a minimum of 55' from the centerline of Old Bayview Road. Identify deed or plat reference for existing Bayview Road right-of-way shown. 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.

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.

Sidewalk maintenance will be required of the adjacent property owner, as required by the Cecil County Road Code.

No clearing or grading is permitted beyond the limits of disturbance show 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.

Any Road Code Variances sought must be requested prior to submittal for Preliminary Plat approval. Inner radius lane widening is required for the horizontal curvature shown, or the engineer must consider a different subdivision layout. Applicant must provide stopping sight distance measurements for the Old Bayview Road access points to the DPW prior to preliminary plat submittal. Existing site Old Bayview Road access points/driveways shall be removed at commencement of site construction. Section 3.07.15 of the Road Code requires that Old Bayview Road be upgraded to Minor Collector road standard for 100' either side of the proposed entrances. The design engineer must address the requirement to improve/establish shoulders, construct the minimum acceleration and deceleration lanes, and improve drainage along this development's entire road frontage on the street construction drawings. No acceleration or deceleration lanes are shown on the preliminary plat. Note 15 must be modified to indicate the improvements required to Old Bayview Road along the development's frontage. Lots 1, 20, 21, and 33 are denied access to Old Bayview Road. Lots 1-8 are denied access to Phenneger Lane. Add a note to the plat indicating the same. All driveways must be paved at least to the right of way. The Developer is responsible to complete all driveway paving within the road 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 must include notes to this effect. Where determined necessary by the utility companies, the owner, the designer, or DPW, utilities poles must be relocated at the Owner's expense. All sewer service cleanouts must be designed to be outside of all paved or concrete areas on each lot and shown on the utility plans. Public Stormdrainage easements must be separated from private stormwater management access roads. The fee simple SWM access should be a minimum of 15' wide, in addition to the public stormdrainage easement. They may be thirty feet wide combined, or 20' for the public stormdrain and 15' minimum for the SWM access. 20' combined is shown. Applicant's engineer must provide a capacity update for public sewer collection system between manholes 493 and 476 of the Stony Run Interceptor. Include field as-built information and engineering calculations for the same. The private swales and storm conveyances within the subdivision should be contained within private drainage easements to be maintained, along with the site stormwater management systems by the Home Owners Association. Discharge of the storm runoff from lots 8 thru 13 shall not be directed, uncontrolled, over the stormwater pond inner slopes.
without a designed channel and inlet protection system. The stormwater management outfall may not impact the public sewer main. Any and/or all structures (i.e. dwellings, outbuildings, driveways, etc’) on down-gradient properties impacted by the site’s designed stormwater discharges must be identified on the SWM Plans. If stormwater discharge is directed off of the site on to an adjacent property it is the responsibility of the Developer to obtain appropriate easements from the affected property owners in accordance with Section 251-13 and 251-15.D of the Cecil County SWM Ordinance. In this case, the preliminary site grading indicates a redirecting of runoff that, if pursued as shown, will require the Developer acquire downstream stormwater discharge rights to a point or points downstream beyond which the stormwater conveyance can be shown to be adequate pursuant to Cecil County Stormwater Management Ordinance section 251-9 A(5). The downstream conveyance of storm water must be analyzed in accordance with Section 251-9 A. (5) of the county’s SWM Ordinance. Special care must be given to the design if a concentration of runoff will result from the SWM facilities. Public Works Agreements will be required for all public infrastructure shown. An Inspection and Maintenance Agreement will be required for the private SWM facilities.

Tony Di Giacomo provided CCP&Z comments. This proposal is in compliance with §3.8 of the Subdivision Regulations regarding public notification signs.

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

Zoning: **DR**

Density: The **DR** zone permits a maximum base density of 1 du/1 ac., or 4/1 with community facilities.

The Concept Plat, proposing 35 lots on 11.11 acres, for a proposed density of **3.15/1**, was approved on 2/22/05, conditioned on:

1) **A boundary line survey** for density calculation purposes being completed prior to Preliminary Plat review by the TAC;

2) **A JD** being completed prior to Preliminary Plat review by the Planning Commission;

3) All common open space being labeled as **common open space**;

4) The proposed **road name** s being included on the Preliminary Plat submitted to TAC review (in order that it may be approved prior to Planning Commission review of the Preliminary Plat;

5) The condition of approval of the **FSD** being satisfied prior to Preliminary Plat review by the TAC;

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6) The PFCP being approved prior to Preliminary Plat review by the Planning Commission;

7) A sidewalk being included, as depicted on the plat;

8) Minor Subdivisions #2096 and #2421 being referenced on the plat prior to Preliminary Plat review by the TAC; and

9) A denied access note relating to Phenneger Lane being included on the plat prior to Preliminary Plat review by the TAC.

Note #9 is in direct conflict with the comments from the Corps of Engineers.

Has the boundary line survey been Complete?

This Preliminary Plat, proposing only 33 lots, is generally consistent with the approved Concept Plat.

Per §4.1.22 (l) of the Subdivision Regulations requires that Preliminary Plats include the dimensions of all proposed lots.

With regard to Special Exception # 1829, it was indicated at TAC review of the Concept Plat that the mobile home and other existing structures will be removed.

Minor Subdivisions #2096 and #2421 have been referenced on the plat.

Slopes greater than 25% have been depicted on the plat. 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. [1]

Permits are required from the (US Army) Corps of Engineers and MDE for all non-tidal wetland and stream impacts prior to recordation. A Jurisdictional Determination (JD) must be done prior to preliminary plat review by the Planning Commission.
This proposal satisfies the common open space requirements of the DR zone. 15% is required; 26% is proposed.

As stated at previous reviews, all common open space must be labeled and referenced as common open space. That was a condition of Concept Plat approval. If it is not satisfied prior to submission to the Planning Commission, then staff has no choice but to recommend disapproval.

The common open space sensitive areas thresholds have been calculated and included on the plat.

A minimum of 20% landscaping of the development envelope is required in the DR zone.

Sidewalks are recommended on at least one side of the looped road.

Bufferyard Standard C is required, outside the right-of-way, along the road frontages of Old Bayview Road.

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

The FSD was approved on 2/9/05. Because the Natural Heritage Service exceeded their allotted 30 days in which to respond to the consultant’s rare species filing, the FSD’s approval was conditioned upon receipt of the Natural Heritage Letter prior to PFCP approval.

The PFCP has been submitted. It must be approved prior to the Planning Commission’s review of the Preliminary Plat (§6.2.B(1), Cecil County Forest Conservation Regulations).

The final Forest Conservation Plan (FCP) and Landscape Plan must be approved prior to Planning Commission review of the Final Plat (§6.3.B(1)(a), Cecil County 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 (FRA) must be recorded and noted on the plat prior to recordation. The metes and bounds description of the FRA must be shown on the record plat.

The Rays Way road name has been approved.

Why is proposed Lot 9 denied access to Phenneger Lane?

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

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

The Master Water & Sewer Plan shows this property to be partially in a W-2, W-3, and S-1 areas. The entire site must be included in the Master Water and Sewer Plan prior to Final Plat review by the Planning Commission.

Written verification of water allocation from the Town of North East must be provided to OPZ prior to the Planning Commission review of the Final Plat.

Sewer capacity must be verified by DPW prior to the Planning Commission review of the Final Plat.

Any lots for which those verifications are not provided cannot be approved.

The Final and 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.

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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 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.

James Kyte stated that the paving width should be 26 feet to permit fire trucks and hydrants need to be provided.

Cynthia Latham no comments are required since this project is proposed to be served by public water.

Daniel Graham had no comments.

U.S. Army Corps of Engineers stated that a jurisdictional determination has not been done.

Joe Moore stated that water allocation has been granted by the Town of North East for this project. Sewer allocation must be obtained from Cecil County Department of Public Works prior to final plat approval. Plans for the water lines must be approved by the North East Town engineer prior to record plat approval. Plans for the sewer lines must be approved by Cecil County Department of Public Works prior to record plat approval. Required statements must be on final and record plats.

Mr. Di Giacomo reminded the applicant of the Monday deadline at noon for submission to the Planning Commission.

2. Pearce's Landing, Lots 1-10, Stemmers Run Road, Preliminary plat, Northern Bay, first election District.

Mike Estes, Northern Bay Land Planning, Engineering & Surveying appeared to present this project. He stated that this is a preliminary plat proposing 10 lots. The concept was approved in April 2005. The street name is under review and will get a new name.
Lindsay Tulloch provided SCS comments.

Bob Markwardt stated that there would not be internal bus service. He questioned the size and cost of the homes and the construction schedule. Mr. Estes replied that the dwellings would be large scale and priced in the $500,000 range. Construction of the project will take approximately 18 to 24 months.

Jim Kyte inquired as to whether a fire suppression tank is being provided. He stated the tank should be located in the first cul-de-sac and be 30,000 gallons. Mr. Kyte also requested paving width of at least 25 feet.

Cynthia Latham stated that an appropriation permit is pending. However, one is not needed for ten lots.

Daniel Graham had no comment.

U.S. Army corps of Engineers stated that wetland disturbance requires permits.

Mark Woodhull provided CCDPW comments. A SWM plan, Street & Storm Drain plan, and a Mass & Final Grading plan are required and must be approved by the CCDPW prior to Final Plat Approval. The internal Street grade leaving Stemmers Run Road may not exceed 5% within the limits of the intersection right-of-way, (or a minimum of 55’ from the centerline of Stemmers Run Road). The Final Plat must include the Lot Grading Plan standard note. 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.

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.

Sidewalk maintenance will be required of the adjacent property owner, as required by the Cecil County Road Code.

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.

Any Road Code Variances sought must be requested prior to submittal for Preliminary Plat approval. Lots 1 and 2 must be denied access to the mid-block turn-around per the Road Code Standard R-16. Lot 8 is denied access to Stemmers Run Road. Include a note to the final plat reflecting the same. Section 3.07.15 of the Road Code requires that Stemmers Run Road be upgraded to Minor Road standard for 100’ either side of the
proposed entrances. The design engineer must address the requirement to improve/establish shoulders, construct the minimum acceleration and deceleration lanes, and improve any deficient roadside drainage along the development’s road frontage on the street construction drawings. Applicant must identify that the horizontal curvature geometry shown meets Section 3.04.1 of the Road Code in regards to sight lines remaining within the right-of-way or request and receive departmental approval for line of sight easements. Consider larger radii, in the 260-280 range for the centerline radii at the entrance. The curvature of the proposed Pearce’s Landing Drive at Lot 1 appears to require a Sight Distance Easement on Lot 1. The size of this easement will depend on the design speed of the internal street. Lot 1’s sanitary sewer crossing sleeve is required to be steel. All driveways must be paved at least to the right of way. The Developer is responsible to complete all driveway paving within the road 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. The Lot Grading Plan must include notes to this effect. Where determined necessary by the utility companies, the owner, the designer, or DPW, utilities poles must be relocated at the Owner’s expense. If stormwater discharge is directed off of the site on to an adjacent property it is the responsibility of the Developer to obtain appropriate easements from the affected property owners in accordance with Section 251-13 and 251-15.D of the Cecil County SWM Ordinance. The downstream conveyance of storm water must be analyzed in accordance with Section 251-9.A. (5) of the county’s SWM Ordinance. Special care must be given to the design if a concentration of runoff will result from the SWM facilities. PWA’s will be required for all public infrastructure shown. An Inspection and Maintenance Agreement will be required for any private SWM facilities.

Tony Di Giacomo provided CCP&Z comments. This proposal is in compliance with §3.8 of the Subdivision Regulations regarding public notification signs.

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

Zoning: SAR

The Concept Plat was approved[2] at a density of 1/5.18 on 4/20/05, conditioned on:

1) The JD being completed prior to the Planning Commission’s review of the Preliminary Plat; and

2) The boundary line survey being completed prior to the TAC’s review of the Preliminary Plat.

This Preliminary Plat is consistent with the approved Concept Plat.

Note #4 states that proposed Lot 8 shall be denied access to Stemmers Run Road.

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Note #5 indicates that a boundary line survey has been done. The survey revealed that the proposed large lot, Lot 8, was at least 20 acres in size.

Slopes greater than 25% have been depicted. 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. [3]

The perennial and intermittent stream buffers have been depicted on the plat.

The plat shows no non-tidal wetlands on site. Has the JD been done? Permits are required from the (US Army) Corps of Engineers and MDE for any stream impacts prior to recordation.

This proposal satisfies the common open space requirements of the SAR zone. 15% is required; 22.12% is proposed.

The proposed large lot, Lot 8, and the proposed common open space together comprise 60.73% of the total acreage, thus maintaining bonus density eligibility.

No landscaping of the development envelope is required in the SAR zone.

Sidewalks are not recommended in the SAR zone.

Bufferyard Standard C is required, outside the right-of-way, along the road frontages of Stemmers Run Road. Bufferyard Standard A is required to buffer any adjacent agricultural uses, unless principal structures are set back at least 300'.

Rows of street trees with 10 planting easements are required, outside the right-of-way, along both sides of all internal roads. Where feasible, the natural vegetative equivalent may be used to satisfy the bufferyard and street tree requirements.

The Forest Stand Delineation (FSD) was approved on 4/14/05.
The Preliminary Forest Conservation Plan (PFCP) must be approved prior to Planning Commission review of the Preliminary Plat (§6.2.B(1), Cecil County Forest Conservation Regulations).

The final Forest Conservation Plan (FCP) and Landscape Plan must be approved prior to Planning Commission review of the Final Plat (§6.3.B(1)(a), Cecil County 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 (FRA)s must be recorded and noted on the plat prior to recordation. The metes and bounds description of the FRA must be shown on the record plat.

The Pearce’s Landing Drive road name will need to be approved by the County 911 Emergency Center prior to Planning Commission review of the Preliminary Plat.

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

Covenants prohibiting the subdivision of the large lot must be recorded and noted on the plat prior to recordation.

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

The contiguous operating farm notice has been provided on the plat.

The applicant is reminded of the Monday noon submission deadline for review by the Planning Commission this month.
Joe Moore stated a groundwater appropriation permit is required by MDE prior to final plat approval. Application has been received for ten wells, it should be for at least 13 and possibly 18 wells to account for previous minor subdivision lots. A written well variance is required for lots 1, 2, 3 and 4 prior to record plat approval. Sleeve is required for pressure line for lot 1 underneath Pearce’s Landing Drive right of way per Cecil County Department of Public Works requirements. Revise the dwelling location on lot 4 and show pumping details. Locate swale near hole #74. Place a note on the plat for grass cover and maintenance. All corners of satellite area must be marked before approval. Forest retention limits are needed on plat and dry well locations. The stormwater pond must be identified as dry or wet.

3. Liberty Overlook, Lots 1-16, Liberty Grove Road, Concept Plat, Northern Bay, Seventh Election District.

Faron Pyles appeared to present the proposal. Mr. Pyles stated that the project is proposing bonus density and utilization of minor subdivision lots. The lots will be clustered on 40% of the acreage. Mr. Pyles summarized the density found in the surrounding subdivisions and noted that common open space is being provided on Liberty Grove Road.

Lindsay Tulloch provided SCS comments.

Mark Woodhull provided CCDPW comments. A SWM plan, Road & Storm Drain plan, and a Mass and Final Grading plan must be approved by the CCDPW prior to submittal for Final Plat Approval. The Final Plat must include the Lot Grading Plan standard note. 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.

*Grading Plan:* No clearing or grading is permitted beyond the limits of disturbance show 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.

Please address for record the connectivity potential with Holland Acres. Any Road Code Variances sought must be requested prior to submittal for Preliminary Plat approval. Applicant must provide stopping sight distance measurements for the Liberty Grove Road access to the DPW prior to preliminary plat submittal. Please mark the proposed entrance location in the field by flagging or stake on the roadside bank. There are two vertical crests along Liberty Grove Road, in the area of the proposed subdivision street entrance that must be addressed for proper intersection and stopping sight distance by the applicant’s engineer before proceeding to preliminary plat submittals. Any offsite road improvements required to improve sight distances shall be the applicant’s responsibility to provide, including the cost of any right-of-way acquisition. Section 3.07.15 of the Road Code requires that Liberty Grove Road be upgraded to a Minor Collector Road standard for 100 either side of the proposed entrance. The design engineer must address the requirement for minimum

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acceleration, deceleration, and bypass lanes. Any right-of-way acquisition necessary shall be performed by
the applicant and at the applicant’s expense. New intersection/entrance signage will be required along
Liberty Grove Road. The internal street grade leaving Liberty Grove Road (LGR) may not exceed 5% within
the limits of the intersection right-of-way. Show any existing LGR cross culverts along the property frontage
on the preliminary plat and include drainage easements as applicable. Where determined necessary by the
utility companies, the owner, the designer, or DPW, utility poles must be relocated at the Owner’s expense.
All driveways must be paved at least to the right of way. The driveway paving must be complete for all lots at
the time when the surface course for the internal roads is installed. This requirement includes any vacant but
platted lots. Any driveway exceeding 5% up-gradient-slope form the roadway must be paved to the crest. If
the development is phased these requirements will apply to each phase when 80% of the lots are built-out. All
of these requirements must be reflected on the Lot Grading Plan. Lot Sixteen is denied access to LGR along
its frontage, excepting the existing driveway location, and a note stating the same must be added to the plat.
Include note on fee simple dedication along LGR. The downstream conveyance of storm water must be
analyzed in accordance with Section 251-9 A. (5) of the county’s SWM Ordinance. Briefly discuss the site
topography and the anticipated stormwater management. If stormwater discharge is directed off of the site on
to adjacent property it is the responsibility of the Developer to obtain appropriate easements from the affected
property owners per Sections 251-13 and 251-15.D of the Cecil County SWM Ordinance. Any stormwater
management facilities discharging to the Basin Run watershed shall be designed to meet Stream class III and
IV standards in the 2000 Maryland Stormwater Design Manual (specifically addresses thermal impacts). A
PWA is required for the internal streets & storm drains. An I&M Agreement is required for all private SWM
facilities.

Bob Markwardt stated that there will be no internal bus service and inquired as to the size and cost of
dwellings as well as the construction schedule. Mr. Pyles responded that the homes will be priced from
$300,000 to $450,000 and be approximately 3,000 sq. ft. in size. The project will start in about 18 to 24
months. Mr. Markwardt requested that the entrance be staked.

Jim Kyte stated that a fire suppression tank at entrance is desirable and that the paving of the internal road
should be 25 feet.

Cynthia Latham noted that the project is using private wells.

U.S. Army Corps of Engineers noted that a jurisdictional determination has not been issued.

Joe Moore stated that a groundwater appropriation permit is required by MDE prior to final plat approval.
Percolation tests are required to define a 10,000 sq. ft. sewage area on each lot. If barn on lot 14 is removed,
place note on preliminary, final plats that barn will be removed prior to record plat approval. Show all wells
and sewage areas/septic systems within 100 feet of property lines on preliminary plat. Show the existing well
location and septic tank for lot 16 on preliminary plat.
Daniel Graham received comments from Bob Duncan regarding water runoff, gravel runoff, and stormwater concerns. Cecilia Smith is concerned of well problems and stormwater impacts on her property. Jeff Hughes is vexed by the potential of headlights illuminating his house and how a buffer would impact his property. Mr. Thomas is troubled by high water table, traffic and school bus problems.

Tony Di Giacomo presented CCP&Z comments. Upon inspection, this project 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 website, notice is hereby given the jpg file submissions can only be 11 inches, maximum, in any direction. Adherence to that requirement will enable the County to better serve the public.

Zoning: NAR

Density: The NAR zone permits a maximum base density of 1 du/ 5 ac. Bonus density eligibility carries with it a permitted density of 1/3. This Concept Plat, invoking the provisions of §2.4.1 of the Subdivision Regulations, proposes 16 lots on 35.95 acres, for a proposed density of 1/2.25.

The base (1/5) density would yield 6 potential lots, and bonus (1/3) density would yield 11 potential lots.

The proposed density invokes the provisions of §2.4.1 of the Subdivision Regulations, utilizing the full minor subdivision potential of the Parcel of Record which is 5 lots in addition to bonus density.

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

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. [4]

Slopes greater than 25% must be shown on the preliminary plat.

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A 110’ perennial stream buffer is required from any 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 any 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. A Jurisdictional Determination (JD) must be done prior to preliminary plat review by the Planning Commission.

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

This proposal satisfies the common open space requirements of the NAR zone. 15% is required; 30.1% is proposed.

The proposed large lot, Lot 16, and the proposed common open space together comprise 61.2% of the total acreage, thus qualifying for bonus density eligibility.

No landscaping of the development envelope is required in the NAR zone.

Sidewalks are not recommended.

Bufferyard Standard C is required, outside the right-of-way, on the road frontages along Liberty Grove Road.

Rows of street trees with 10’ planting easements are required, outside the right-of-way, along both sides of all internal roads. 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) must be approved prior to Planning Commission review of the Concept plat (§5.1.C, Cecil County Forest Conservation Regulations).

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

The final Forest Conservation Plan (FCP) and Landscape Plan must be approved prior to Planning Commission review of the Final Plat (§6.3.B(1)(a), Cecil County Forest Conservation Regs.).

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. The metes and bounds description of the FRA must be shown on the record plat.

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

Records indicate that the owner/developer owns Lot 58 in the adjacent Holland Acres subdivision. Has any consideration been given to providing a second entrance?

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

Covenants prohibiting the subdivision of the large lot must be recorded and noted on the plat prior to recordation.

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

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 Monday noon submission deadline for review by the Planning Commission.


Mike Davitt and Mike Paraskewich appeared to present this proposal. The Planning Commission has approved the concept plat and a boundary survey has been completed.

Lindsay Tulloch provided the SCS comments.

Mark Woodhull presented the CCDPW comments. A SWM plan and a Final Lot Grading plan are required and must be approved by the CCDPW prior to Final Plat Approval. The Department cannot recommend approval of a final plat submittal to Planning Commission with no design approvals for stormwater management and lot grading at this time. Lot grading plan must identify any roadside ditch re-grading or construction necessary to provide for driveway culverts and the required storm event conveyance. The Final Plat must include the Lot Grading Plan standard note. 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.

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.

No clearing or grading is permitted beyond the limits of disturbance show 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.

Any Road Code Variances sought must be requested prior to submittal for Preliminary Plat approval. Show any denied access areas to Cassidy Wharf Road on the preliminary and final plats. Bufferyard plantings in the area of the Cassidy Wharf and Grove Neck Road intersection may not encroach on the required sight triangle or restrict intersection sight distance below the allowable limits. Applicant must provide stopping sight distance measurements for the Cassidy Wharf Road access (driveway) locations to DPW prior to preliminary plat submittal. Have the proposed driveway locations been marked in the field? All driveways must be paved at least to the right of way. All driveways exceeding 5% up-gradient-slope must be paved to the crest. The Lot Grading Plan must include notes to this effect. Where determined necessary by the utility companies, the owner, the designer, or DPW, utilities poles must be relocated at the Owner’s expense. If stormwater discharge is directed off of the site on to an adjacent property it is the responsibility of the Developer to obtain appropriate easements from the affected property owners in accordance with Section 251-13 and 251-15.D of
the Cecil County SWM Ordinance. The downstream conveyance of storm water must be analyzed in accordance with Section 251-9 A. (5) of the county’s SWM Ordinance. Special care must be given to the design if a concentration of runoff will result from the SWM facilities. An Inspection and Maintenance Agreement will be required for any private SWM facilities. Cassidy Wharf Road condition, in the area of the proposed subdivision, can generally be described as tar & chip, approximately 18’ wide, with no evidence of surface distress.

Bob Markwardt stated that bus service will be provided at corner of Grove Neck and Cassidy Wharf Roads.

James Kyte had no comment.

Cynthia Latham stated that there are not enough lots for a groundwater appropriation permit.

Joe Moore stated that a groundwater appropriation permit is not required by MDE for 5 lots. Adjust well on lot 5 to 100’ from sewage area. Revise sewage areas on lots 2 & 4. Add distribution line to typical pumping detail. A revised preliminary final plat must be submitted to the Cecil County Health Department showing stormwater management devices and forest retention/afforestation areas and the above revisions prior to record plat approval. Preliminary final plat complies with MDE regulations 26.04.02 and 26.04.03 with the above.

Daniel Graham had no comment.

Tony Di Giacomo presented CCP&Z comments.

U.S. Army Corps of Engineers commented that any fill in a wetland requires permits.

Mr. Di Giacomo reminded the applicant of the Monday noon deadline for the Planning Commission submittal.

Joe Welsh (Surveyor) and Bob Pyle (Owner) appeared to present this proposal. Mr. Welsh stated that 4 lots are being proposed on 17 acres on property located on Biggs Highway.

Mark Woodhull presented CCDPW comments. A SWM plan, Street & Storm Drain plan, and a Mass & Final Grading plan are required and must be approved by the CCDPW prior to Final Plat Approval. A SHA access permit is required. The internal Street grade leaving Route 274 may not exceed 5% within the limits of the intersection right-of-way. If mini-road profile grades exceed 5%, the mini-road travel way and cul-de-sac must be paved in accordance with Section 2.13.F of the Road Code. The Final Plat must include the Lot Grading Plan standard note. 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.

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.

No clearing or grading is permitted beyond the limits of disturbance show 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.

Any Road Code Variances sought must be requested prior to submittal for Preliminary Plat approval. The street R.O.W. entrance tapers must be offset 25 from the R.O.W. point of intersection, and be straight lines, per 7.2.12.E.3 of the Subdivision Regulations. None are shown. The private mini-road subdivision and plans must adhere to the provisions of Section 2.13 of the Road Code which addresses requirements for private roads. A statement clearly outlining the responsibilities of the homeowners in the maintenance of roads and storm drainage systems must be approved by the Planning Commission and placed on the final plat. Deed restrictions must be developed and recorded in accordance with Road Code Section 2.13.D. We agree with your proposed use of a common driveway and cul-de-sac entrance for lots 3 & 4. Where determined necessary by the utility companies, the owner, the designer, or DPW, utilities poles must be relocated at the Owner’s expense. If stormwater discharge is directed off of the site on to an adjacent property it is the responsibility of the Developer to obtain appropriate easements from the affected property owners in accordance with Section 251-13 and 251-15.D of the Cecil County SWM Ordinance. The downstream conveyance of storm water must be analyzed in accordance with Section 251-9 A. (5) of the county’s SWM Ordinance. Special care must be given to the design if a concentration of runoff will result from the SWM facilities. Discuss the anticipated configuration for the SWM facilities. A PWA will be required for the private mini-road shown. An Inspection and Maintenance Agreement will be required for the private SWM facilities.

Lindsay Tulloch questioned horizontal lines on survey versus property view map. She presented soil report and stated that sediment and erosion control report is required.
Bob Markwardt questioned site distance adequacy. Speed limit is 50 mph south of Wilson Road. Bus service would be at corner of Kaylee Court and Biggs Highway. Mr. Markwardt questioned the size and price of the homes as well as the construction schedule. Mr. Welsh answered 2,500 sq. ft. in the range of $300,000. Construction would begin within 9 months of approval.

James Kyte stated that 18' of paving would be preferable. The cul-de-sac would be better at a 75' radius.

Cynthia Latham had no comment.

Joe Moore stated that a groundwater appropriation permit is not required by MDE for 5 lots. Percolation tests have been conducted to define a satisfactory 10,000 sq. ft. sewage area on each lot. A written request for a well variance is required for lots 2 and 3 prior to record plat approval. Show house on lot 4 50' from sewage area on lot 3. Required revision of sewage area on lot 3 will be 50' from dwelling on lot 4. Revise sewage areas on lots 1 and 3. Wells on lots 2 and 3 are too close to septic tanks; must be separated by 100'. Show perc test holes 101-107.

Daniel Graham had no comment.

Tony Di Giacomo stated he received correspondence from a Mr. Mahoney who is concerned with density and liability of the ground to accommodate lots due to wetlands.

MD State Highway Administration have comments regarding the entrance.

U.S. Army Corps of Engineers stated that a permit is required for any wetland disturbance.

Tony Di Giacomo presented CCP&Z comments.

Mr. Di Giacomo reminded the applicant of the Monday noon deadline for Planning commission submittal.

James Kieffer of Morris & Ritchie Associates and Kevin Geraghty (Developer) appeared to present the plat. The concept was approved for 98 lots at bonus density. Section 2 contains 19 lots.

Lindsay Tulloch presented soil report and questioned if existing erosion/sediment control. Mr. Keiffer stated no. Ms. Tulloch stated her office is encouraging smaller watershed areas and smaller traps. Ms. Tulloch questioned the stormwater facility usage as new or existing. Mr. Keiffer described the facilities.

Marl Woodhull presented CCDPW comments. A SWM plan, Road & Storm Drain plan, and a Mass and Final Grading plan must be approved by the CCDPW prior to submittal for Final Plat Approval. The Final Plat must include the Lot Grading Plan standard note. 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.

Grading Plan: No clearing or grading is permitted beyond the limits of disturbance show 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.

Any Road Code Variances sought must be requested prior to submittal for Preliminary Plat approval. The August 18, 2003 planning commission statements by the Department regarding a second Williams Road access, and its timing in relation to construction of Section II for the subdivision read as follows:

While the Department understands that the ultimate location of the second entrance off of Williams Road may vary from the location indicated on the approved Concept Plan the Department still strongly recommends that Pelhamdale Road be connected through during the construction of Section 2.

This recommendation will be continued at planning commission if no alternative resolution is determined acceptable by the department. Sewer line for lot 77 must have an easement shown for the road crossing. Specific monumentation and sleeve requirements exist for these private sewer crossings consultant must contact DPW plans reviewer for appropriate plat notes. Have any of the stormwater facilities in Section 1 been completed and turned over to the HOA for long-term maintenance? If stormwater discharge is directed off of the site or to an adjacent property it is the responsibility of the Developer to obtain appropriate easements from the affected property owners in accordance with Section 251-13 and 251-15.D of the Cecil County SWM Ordinance. The downstream conveyance of storm water must be analyzed in accordance with Section 251-9 A. (5) of the county’s SWM Ordinance. Special care must be given to the design if a concentration of runoff will result from the SWM facilities. An Inspection and Maintenance Agreement will be required for any private SWM facilities. All driveways must be paved at least to the right of way. The
driveway paving must be complete for all lots at the time when the surface course for the internal roads is installed. This requirement includes any vacant but platted lots. Any driveway exceeding 5% up-gradient-slope form the roadway must be paved to the crest. If the development is phased these requirements will apply to each phase when 80% of the lots are built-out. All of these requirements must be reflected on the Lot Grading Plan. Show separate easements for the public storm drain structures and private SWM facilities on preliminary plat for planning commission review. A PWA will be required for internal streets and storm drains.

Bob Markwardt did not have any comments.

James Kyte stated that there are 3 cul-de-sacs. Rock Ledge is 28 and other two are 20. Can they all be 28 wide? Mr. Kieffer indicated that 22 is what they intended. Mr. Kyte stated 28 feet is best for fire equipment. A dry hydrant is 1 mile away.

Cynthia Latham stated the existing water appropriation permit covers these lots.

Joe Moore stated that groundwater appropriation permit CE2003G005 (02) has been issued by MDE and covers these lots. The permit expires in 2015. Revise all pressure lines out of the sewage areas. A written request for a well variance is required for lots 61, 62, 63, 68, 69, 70, 71, 72, 76 and 78. Additional perc tests are required on lots 64, 65, 67, 71, 72, 75, 76, 77, 78. Prc test 527 did not show sufficient porous material and must not be shown in sewage area on lot 77 without additional seasonal testing. Fix perc data table #527, 10. Insufficient material shown. Wells are too close to dwellings on lots 61, 68. Show dwelling on lot 69 50 from sewage area on lot 71. Label satellite sewage area for lot 71 as p/o 71 and also for lot 77. What is to happen to strip along lot 18. Corner of satellite area for lots 71 and 77 must be marked with permanent markers prior to record plat approval. Place note on plat that satellite areas will have grass cover and will be maintained for inspection purposes. Revise dwelling locations on lots 61, 63, and 69. 2 pressure line for lot 71 must not be located on lot 64. Show sleeve for 2 pressure lines for lots 71 and 77 on preliminary, final and record plats. Must comply with department of Public Works requirements. A revised preliminary plat showing forest retention/afforestation areas and stormwater management devices, including drywells, must be submitted to the Cecil County Health Department prior to record plat approval.

Daniel Graham stated that Gerald & Samantha Purnell (Lot 26) have concerns with new road and stormwater concerns and are troubled that their view may be blocked.

U.S. Army Corps of Engineers stated any wetland disturbance requires a permit.

Tony Di Giacomo presented CCP&Z comments.
Mr. Di Giacomo reminded the applicant of the Monday noon deadline for Planning Commission submittal.

7. Silverado, Lots 5-75, Razor Strap Road, Concept Plat, McCrone Inc., Fifth Election District

Mike Burcham (McCrone), H. Barry Montgomery & Tom Montgomery appeared to present this proposal. H. Barry Montgomery presented an overview of the previous submittal for Montgomery Springs that consisted of 10 lots. The Town of North East has upgraded their facilities and made more water available. Since the property is zoned RM and water is available, they are changing to Townhouses. Mr. Montgomery is providing access to Jansen’s property through this design and also incorporates Norm & Lisa Wehner’s property. If the Wehner’s do not wish to participate, they will be eliminated from the design.

Lindsay Tulloch presented SCS comments relative to the soil report and stated that smaller watersheds and traps are being encouraged.

Mark Woodhull presented CCDPW comments. It is the Department’s understanding that the Town of North East will own the water distribution system in this development. The CCDPW recommends that the water distribution system, including fire hydrant locations, be designed to meet or exceed the County’s standards. We also recommend that the Town request that the serving fire company review fire hydrant spacing and locations. The water lines must be reflected on the sanitary sewer plans and as-builts. All easements for the water lines must be reflected on the final plat. A SWM plan, 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. 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.

Any Road Code Variances sought must be requested prior to submittal for Preliminary Plat approval. The mid-block turn-around shown requires a variance for the paved radius shown. The street R.O.W. entrance
tapers must be offset 25’ from the R.O.W. point of intersection, and be straight lines, per 7.2.12.E.3 of the Subdivision Regulations. None are shown at the southwest quadrant of the Razor Strap Road intersection. Why have you eliminated the road access from minor subdivision no. 2650 lot 1? The applicant and the applicant’s engineer must provide a suitable permanent turn-around at the end of Stoney Run Creek Road, approvable to the Department of Public Works, and show the same on the concept plat submitted for planning commission review. What is the potential for extension of Stoney Run Creek Road to the north? Provide a sketch of the temporary turn-around you will propose at the north end of Stoney Run Creek Road before planning commission’s review of the concept. Applicant must request and receive public sewer allocation for the residential units shown prior to submittal for final plat approval by the planning commission. The downstream conveyance of storm water must be analyzed in accordance with Section 251-9A. (5) of the county’s SWM Ordinance. If stormwater discharge is directed off of the site on to adjacent property it is the responsibility of the Developer to obtain appropriate easements from the affected property owners per Sections 251-13 and 251-15.D of the Cecil County SWM Ordinance. Section 3.07.15 of the Road Code requires that Razor Strap Road be upgraded to a Minor Collector Road standard for 100’ either side of the proposed entrance. The design engineer must address the requirement for minimum acceleration and deceleration lanes. The concept plat does not show an availability of current right-of-way along Razor Strap Road for the required entrance improvements. Any right-of-way acquisition necessary shall be performed by the applicant and at the applicant’s expense. All parking areas are to be maintained by the HOA unless otherwise noted. Identify parking easements as private easements for HOA maintenance of the parking areas. Identify permanent maintenance easements in accordance with footnote one of standard detail R-5 of the Cecil County Road Code. Where determined necessary by the utility companies, the owner, the designer, or DPW, utilities poles must be relocated at the Owner’s expense. Closed section road is required. Modified curb and gutter may be used internally, but standard curb will be required for the entrance(s) from at least the curb return PCs. Subdivision entrance geometry design must be coordinated with the Department and a plan view submittal made prior to any major engineering effort commencing for the subdivision. The Department recommends that the Town require a PWA for the water. Public works agreements are required for the internal streets & storm drains and sanitary sewer work. An Inspection & Maintenance Agreement is required for the private SWM facilities.

Lindsay Tulloch presented Soil Conservation Service comments regarding

Bob Markwardt stated that bus service would be provided at the mid road turnaround. Developer would need to sign waiver accepting responsibility for snow removal. He queried if there would be on street parking. Mr. Burcham responded parking would be off street. Mr. Markwardt inquired as to cost of dwellings and square footage. 1,200 – 1,500 sq. ft., cost is unknown, construction would be at least three years away.

James Kyte requested t-turnaround at end.

Cynthia Latham said that no water appropriation permit is required.
Joe Moore stated that the identity of the source of public water and public sewerage must be provided. Public water and sewer statements are required on final and record plats. Allocation from public water and sewer sources required prior to final plat approval. Engineering of water and sewer lines must be reviewed by the appropriate agencies prior to record plat approval. Include statement/note on plats that this subdivision is a re-subdivision of or replaces Montgomery Springs.

Daniel Graham stated he was contacted by Mr. & Mrs. Wehner and Mr. Jensen. The Wehners are concerned since they own lots 52-57. Mr. Jensen would like the road to be wide enough to service his future development plans.

U.S. Army corps of Engineers stated that wetland disturbance will require a permit.

Tony Di Giacomo provided CCP&Z comments.

Mr. Di Giacomo reminded the applicant of the Monday noon deadline for Planning commission submittals.

8. Chesapeake Club, Lots 344-876, Turkey Point Road, (MD Route 272), Preliminary Plat, McCrone Inc., Fifth Election District

Mike Pugh and Mike Burcham appeared to present this proposal. Mr. Pugh provided a summary of the project to date and explained what is shown on the plat. Lighter line weights represent those sections previously developed and those under construction. The water line is extended through Section H through entirety of Bay Club Parkway to Irishtown Road and will connect to storage tank on Irishtown Road to provide looped water system. A dry hydrant will be provided at entrance to subdivision. This shows the ultimate realization of the Chesapeake Club project. Mr. Pugh summarized the proposed setback enhancements voluntarily provided by the developer. Future development is for mid rise apartment development or condominium project. Mike Burcham stated that variance will be needed for intermittent and perennial stream buffer encroachments. Shark Circle and Bay Club Parkway will impact stream buffers. Blue Heron Drive will also have issues with buffers. Road design is attempting minimum impact and disturbance. Discussions with DPW will occur on parking, cul-de-sac radii and sight distance.

Lindsay Tulloch presented SCS comments.

Mark Woodhull presented CCDPW comments. It is the Department’s understanding that the Town of North East will own the water distribution system in this development. The CCDPW recommends that the water
distribution system, including fire hydrant locations, be designed to meet or exceed the County’s standards. We also recommend that the Town request that the serving fire company review fire hydrant spacing and locations. The water lines must be reflected on the sanitary sewer plans and as-builts. All easements for the water lines must be reflected on the final plat. No further capacity can be allocated for flows to the existing De La Plaine pumping station for this project phase. An upgrades design is under review; however, the upgrades will be privately funded at this time. Applicant proceeds at their own risk if they do not secure the improvements design and effect the financing of the same. In any case, no final plat can be approved without public sewer allocation, which will be tied to the required upgrades at the De La Plaine pumping station. The Washington Street pumping station upgrades are scheduled for fiscal years 2005 and 2006. The applicant is cautioned that any public sewer allocation for this phase may, in addition to the De La Plaine pumping station upgrades, also depend upon the timing of the Washington Street upgrades. A benefit assessment for the north east sanitary sewer subdistrict improvements project and SPS improvements is anticipated and will likely be applicable to each unit of this project proposal. A SWM plan, 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. 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 show 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.

Do you anticipate there will be a need for any additional onsite SPS’s? Provide a preliminary sewer layout with anticipated gravity sewer manhole invert depths below grade to DPW prior to preliminary plat hearing by planning commission. Discuss anticipated phasing of this plat. Provide a phasing plan on the preliminary plat for planning commission review. Any Road Code Variances sought must be requested prior to submittal for Preliminary Plat approval. With no Road Code Variance approved to date, the following proposed streets contain horizontal geometrics which are not approvable as submitted:

1. Fairway Oaks Lane
2. Gallery Place
3. Trevino Drive
4. St. Andrews Drive
5. Arnold Palmer Drive
6. Grand Slam Court (includes cul-de-sac bulb)
1.7. Blue Heron Drive

1.8. Championship Court

1.9. Shark Circle

1.10. Golden Bear Drive

1.11. Watson Court (includes cul-de-sac bulb)

1.12. Snead Circle cul-de-sac bulb

1.13. Hogan Court cul-de-sac bulb

1.14. Ace Court cul-de-sac bulb

Revise the preliminary plat for suitable geometry per the Road Code or request and obtain a Road Code variance from the Director of Public Works before proceeding to planning commission with this preliminary plat. You have failed to identify the street pavement widths. Why? Streets are shown as closed section. No drainage systems are shown, as per the preliminary plat requirements of the subdivision regulations. Why not? Identify the proposed sidewalk limits for record. Lots 415, 424, 425, 438, 439, 446, 447, 453, 454, 488-507, 508, 521, 526&527, 637, 547-567 are to be denied access to Bay Club Parkway. Lots 638, 743, 744, 829, & 852 are to be denied access to Blue Heron Drive. Add a note to the final plat indicating the same and show the denied access limits. In all cases of the lot layouts proposed hereon which contain dual or multiple frontages, the lots should access the new roadways of lower use classification. Bay Club Parkway shall be designed as a residential major collector road from Grand Slam Court, north to Irishtown Road. For a parkway, why is no monumental entrance or center island theme proposed? Blue Heron Drive from Fairway Oaks Lane(south leg), north to Irishtown Road, is to be designed as a residential major collector road. Applicant must request and receive public sewer allocation for the residential units shown prior to submittal for final plat approval by the planning commission. The downstream conveyance of storm water must be analyzed in accordance with Section 251-9 A. (5) of the county’s SWM Ordinance. If stormwater discharge is directed off of the site on to adjacent property it is the responsibility of the Developer to obtain appropriate easements from the affected property owners per Sections 251-13 and 251-15.D of the Cecil County SWM Ordinance. Fee simple access should be provided, separate from public drainage and utility easements, to all stormwater management facilities. The combined width of adjacent public drainage and private stormwater access easements should not be less than 30 feet. Section 3.07.15 of the Road Code requires that Irishtown Road be upgraded to a Minor Collector Road standard for 100’ either side of the proposed entrance. The design engineer must address the requirement for minimum bypass, acceleration and deceleration lanes. The preliminary plat does not show these required Irishtoen Road entrance improvements. Any right-of-way acquisition necessary shall be performed by the applicant and at the applicant’s expense. All parking areas are to be maintained by the HOA unless otherwise noted. Identify parking easements as private easements for HOA maintenance of the parking areas. Identify permanent maintenance easements in accordance with footnote one of standard detail R-5 of the Cecil County Road Code. All driveways must be paved at least to the right of way. The driveway paving must be complete for all lots at the time when the surface course for the internal roads is installed. This requirement includes any vacant but platted lots. Any driveway exceeding 5% up-gradient-slope form the roadway must be paved to the crest. If the development is phased these requirements will apply to each phase when 80% of the lots are built-out. All of these requirements must be reflected on the Lot Grading Plan. Where determined necessary by the utility companies, the owner, the designer, or DPW, utilities poles must be relocated at the Owner’s expense. Subdivision entrance
geometry design must be coordinated with the Department and a plan view submittal made prior to any major engineering effort commencing for the subdivision. Pre-design geotechnical evaluation and borings along the proposed road perennial stream, intermittent stream, and wetlands crossings is required, along with specific remedial recommendations for subsurface drainage and street subgrade placement. The Department recommends that the Town require a PWA for the water. Public works agreements are required for the internal streets & storm drains and sanitary sewer work. An Inspection & Maintenance Agreement is required for the private SWM facilities. A TIS is required and shall include the two (2) Irishtown Road access locations, as well as Irishtown Road at 272 and Irishtown Road at Old Elk Neck Road.

Mr. Pugh questioned when the TIS would be required.

Mr. Di Giacomo ejaculated that it be provided prior to the final plat.

Mr. Pugh acknowledged the need for a TIS and he has anticipated it being required.

Bob Markwardt stated that transportation would be restricted to Blue Heron Drive and Bay Club Parkway at first. Will not come in without method to exit without backing up. Bus stops will be spaced per ¼ mile segments. He inquired as to cost and size of dwellings and construction schedule. Mr. Pugh answered 2,500 – 3,500 sq. ft for single family, townhouses will be similar to Ginty Drive and Guilford Court. Construction on or about spring of 2006.

James Kyte requested no parking on the main roads. 22 wide paving is desirable. Bay Club Parkway needs to be wider. Ambulance needs 63 to 64 turnaround. Strong consideration should be given to safety issues and street sizes.

Cynthia Latham stated no water appropriation permit is required.

Joe Moore stated allocations for water and sewer required prior to final plat approval. Engineering of water and sewer lines must be reviewed and approved by the appropriate agencies prior to record plat approval. Plans for swimming pool at recreation center must be approved by the department of Health and Mental Hygiene prior to obtaining building permit. Any sewage pump station or permit will require a permit from MDE.

Daniel Graham received comments from Bob Shank regarding the back of his property at 5 Timberland Drive. He is concerned that houses may be built behind him. Howard Wills, Andrew Slonecker and Andrew
Barbin strongly oppose the subdivision. They are concerned by high density along golf course and their development.

State Highway Administration wants to see a traffic impact study.

U.S. Army Corps of Engineers stated that a jurisdictional determination has not been done. Permits are required for wetland impacts.

Mr. Pugh stated that a JD has been issued.

Tony Di Giacomo presented CCP&Z comments.

Mr. Di Giacomo reminded the applicant of the Monday noon Planning commission deadline.

9. Bayline Estates, Section 3, Lots 13-19, Joe Meltz Road, concept Plat, McCrone Inc., Fifth Election District

Donnie Sutton of McCrone appeared to present this proposal. Mr. Sutton summarized the recent history of this project and the changes that have been made in response to the Planning Commission’s disapproval.

Soil Conservation Service report was provided by Mr. Di Giacomo.

Mark Woodhull provided the CCDPW report. A SWM plan, Street & Storm Drain plan, and a Mass & Final Grading plan are required and must be approved by the CCDPW prior to Final Plat Approval. The internal Street grade leaving Joe Meltz Road may not exceed 5% within the limits of the intersection right-of-way. If mini-road profile grades exceed 5%, the mini-road travel way and cul-de-sac must be paved in accordance with Section 2.13.F of the Road Code. The Final Plat must include the Lot Grading Plan standard note. 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.

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.
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.

Any Road Code Variances sought must be requested prior to submittal for Preliminary Plat approval. The street R.O.W. entrance tapers must be offset 25’ from the R.O.W. point of intersection, and be straight lines, per 7.2.12.E.3 of the Subdivision Regulations. If the ROW of Bayline Avenue borders the Livingstone property, the applicant may deny access to the proposed county road if the Livingstone’s are signatory to the final plat or, alternatively, the applicant may retain a strip of land, under private ownership, between the right-of-way and adjoiner.

Show plat reference for existing ROW shown along Joe Meltz Road, north of the SRC Plat reference. If none exists, specifically naming the Board of County Commissioners of Cecil County as owner, the Applicant is responsible to have a title search completed and a clear deed conveyed to Cecil County for the portion of Joe Meltz Road not currently maintained by Cecil County (i.e. from the north right-of-way of SRC plats referenced to 10’ beyond the tee turn-around). Cost to be borne by the applicant. The issue of ROW ownership must be resolved prior to final plat submittal to the planning commission as this layout is dependent upon the additional Joe Meltz Road ROW. Applicant may wish to pursue this sooner rather than later to avoid the potential of investing heavily in perc testing and design without being sure of available right-of-way for this concept. However, that applicant may proceed knowingly at their own risk.

The Applicant will be responsible to upgrade Joe Meltz Road to a Minor Road standard from approximately the southern boundary line of the Livingstone parcel to and including the tee turn-around shown. A public works agreement and plan design will be required for this work. Sight distance measurements must be provided for the Bayline Avenue/Joe Meltz Road intersection. The private mini-road subdivision and plans must adhere to the provisions of Section 2.13 of the Road Code which addresses requirements for private roads. Any areas of the existing gravel lane intended to be used for the private mini road must be evaluated by a geotechnical engineer for depth, material suitability, and sub grade stability and by a civil engineer for grade and width suitability in accordance with the Road Code standards. The cross culvert must also be analyzed for the 10-year storm event conveyance and condition. Guardrail may be necessary along the crossing. A statement clearly outlining the responsibilities of the homeowners in the maintenance of roads and storm drainage systems must be approved by the Planning Commission and placed on the final plat. Deed restrictions must be developed and recorded in accordance with Road Code Section 2.13.D. No more than three (3) additional lots may access from the Delaware side of the site. Where determined necessary by the utility companies, the owner, the designer, or DPW, utility poles must be relocated at the Owner’s expense.

If stormwater discharge is directed off of the site on to an adjacent property it is the responsibility of the Developer to obtain appropriate easements from the affected property owners in accordance with Section 251-13 and 251-15.D of the Cecil County SWM Ordinance. The downstream conveyance of storm water must be analyzed in accordance with Section 251-9 A. (5) of the county’s SWM Ordinance. Special care must be given to the design if a concentration of runoff will result from the SWM facilities. What configuration do you anticipate for the SWM facilities? A PWA will be required for the private mini-road shown. An Inspection and Maintenance Agreement will be required for the private SWM facilities.

Bob Markwardt questioned as to size of the homes and cost. No interior bus service on Bayline Avenue. Mr. Sutton responded 3 to 4 bedrooms and construction would start in 3-5 years.
James Kyte stated that developer needs to check with local fire company and needs to leave enough room in cul-de-sac for equipment turnaround.

Cynthia Latham stated the groundwater appropriation permit needs to be updated to include these lots.

Joe Moore stated Groundwater appropriation permit CE2002G033(01) must be updated to include lots 18 & 19. Percolation tests and soil evaluations have been conducted to define a satisfactory 10,000 sq. ft. sewage area on each lot. Additional tests may be required after preliminary plat review by the TAC. Show well locations and septic systems/sewage areas on within 100' of property lines on preliminary plat.

Daniel Graham had no comments.

U.S. Army corps of Engineers stated that permits are required for wetland disturbances.

Tony Di Giacomo provided CCP&Z comments.

Tony Di Giacomo reminded the applicant of the Monday noon deadline for Planning commission submittal.

10. Saddlebrook, Lots 1-10, Nottingham Road, Concept Plat, McCrone Inc., Fifth Election District

Donnie Sutton (McCrone), Tim McGill and John Lampden appeared to present the proposal. Mr. Sutton presented a summary of the proposal. 5.48 acres of property not included in conveyance to his clients. Lots 1-10 have had perc tests completed. Wells are on the back portion of the lots.

Tony Di Giacomo provided Soil Conservation Service comments.

Mark Woodhull provided CCDPW comments. A SWM plan, Road & Storm Drain plan, and a Mass and Final Grading plan must be approved by the CCDPW prior to submittal for Final Plat Approval. The 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.

Any Road Code Variances sought must be requested prior to submittal for Preliminary Plat approval. The geometrics of the modified mid-block turn-around will require a variance to the Road Code criteria. The street R.O.W. entrance tapers must be offset 25’ from the R.O.W. point of intersection, and be straight lines, per 7.2.12.E.3 of the Subdivision Regulations. No taper is shown at the southeast Nottingham Road intersection quadrant. The internal street grade leaving Nottingham Road may not exceed 5% within the limits of the intersection right-of-way. Show any existing Nottingham Road cross culverts along the site’s Nottingham Road frontage on the preliminary plat and include relevant drainage easements. Why is Lot One not denied access to Nottingham Road, with access by way of London Lane. The downstream conveyance of storm water must be analyzed in accordance with Section 251-9 A. (5) of the county’s SWM Ordinance. If stormwater discharge is directed off of the site on to adjacent property it is the responsibility of the Developer to obtain appropriate easements from the affected property owners per Sections 251-13 and 251-15.D of the Cecil County SWM Ordinance. Applicant must provide stopping sight distance measurements for the Nottingham Road access to the DPW prior to preliminary plat submittal. Please mark the proposed entrance location in the field by flagging or stake on the roadside bank. Section 3.07.15 of the Road Code requires that Nottingham Road be upgraded to a Minor Collector Road standard for 100’ either side of the proposed entrances. The design engineer must address the requirement for minimum acceleration, deceleration, and bypass lanes. No right-of-way appears available, based upon the applicant’s concept alignment for London Lane, to accommodate the entrance construction and any acceleration lanes. Have you considered the geometrics of the entrance in your layout, to eliminate the need for ROW acquisition? Any right-of-way acquisition necessary shall be performed by the applicant and at the applicant’s expense. Where determined necessary by the utility companies, the owner, the designer, or DPW, utility poles must be relocated at the Owner’s expense. All driveways must be paved at least to the right of way. The driveway paving must be complete for all lots at the time when the surface course for the internal roads is installed. This requirement includes any vacant but platted lots. Any driveway exceeding 5% up-gradient-slope form the roadway must be paved to the crest. If the development is phased these requirements will apply to each phase when 80% of the lots are built-out. All of these requirements must be reflected on the Lot Grading Plan. Is closed section or open section street proposed? A PWA is required for the internal streets & storm drains. An I&M Agreement is required for all private SWM facilities.

Bob Markwardt questioned whether London Lane will be private or public and radius of cul-de-sac. Mr. Sutton stated the road will be public and 75’ radius. Bus service will be at the corner of London Lane and Nottingham Road. Mr. Markwardt questioned the size and cost of the homes and the construction schedule. Mr. Sutton responded the houses will be 2,500 to 3,000 and cost $400,000 to $450,000. One year from now they would like to commence.

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James Kyte is concerned with the CSX bridge being taken out of service. Dry hydrant need further study. Black top needs to be at least 25' in cul-de-sac.

Cynthia Latham stated even though this is only 10 lots it may need water appropriation permit. She stated they may want to apply for permit.

Joe Moore stated a groundwater appropriation permit is required by the Maryland Department of Environment. Percolation tests required to delineate 10,000 sq. ft. of sewage area per dwelling. Remaining lands of William Funk, Jr. currently has two dwellings. If both stay, 20,000 sq. ft. of sewage area will be required for this lot. There does not appear to be any acceptable percolation tests on the remaining lands as shown. Some percolation testing has been done. Additional testing will be required after submission of a preliminary plat. A revised preliminary plat showing stormwater management devices and forest retention/afforestation areas must be submitted prior to record plat approval.

Daniel Graham stated that he has questions relating to access to Grace's property. He questioned the property line near the Graces and Funks. Discussion ensued on property line. Mr. & Mrs. Grace are in attendance. Mr. Wink concerned with property line, cul-de-sac, water and swamp area. Nicolette Baldwin concerned with stream classification. There is also concern with hunting close to lots.

U.S. Army Corps of Engineers stated that a jurisdictional determination will be required.

Tony Di Giacomo presented CCP&Z comments.

Tony Di Giacomo reminded the applicant of the Monday noon deadline for Planning commission submittal.

Meeting adjourned at 3:00 p.m.

[1] 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.

July 6, 2005
[2] Three lots fronting on Pond Neck Road were approved on 9/15/97 (lands of Eugene & Nancy L. Herman). That plat was signed 8/26/98, and a condition of approval was that those lots be included in any future density calculations.

Subsequently, the cited Minor Subdivision #3040 was approved on 2/20/98, making adjustment to the different deed parcels. The remaining balance of the original property other than Parcel 152 has been put into agricultural preservation, so those acres could not be used for any density calculation.

It has been determined that despite Minor Subdivision #3040, the first three lots still needed to be included in the density calculation for Parcel 1 Part 1 which is below the Parcel Line shown on the plat. Its overall area is 32.46 acres. With bonus density, 3 more lots/dwellings could be situated in that area.

The area of Parcel 1 Part 2, above the Parcel Line shown on the plat, consists of 23.71 acres. With bonus density, 4 lots could be situated in that area. In addition, that area retained its full minor subdivision potential, and per §2.4.1, 3 of the 5 possible minor subdivision lots were proposed.

Even if bonus density had not been granted, then 1 lot could have been achieved on Parcel 1 Part 1, 3 lots could have been achieved on Parcel 1 Part 2, and 5 minor sub. lots could have been achieved per §2.4.1, for a total of 9 lots. In this case, the granting of bonus density yielded 1 additional lot.

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

[4] 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.
August 3, 2005

Technical Advisory Committee

Present: Di Giacomo, Tony (CCP&Z); Orr, Fred (CCDPW); Woodhull, Mark (CCDPW); Latham, Cynthia (MDE); Von Staden, Fred (DEH); Kyte, James (FA); Graham, Daniel (Citizen Rep); Tulloch, Lindsay (SCS); Brown, Chris (SCS); Roop, John (USACE); Dempsey, Gale (CCP&Z); O Connell, Kathleen (CCP&Z)

Absent: Markwardt, Bob (CCPS); King, Butch (SHA)

The meeting was called to order at 9:00 a.m. by Tony Di Giacomo.

1. Mr. Di Giacomo advised that the first agenda item, West Creek Village Project, had been withdrawn and would not be heard.


Mike Paraskewich with the P.E.L.S.A. Company appeared to present the Concept Plat. Mr. Paraskewich was accompanied by consultants on the plan, developers Mr. Peter O Rourke and Mr. Snively and the owner of the property, Mr. Mars was present in the room. Mr. O Rourke announced he has been a developer in New Castle County and Cecil County for a number of years. Mr. Snively is a planning and engineering advisor on this job.

Mike Paraskewich presented the concept plat for a residential, multi-family site on Baron Road at the intersection of Baron and Nazarene Camp Road and the B&O Railroad. It is approximately 131 acres per the deed plot. We used the CMP maps to obtain the topography that is shown here with the slope areas and buffer areas that we have shown. As you can see, we are proposing a combination of single family homes, townhouses and apartment buildings. There is a county sewer line that goes through and along our property down in the valley where the Stoney Run creek goes through. It is a large interceptor which we will eventually be tying into and we will be making our main entrance opposite the intersection of Nazarene Camp Road and Baron Road and eventually directing our traffic from our development down Nazarene Camp Road to the intersection of route 272. A lot of interest will be generated at that intersection with our additional traffic that we are proposing. Mr. O Rourke has done a lot of work to date with the Department of
Transportation and the owners at that intersection to talk about any questions or concerns you have about that.

Mr. O' Rourke indicated that he had met back in November of 2004 with Mr. Di Giacomo, state highway people, my traffic engineer, public works officials from Cecil County and the Church officials and we spent a good bit of time on the site at that intersection. That has been a problem intersection for a long time with the Church as well as with the general public. We were looking at different solutions and how we might improve that intersection. I have negotiated and worked with the Church and they are anxious to help me improve that intersection. Mr. O’ Rourke presented a sketch of what they are proposing, more or less, at this point as a first blush, based on the comments of the individuals at our field meeting. It was determined that given the grades coming up from the railroad track overpass and what is going on around the corner going toward Route 40, we are fairly limited to what we can do with that intersection in terms of moving it from its present location, but what we can do is at least make the approach to it more acceptable and more desirable from a traffic safety standpoint. The Church is prepared to work with O’ Rourke to provide the land to make this happen. At least, we will make a major improvement to an existing situation that is a little bit troublesome.

Mr. Paraskewich indicated that with the limited information they have, the deed plots and the existing CMP maps and other data they have collected to design the project, they recognize that there are some areas of a sensitive nature that we have tried to take into consideration when designing the street layouts and lots. We have shown you approximate streams and buffers and what not and have considered them in our design and certainly are knowledgeable that what we have to do in the end to satisfy the County’s policy so we are presenting the plan today as a concept level and we welcome your comments.

Mr. Orr provided CCDPW comments. It is the Department’s understanding that the Town of North East will own the water distribution system in this development.

Mr. O’ Rourke indicated he has spoken to Melissa Cook-MacKenzie and about a year ago approached her and told her what he was doing. At that time, he wrote her a letter indicating the intention to develop this property in the future. She told Mr. O’ Rourke that the property is in the water service area. She indicated they had crossed the Rubicon in getting more water after years of not having as much water as they would have liked. She was aware of this project, and she pointed out that the water service manhole is right down 200’ from our proposed intersection.

The CCDPW recommends that the water distribution system, including fire hydrant locations, be designed to meet or exceed the County’s standards. We also recommend that the Town request that the serving fire company review fire hydrant spacing and locations. Do you know at this time whether the internal street section is proposed to be curb and gutter? It is likely that it would be required to be definitely for the town home sections, but with the dimensions of the single families, I’m not sure at this time.
Mr. Paraskewich responded he does not know. What we would like to do is utilize as much swales as possible to get to our SWM qualifications, using fire retention swales and things like that. We will work with that as much as possible.

Mr. Orr continued that they have some approved details in the road code that allow you to use the roadside ditches. The water lines must be reflected on the sanitary sewer plans and as-builts. All easements for the water lines must be reflected on the final plat.

A SWM plan, Street & Storm Drain plan, Sanitary Sewer Plan and a Mass & Final Grading plan are required and must be approved by the CCDPW prior to Final Plat Approval. The internal Street grade leaving Nazarene Campe Road may not exceed 5% within the limits of the intersection right-of-way, or a minimum of 55' from the centerline of Nazarene Camp Road. Will the street section be curb & gutter or grassed ditch lines? Entrance should be upright standard curbing. If any of the cul-de-sac lengths shown exceed 1500 feet, a mid-block turn around is required in accordance with the subdivision regulations.

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.

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.

Sidewalk maintenance will be required of the adjacent property owner, as required by the Cecil County Road Code.

No clearing or grading is permitted beyond the limits of disturbance show 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.

Any Road Code Variances sought must be requested prior to submittal for Preliminary Plat approval.

With the approximately 4660 Trip Ends generated by this development the Applicant should consider a second entrance to this site. We realize that may or may not be feasible during the initial phases or base on the property configuration, but you may be asked to address that with the PC as you proceed forward.

August 3, 2005
The Applicant should be aware of the Department’s requirement for offsite road improvements to Nazarene Camp Road to meet the increased traffic loading (4,660 trip ends) generated by this development. Therefore a Protocol Two Road Condition Survey must be conducted for the entire length of Nazarene Camp Road from the proposed entrance to MD Route 272. If you need the details of that protocol you can contact the DPW and they can provide the protocol. It has some boring requirements and some dimensional information requirements that you would have to survey the road and report to the department on the results. The Consultant must submit an initial road improvements proposal for upgrading Nazarene Camp Road to a Major Collector standard prior to preliminary plat review by the planning commission.

The road improvements plan must address the provision for realignment of the MD Route 272/Nazarene Camp Road intersection. The DPW does not consider the existing geometry to be acceptable for the increased traffic loading associated with this development. You can provided me a conceptual sketch of what you intend to do.

The importance of these improvements is heightened by the Baron Road Bridge (CE0097) weight restrictions of 12,000 lbs single and 14,000 lbs combined. These limitations mean that all emergency services vehicles, school buses, and commercial delivery vehicles must access the development using Nazarene Camp Road. The bridge is currently identified in the County Capital Improvements Program as having an FY2009 design date with construction beginning in FY2010. However considering the progress and the priority of other bridges in the CIP and budget constraints these dates are highly likely to be moved farther out in the program. We cannot guarantee FY 2009 design date with construction beginning FY2010 for the bridge upgrade.

Section 3.07.15 of the Road Code requires that Baron Road be upgraded to Minor Collector Road standard for 100’ either side of the proposed entrance. Subdivision entrance proximity and geometry related to the Baron and Nazarene Camp Road intersection must be identified on the preliminary plat for TAC review and the geometrics and intersection offset(s) must be approvable to the Department. That would be an item that you would work through during the engineering phase.

Applicant must provide stopping sight distance measurements for the Baron Road access to DPW prior to preliminary plat submittal. The design engineer must address the requirement to improve / establish shoulders, construct the minimum acceleration and deceleration lanes, any bypass lanes, and improve any deficient roadside drainage along the development’s Baron Road frontage on the street construction drawings.

Applicant must identify that the horizontal curvature geometry shown, that is applicable to the internal street sections, meets Section 3.04.1 of the Road Code in regards to sight lines remaining within the right-of-way or revise the same for compliance prior to submittal for concept plat approval (this is a layout issue). Several of the internal street curves appear too sharp to approve.
A pre-design geotechnical evaluation and borings along the proposed road perennial stream, intermittent stream, and wetlands crossings is required along with specific remedial recommendations for subsurface drainage and street subgrade placement. It’s not written there, but that’s applicable to your engineering phase.

Is the road network serving the apartment complex proposed as being public or private owned? The DPW strongly recommends that the road network serving the apartments be private.

The road geometry within the apartment complex portion of this site contains several extremely sharp horizontal curves that may not allow emergency services vehicles access.

The cul-de-sac road serving the 70+/- townhouse units must have the 38' ROW required by Road Code Detail R-4.

The use of tee turnarounds shown does not comply with the Road Code Section 2.02. Their use would require a Road Code Variance.

All driveways must be paved at least to the right of way. The Developer is responsible to complete all driveway paving within the road 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. The Lot Grading Plan must include notes to this effect. This item applies to phased construction also. If the project is phased, this would be applicable to each individual phase.

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

No provisions for stormwater management facilities are shown, how does the applicant intend to address stormwater management? What do you expect in terms of SWM’s quantitative facilities, like ponds? Mr. Parascavich stated that probably a combination of both ‘everything, it’s a complicated terrain. We have some nice flat areas, some very steep areas, crossing a major stream, so at this point I’m sure we are going to get into waste water management and probably use one of each in the entire area. We certainly will try to be as creative as possible to address what is out there and use whatever is necessary.
If stormwater discharge is directed off of the site on to an adjacent property it is the responsibility of the Developer to obtain appropriate easements from the affected property owners in accordance with Section 251-13 and 251-15.D of the Cecil County SWM Ordinance.

The downstream conveyance of storm water must be analyzed in accordance with Section 251-9 A. (5) of the county’s SWM Ordinance. Special care must be given to the design if a concentration of runoff will result from the SWM facilities.

The Consultant must provide a conceptual layout of the proposed sanitary sewer layout; this would be the collection system for any if you have a pump station where your conceptual layout for your pump stations would be, prior to submitting Preliminary Plat to Planning Commission review.

A sanitary sewer allocation request must be submitted to the Department of Public Works prior to receiving final plat.

PWA’s will be required for all public infrastructure shown.

An Inspection and Maintenance Agreement will be required for any private SWM facilities.

Mr. Fred Von Staden presented Cecil County Health Department comments and stated that identity of water and sewer plants must be on the plat. I know you have verbally mentioned it, but put it on the plat, who you are dealing with. A water and sewer allocation must be obtained from appropriate agencies prior to final plat approval. Plans for water and sewer lines must be approved by the appropriate agencies prior to record plat approval. Adjoining areas of Baron Road and Nazarene Camp Road are included in the Master Water and Sewer Plan as an area of failing septic systems. Sewer planning for this project should include the opportunity to serve these areas. A permit to construct a pumping station must be issued by MDE prior to record plat approval (if applicable). Required statements regarding water and sewer must be on final and record plats. That would be the statement about in conformance with County plan available to all lots. Show proposed water and sewer lines on preliminary plat and closest existing water and sewer lines.

Ms. Lindsay Tulloch provided the Soil Conservation Service (SCS) comments. We suggest that you meet with us prior to doing a lot of engineering on this so that we can let you know the type concepts we are looking for. Any ponds proposed need to be submitted to the district for review, meeting 378 or not meeting 378 standards. The gravel deposits are now wetlands, assuming all mining is completed on that property.
Mr. John Roop, US Army Corps of Engineers, stated that any filling in of non-tidal wetlands and streams requires Department of the Army permit. Any filling of the isolated wetlands requires a State permit. No jurisdictional determination has been issued.

Ms. Cynthia Latham, Maryland Department of Environment, stated the project does not need a water appropriations permit, as it is proposed to have public water.

Mr. Daniel Graham, Citizen’s representative stated there are no comments from citizens.

Mr. Di Giacomo reported that the State Highway Administration had no comments on this specific layout, although as Mr. O’Rourke has mentioned they have been involved in discussions regarding improvements to the intersection of Nazarene Camp Road and Route 272.

The Cecil County Public Schools this comment via fax: We are concerned with access due to a weight restrictive bridge on Baron Rd., over the B & O Railroad and an uncontrolled intersection at Nazarene Camp Rd. and Route 272, which with increased traffic will become a restrictive intersection to traffic flow from Nazarene Camp Rd. We would anticipate interior service into the area of single-family homes and townhouses at some future point if student counts warrant it. A waiver will be required to allow buses to travel the private roads before county acceptance. We will not bring the buses into the apartment areas.

Mr. Di Giacomo then presented the Planning and Zoning comments. Upon inspection, this project 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.

The zoning is Multifamily Residential, or RM.

With community facilities, the RM zone permits a density of 6 du/1 ac., or 12/1 for townhouses or 16/1 for apartments. This Concept Plat proposes 120 single family homes, 150 townhouses, and 390 apartment units on approximately 131 acres, for a proposed density of 5.04/1.
A boundary line survey must be done in conjunction with the preparation of the Preliminary Plat for density calculation purposes and to eliminate having two sets of acreage data.

The zoning classifications of adjacent parcels have not been provided.

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. 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. A Jurisdictional Determination (JD) must be done prior to preliminary plat review by the Planning Commission.

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

As no open space acreage data have been provided, as required in §4.0.13 (k), it is impossible to determine if this proposal meets the open space and common open space requirements of the RM zone. The single family portion will require a minimum 15% common open space; the townhouse and apartment portions require 20%. Staff will recommend disapproval unless the open space and common open space areas are depicted on the plat, those data are presented, and they meet the minimum requirements.

§176.2.a prohibits any common open space being used for parking. There can be common overflow parking areas, but they cannot be included in the open space total acreage. Maintenance of the common overflow parking areas will be the responsibility of the Homeowners Association.

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.
A minimum 25% landscaping is required in the RM zone. Sidewalks are recommended on both sides of all internal roads.

Rows of street trees with 10' planting easements are required, outside the right-of-way, along both sides of all internal roads. 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 Department of Natural Resources.

Bufferyard Standard C is required, outside the right-of-way, along the road frontages of Baron Road.

In addition, a 25' Bufferyard Standard C is required around the perimeter of the development tract. No parking areas, roadways, or accessory structures shall be permitted in the 25' planted bufferyard. This required bufferyard has been shown only in portions of the site.

The Forest Stand Delineation (FSD) must be approved prior to Planning Commission review of the Concept plat. The Preliminary Forest Conservation Plan (PFCP) must be approved prior to Planning Commission review of the Preliminary Plat.

The final Forest Conservation Plan (FCP) and Landscape Plan must be approved prior to Planning Commission review of the Final Plat. 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. The metes and bounds description of the FRA must be shown on the record plat.

The internal road names will need to be approved by the County 911 Emergency Center prior to Planning Commission review of the Preliminary Plat. Road names are required on Concept Plats, per §4.0.13 (h) of the Cecil County Subdivision Regulations.
A Traffic Impact Study (TIS) will be required to be completed prior to the TAC’s review of the Preliminary Plat.

Given the number of dwelling units, has another other point of ingress and egress been considered? Given the Jansen proposal and the Silverado proposal to the south, has the possibility of also accessing Razor Strap Road been considered? Mr. O’Rourke stated that he was aware of the Silverado proposal, but was not aware of the Jansen proposal in terms any more than he has seen it in the last year or so. Has there been a more recent proposal? Mr. Di Giacomo stated that no there has not been. There was one proposal, submitted only to the TAC and it did not make its way to the PC. Mr. O’Rourke stated that he had tried to talk to Mr. Jansen about purchasing his property and there was not a meeting of the minds and that’s all I know about him. Mr. Di Giacomo stated that he could not speak for the Fire Chief’s committee, but were Mr. Kyte here, there is little doubt that he would say that 660 dwelling units with one point of ingress and egress is not adequate. So, whether that additional point of access would be to the south or a second one on Baron Rd., that needs to be looked at very, very carefully.

None of the lots or buildings have been provided with identifying numbers, which would facilitate referencing deficiencies. Unless such numbers are included on any plat submitted to the Planning Commission, staff will recommend disapproval.

By actual count, only 149 townhouse lots could be identified; not 150.

Per §29.4(g), no townhouse structure may be closer than 20 feet to an interior roadway or closer than 15 feet to any off-street parking area.

Per §29.4(c), the proposed building heights must be provided. The RM zone’s maximum building height is 35’. No building shall be constructed closer to any other building than a distance equal to the height of the higher of the two buildings.

Two unnumbered apartment buildings on an unnamed street are only 10’ apart.

The minimum distance between townhouse structures shall be 60’ if the structures are face to face.

Per §4.0.13(i), all utilities within 200 feet of the subject parcel must be shown on the plat.
Two groups of unnumbered townhouses proposed on an unnamed street do not appear to have any direct access to their rear yards. Instead of forcing future owners, for example, to carry lawn mowers through the interior length of their home in order to mow the rear yard, there should be common open space or clear rear yard access easements. The common open space/access easements should be located between townhouse structures and along the rear yards of such dwellings.

There is a space between those 2 groups of townhouses that could be either common open space or a single family home lot. If it is common open space, then there are only 119 single family lots; not 120. On the other hand, what is the design rationale for locating 1 single family lot amidst townhouse clusters? This is a rhetorical question.

As is, only 310 parking spaces are proposed for 390 apartments. Any plat submitted for review by the Planning Commission must clearly demonstrate the adequacy of proposed residential off-street parking, consistent with §§ 274 & 277 of the Zoning Ordinance and §4.0.13 (m) 1 of the Subdivision Regulations. Otherwise, staff will recommend disapproval.

No parking areas are actually depicted around the proposed, unnumbered apartment buildings. Therefore, it is impossible to comment on traffic circulation and public safety issues. Again, I cannot speak for Mr. Kyte, but please keep in mind, does the density of the proposal fall within the permitted parameters of the zoning ordinance and the second thing that the Planning Commission looks at is the layout. Certainly part of this layout, if it is feasible, is to look at where the parking would go, how these apartment buildings would be accessed. One of the things the fire chief’s look at is to look at how far the parking lot is from the building, including roughly 18’ per parked vehicle and then the distance to the top of that building, and whether their aerial ladders can reach it. That is a very critical component that they look at in trying to access the feasibility of the design, and this is information that they do not have at this point.

Fire hydrant locations must be included on the Preliminary Plat and finalized in consultation with the North East Volunteer Fire Company and the department of Public Works.

§29.4.h requires that all apartment buildings shall be set back at least 20’ from all parking areas and internal roads. One unnumbered apartment building is closer than 20’ to an internal road. Since no parking areas have been shown, no setback issues could be identified.

Lot dimensions are required, per §4.0.13 (j). Unless those dimensions are included on any plat submitted to the Planning Commission, staff will recommend disapproval.

Access to common open space between lots must be marked with concrete monuments.
A Homeowners Association for maintenance of common open space must be established with $50 per recorded lot placed in escrow for improvements prior to recordation.

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 W-1 and S-1. We have heard through a previous discussion that the site is proposed to be served by the town of North East for water and Cecil County for sewer.

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.

Written verification of water allocation and sewer allocation must be received prior to Final Plat review. Otherwise, a Final Plat cannot be approved.

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 was reminded of the Monday noon submission deadline for review by the Planning Commission this month.

Mr. Di Giacomo had one other question. There is a line on the plat that is not identified. Mr. Stavley responded that he thinks this is a computer mistake with CAD. It has no meaning.

3. Forest Green, Section III, Sites 48-78, Concept Plat, Deaver Road & Deer Run Parkway, American Engineering & Surveying, Inc., Third Election District.
Tom Trace, American Engineering & Survey, Mr. Inglisa, owner of Forest Green and his daughter, Denise Hubbard appeared to present the proposal. This is a new 33 unit section on 19.5 acres to be added to the existing mobile homes. It has been rezoned. The file number is 2005-01. Sections I was approved in 1970 and Section II was approved in 1990. We are trying to plan Section III in uniformity with Section I and II. The total boundary survey is complete and we do have existing water allocation permit which is sufficient for the proposed lot.

Mark Woodhull provided CCDPW comments. Please address whether the water treatment & distribution system and wastewater treatment & collection in this development will be privately owned and maintained, or does each site layout provide for individual onsite septage disposal and a potable water well? Is everything intended to connect through to the existing? Mr. Inglisa responded that yes, they are self contained for water and waste water. The Road Code and Water & Sewer Standard Specifications require that private water and wastewater systems be designed to meet or exceed the County’s standards, which includes fire protection demands. As such, plans for any onsite private water & sewer system must be submitted to and approved by the Department of Public Works. Interconnection to existing onsite systems will require that a design adequacy and performance evaluation be submitted by the applicant’s engineer to the department. A variance must be obtained from the Director for any and all portions of the existing and proposed system not designed to perform under these standards. We also recommend that the serving fire company review fire hydrant spacing and locations.

A SWM plan, Road & Storm Drain plan, Water and Sanitary Sewer plan and a Mass and Final Grading plan must be approved by the CCDPW prior to submittal for Final Plat Approval. The Final Plat must include the Lot Grading Plan standard note and 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.

**Grading Plan:** No clearing or grading is permitted beyond the limits of disturbance show 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.

Any Road Code Variances sought must be requested prior to submittal for Preliminary Plat approval. This concept layout contains internal roadway geometrics that require a variance to the Road Code before review of engineering submittals can be made.

The downstream conveyance of storm water must be analyzed in accordance with Section 251-9 A. (5) of the county’s SWM Ordinance. How do you anticipate the maintenance access to the stormwater facility will be designed? We have a stone drive going on down to the‘ Mr. Trace responded that they can do that. Mr. Woodhull indicated it will have to be designed in accordance with the Maryland 2000 Design manual and in

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Maryland 373 regulations.

If stormwater discharge is directed off of the site on to adjacent property it is the responsibility of the Developer to obtain appropriate easements from the affected property owners per Sections 251-13 and 251-15.D of the Cecil County SWM Ordinance.

Section 3.07.15 of the Road Code requires that Deaver Road be upgraded to a Minor Collector Road standard for 100’ either side of the existing entrance. The design engineer must address the requirement for minimum acceleration and deceleration lanes, along with any bypass lane requirements. The concept plat does not show any detail of the exiting Deaver Road park entrance. Any right-of-way acquisition necessary shall be performed by the applicant and at the applicant’s expense.

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

Closed section road is required by the Road Code. Applicant will need to obtain a code variance to use open section roadway.

Public works agreements are required for the internal streets & storm drains and sanitary sewer and water constructions.

An Inspection & Maintenance Agreement is required for the private SWM facilities.

Fred Von Staden presented comments from the Health Department. Privately owned public water supply must be approved by MDE for additional mobile home sites prior to final plat approval. Ground water Appropriation Permit must be revised to include the proposed sites prior to final plat approval. Plans for the sewer lines and water lines must be approved by the Cecil County Department of Public Works prior to record plat approval. Show proposed water sewer lines on preliminary plat and the closest existing water and sewer lines. Identify existing building use on proposed site 78; if it is the water storage and treatment building remove site number off plat and identify building on plat. Mr. Inglisa responded that this is a back up water building. It is an extra water plant and it will stay. Mr. Von Staden asked if they really want it to be a site number. Mr. Inglisa responded that they had talked about that. Privately owned public sewage treatment facility must be approved by MDE for these additional mobile home sites prior to final plat approval. Mr. Von Staden asked that they strike the last statement on his comments as it does not apply.
Ms. Tulloch gave the SCS comments.

Mr. Roop, US Army Corps of Engineers, stated that any filling in of non-tidal wetlands on the west branch of Laurel Run Creek requires the Department of the Army permit. The jurisdictional determination has not been issued.

Cynthia Latham gave the MDE comments. The appropriation permit is in good standing.

Daniel Graham, Citizen’s representative, reported a comment from the party who lives across from the entrance. The comment is that a new sign needs to be put in place because people are turning around on this party’s property after they miss the entrance. People have been stuck in this party’s lawn and they think the owner should put a sign up so it can be seen. Also, someone in Section II lost the skirting primarily because of flood waters and the concern was: Are you taking adequate care for flood waters on this new portion of the development? The comments were from Michele Gidnack. Mr. Inglisa responded that the bridge on Deaver Rd. is closed that this is causing the problem. If the bridge is opened up, it will eliminate the problem where people cannot turn around. They come up to the end of the bridge and they have to turn around because the bridge is closed. That’s the road that goes to Leed’s school. It should be a priority to open that bridge. Mark Woodhull stated that he does not have the information right now as to what the schedule is on that and he is not prepared to talk about that at this point. Mr. Inglisa asked if it was on the schedule. Mr. Woodhull responded it is on the schedule.

Mr. Di Giacomo requested that the minutes reflect that the State Highway Administration did not have any comments. Cecil County Public Schools faxed the following comment: We have concerns with access due to the closed bridge over the CSX north of Deer Run and Deaver Road and increased student population. Since the roads are private, there will be on interior bus service. The current bus stop is at Deer Run and Deaver.

Mr. Di Giacomo presented the Planning and Zoning comments. 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.

The zoning is Manufactured Home, or MH. The MH zone permits a maximum density of 6 du/1 ac. in manufactured home parks, as stipulated in § s 30 and 78 of the Cecil County Zoning Ordinance. This Concept Plat proposes 33 sites on 19.5 acres, for a proposed density of 1.69/1. Sections I & II were previously approved.
Overall, this proposal would bring the aggregate density for Sections I, II, & III (143 sites on 54.763 acres) to 2.61/1.

If approved by the Planning Commission, this development will require that the existing Manufactured Home Park license be amended to include the additional sites.

Reference to the DR zone’s requirements are confusing. If these sites are proposed to be part of a manufactured home park, then the requirements set forth in §78 shall apply, pursuant to §30.3.a. The DR zone’s requirements apply only to manufactured home subdivisions.

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

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.

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’. Since we had the one citizen comment, is any part of this in any flood plain? Mr. Trace responded the flood plain is on it, we are away from it, a good distance away from it. Mr. Inglisa stated that when they did phase I, they did a 100 year flood plain and everything was laid out to eliminate any construction in the 100 year flood plain. Mr. Di Giacomo confirmed that the 100 year flood plain is in fact on the plat.

A 25’ buffer is required around all non-tidal wetlands and intermittent streams present. Permits are required from the (US Army) Corps of Engineers and MDE for all non-tidal wetland and stream impacts prior to recordation. A Jurisdictional Determination (JD) must be done prior to preliminary plat review by the Planning Commission.

The habitats of rare, threatened, and endangered species must be avoided.
Not less than 15% of the gross area shall be devoted to open space and recreational area, not including roads and bufferyards. Based on 19.5 acres, 2.925 acres of open space is required. 11.679 acres are proposed.

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.

20% landscaping of the development envelope is required in the MH zone, and rows of street trees are required along both sides of all internal roads. Where feasible, the natural vegetative equivalent may be used to satisfy the bufferyard and street tree requirements. No street trees should be planted within 20 feet of sewer laterals and cleanouts.

A surrounding Bufferyard Standard D is required, per §78.8.

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

The Forest Stand Delineation (FSD) must be approved prior to Planning Commission review of the Concept plat. The Preliminary Forest Conservation Plan (PFCP) must be approved prior to Planning Commission review of the Preliminary Plat.

The final Forest Conservation Plan (FCP) and Landscape Plan must be approved prior to Planning Commission review of the Final Plat. 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. The metes and bounds description of the FRA must be shown on the record plat.

Sidewalks are recommended on at least one side of all internal roads.
Each manufactured home site shall measure not less than 4000 ft$^2$ in area, and the minimum width at the setback line must be 50 ft.

Minimum setbacks on all manufactured home sites shall be 15 ft front and rear, 10 ft on each side.

The proposed road names have been approved.

§6.6.6 of the Subdivision Regulations requires local access streets be 34 ft wide, 28 ft paved, with curb & gutter. Those proposed are 40 ft wide, but only 20 ft paved.

If the existing roads are only 20 ft wide, then they are at odds with the requirements that minor collector streets be 42 ft wide and 36 ft paved. The Planning Commission may require a Traffic Impact Study, since there would be 143 sites and Deaver Road is currently closed.

Verification must be received from MDE prior to Final Plat review that the proposed water system is capable of serving these proposed sites.

The proposed sites must be served by water & sewer systems approved by the Health Department.

Sewer capacity to serve these proposed sites must be verified by the Department of Public Works prior to Final Plat review.

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 area as W-3 and S-3.

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.
For subdivisions proposed on property contiguous to operating farms, and I know this is not technically a subdivision but it falls within the subdivision regulations, 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.

All the requirements of §§ 30 & 78 of the Zoning Ordinance and §6.6 of the Subdivision Regulations must be satisfied, including roadway geometry.

The applicant was reminded of the Monday noon submission deadline for review by the Planning Commission this month.

Mr. Woodhull questioned what appears to be an access drive shown running across lots 71-77. What is going to be the disposition of these? Are they to be removed or remain across those lots? Mr. Inglisa responded that is just a trail they drive through and would be removed.

4. Silverado, Lots 5-75, Razor Strap Road, Concept Plat, McCrone, Inc., Fifth Election District.

Barry Montgomery and Tom Montgomery from Montgomery Brothers and Mike Burcham from McCrone appeared for Silverado. Barry Montgomery stated that he was on the phone with Mr. Jansen 8/2/2005 and they had a positive conversation. Mike Burcham, McCrone, presented the following comments. We extended Stoney Creek Road to get the tee turnaround off lots 48 and 49 to accommodate Public Works request. We have modified the parking rationale so it is better understood how we are providing parking spaces for these townhouse units and in reference to the 30’ wide strip to be dedicated along Razor Strap Road, the previous record plat had indicated that would be conveyed, but it has not been conveyed at this date. It will still be shown on this plat with no conveyance.

Mark Woodhull presented the comments from the Department of Public Works.

It is the Department’s understanding that the Town of North East will own the water distribution system in this development. The CCDPW recommends that the water distribution system, including fire hydrant locations, be designed to meet or exceed the County’s standards. We also recommend that the Town request that the serving fire company review fire hydrant spacing and locations. The water lines must be reflected on the sanitary sewer plans and as-builts. All easements for the water lines must be reflected on the final plat.
A SWM plan, 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. 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 show 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.

Any Road Code Variances sought must be requested prior to submittal for Preliminary Plat approval. The street R.O.W. entrance tapers must be offset 25' from the R.O.W. point of intersection, and be straight lines, per 7.2.12.E.3 of the Subdivision Regulations.

The applicant and the applicant’s engineer must provide a suitable permanent turn-around at the end of Stoney Run Creek Road, approvable to the Department of Public Works. The tee turn-around shown is not a suitable permanent turn-around. If it connects through to the Jansen property then that is fine, it will be a temporary tee turnaround, but if it does not, then it would have to be a cul de sac.

Applicant must request and receive public sewer allocation for the residential units shown prior to submittal for final plat approval by the planning commission.

The downstream conveyance of storm water must be analyzed in accordance with Section 251-9 A. (5) of the county’s SWM Ordinance. How do you anticipate the maintenance access to the stormwater facility will be designed? Mike Burcham indicated that it is now shown coming off of our parking area. Mr. Woodhull acknowledged this.

If stormwater discharge is directed off of the site on to adjacent property it is the responsibility of the Developer to obtain appropriate easements from the affected property owners per Sections 251-13 and 251-15.D of the Cecil County SWM Ordinance.

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Section 3.07.15 of the Road Code requires that Razor Strap Road be upgraded to a Minor Collector Road standard for 100’ either side of the proposed entrance. The design engineer must address the requirement for minimum acceleration and deceleration lanes. The concept plat does not show an availability of current right-of-way along Razor Strap Road for the required entrance improvements. Any right-of-way acquisition necessary shall be performed by the applicant and at the applicant’s expense.

All parking areas are to be maintained by the HOA unless otherwise noted. Identify parking easements as private easements for HOA maintenance of the parking areas. Identify permanent maintenance easements in accordance with footnote one of standard detail R-5 of the Cecil County Road Code.

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

Closed section road is required. Modified curb and gutter may be used internally, but standard curb will be required for the entrance(s) from at least the curb return PCs.

The Department recommends that the Town require a PWA for the water.

Public works agreements are required for the internal streets & storm drains and sanitary sewer work.

An Inspection & Maintenance Agreement is required for the private SWM facilities.

Fred Von Staden presented the Health Department comments. Allocation from public water and sewer sources required prior to final plat approval. Engineering of water and sewer lines must be approved by the appropriate agencies prior to record plat approval. Show proposed water and sewer lines on the preliminary plat. Public water and sewer states are required on the final and record plats.

Lindsey Tulloch presented the Soil Conservation Service comments.

Mr. Roop, Army Corps of Engineers stated that any filling in of Stoney Run or the adjacent wetlands, if any, requires a Department of the Army permit. A jurisdictional determination has not been issued.
James Kyte, Fire Chief’s Committee representative, presented comments. The only concern is the turn around at the end. Are they deep enough at the end? It only measures 90 all the way straight across for turning around fire trucks. Can it be just a little deeper? Public Works has already addressed the fire hydrant situation.

Ms. Latham, MDE, stated the project does not require a water appropriation permit because of the proposed use of public water.

Daniel Graham, Citizens Representative, reported he received a call from Norman Weiner last week stating they still own property on lots 50-57. Barry Montgomery stated that yes, they own that property. As far as he knows, they are in agreement with us presenting what is on the plat. Mr. Graham stated that Weiner expressed to Graham that they need to get an agreement with Barry Montgomery as far as finances are concerned. Barry Montgomery stated they are negotiating approaches to the property. They seem to be okay with it.

Mr. Di Giacomo reported that the State Highway Administration did not have any comments on this project. Cecil County Public Schools faxed the following comments: We have concerns with access to the area via Wells Camp Rd. and the lack of suitable area to turn around. If the county replaces the Razor Strap Rd. bridge with right turn only at Razor Strap and Route 40, it still poses a problem for busing. Bus service will be offered at Razor Strap and Northwoods Blvd. with no interior service and students will have to walk on Razor Strap Rd from Silverado to Northwoods.

Planning and Zoning comments followed. This proposal is in compliance with §3.8 of the Subdivision Regulations regarding public notification signs.

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

The zoning is Multifamily Residential, or RM. The RM zone permits a maximum base density of 6 du/1 ac. with community facilities, and up to 12/1 for townhouses. This Concept Plat proposes 71 townhouse lots on 14.98 acres, for a proposed density of 4.74/1.

A boundary line survey must be done in conjunction with the preparation of the Preliminary Plat for density calculation purposes.
As noted, this plat is intended to supercede an earlier major subdivision, Montgomery Springs, Lots 5-14, that was recorded on 4/23/04 for this site.

Should the Silverado subdivision receive Final Plat approval, any structures built as part of Montgomery Springs, Lots 5-14 must be removed.

A Montgomery Springs, Lots 15-16 Preliminary Plat for the 1.028 acre area identified as lands reserved for future development by the owner was approved on 12/20/04, with conditions.

Note # 16 addresses the intended disposition of Lot 2, Minor Subdivision #2650.

As noted on the Montgomery Springs, Lots 5-14 record plat, the Razor Strap Road driveway for Lot 1 of Minor Subdivision #2650 must be removed at the completion of Stoney Run Creek Road. A new access has been depicted on Stoney Run Creek Road.

A Concept Plat for the adjacent Jansen property (parcel 749) was reviewed by the TAC in September, 2004. That proposal, Stoney Run Creek Estates, did not have a stub road located in the vicinity of the stub road shown on the Silverado plan. While that proposal has no official status (since it was never subsequently reviewed of approved by the Planning Commission), coordination between the two projects to effectuate enhanced access is encouraged especially from the perspective of enhanced emergency service access.

The Master Water and Sewer Plan shows this site to be in W-1 and S-1 service areas.

The 10’ wide access easement running along the southeastern part of the site (per MS #2699, allowing access to parcel 771) has been shown. As drawn, the lands reserved are not part of this project; however, the acreage has been included in the Area Table. This discrepancy must be rectified prior to review by the Planning Commission.

Per §29.4(g), no townhouse structure may be closer than 20 feet to an interior roadway or closer than 15 feet to any off-street parking area.
Per §29.4(c), the proposed building heights must be provided. The RM zone’s maximum building height is 35’. No building shall be constructed closer to any other building than a distance equal to the height of the higher of the two buildings.

The minimum distance between townhouse structures shall be 60’ if the structures are face to face.

Per § 4.0.13(i), all utilities within 200 feet of the subject parcel must be shown on the plat.

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. 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. A Jurisdictional Determination (JD) must be done prior to preliminary plat review by the Planning Commission.

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

This proposal satisfies the common open space provisions of the RM zone. 20% is required; 47.26% 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. Those thresholds must be calculated and included on the Preliminary Plat.
§176.2.a prohibits any common open space being used for parking. There can be common overflow parking areas, but they cannot be included in the open space total acreage. Maintenance of the common overflow parking areas will be the responsibility of the Homeowners Association.

A minimum of 25% landscaping of the development envelope is required in the RM zone. In addition, all areas not occupied by buildings, roads, parking areas, service areas, or other required or permitted uses, including open spaces and usable recreation areas shall be landscaped by trees, shrubs, gardens, or other suitable ground cover.

Sidewalks are recommended on both sides of all internal roads.

Bufferyard Standard C is required, outside the right-of-way, on the road frontage along Razor Strap Road.

In addition, a 25 Bufferyard Standard C is required around the perimeter of the development tract. No parking areas, roadways, or accessory structures shall be permitted in the 25 planted bufferyard. This required bufferyard has been shown only in portions of the site.

Rows of street trees with 10 planting easements are required, outside the right-of-way, along both sides of all internal roads. In areas with community facilities, no street trees shall be planted within 20 feet of sewer laterals and cleanouts. 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.

A Forest Stand Delineation (FSD) was approved for parcel 1019 on 12/7/94. Because Montgomery Springs clearing has commenced and because the FSD's 5-year approval is no longer valid, a new FSD is required.

The FSD must be approved prior to Planning Commission review of the Concept Plat. Where are we with that? Barry Montgomery replied as far as he knows it has been approved.

The Preliminary Forest Conservation Plan (PFCP) must be approved prior to Planning Commission review of the Preliminary Plat. The final Forest Conservation Plan (FCP) and Landscape Plan must be approved prior to Planning Commission review of the Final Plat.
A Forest Conservation Plan for parcel 1019 (Montgomery Springs, Lots 5-14) was approved on 1/7/97, and an FCP for Lots 15 & 16 was approved on 12/10/04. As the proposed subdivision layout differs from the approved plans, revised PFCPs and FCPs shall be required. 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. The metes and bounds description of the FRA must be shown on the record plat.

All proposed lots exceed the 3:1 length to width ratio established in §7.4.2.

§4.0.13(j) requires appropriate dimensions and minimum lot areas to be included on Concept Plats. Per §4.1.22 (l), the proposed lot dimensions shall also be provided on the Preliminary Plat.

The approximate locations of the townhouse structures have been shown, per §4.1.22 (s) 1.

All proposed townhouses appear to have reasonable access to their rear yards, either via common open space or access easements, although fee-simple access is always preferable. The access easement located between townhouses 11 & 12 is confusing as drawn and would hold true for others. Mike Burcham indicated it intersects the standard easement already running with the parking lot and will be maintained by the homeowner's association, so rather than show one easement on top of the other, access is already granted for all lot owners for 26' from the right of way. The 26' maintenance and access easement that is shown across the frontage of all the lots and we start our 10' access easement from that point and run it along the property lines to get to the open space.

The Preliminary Plat must again demonstrate the adequacy of proposed residential off-street parking, consistent with §§ 274 & 277.

Fire hydrant locations must be finalized in consultation with the North East Volunteer Fire Company and the department of Public Works.

The proposed road name has been approved.
Access to common open space between lots must be marked with concrete monuments.

A Homeowners’ Association for maintenance of common open space must be established with $50 per recorded lot placed in escrow for improvements prior to recordation. In the case, in addition to maintenance of common open space, the common access easements must be covered.

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/homes offered for sale.

Water allocation must be confirmed by the Town of North East prior to Final Plat review by the Planning Commission.

Sewer allocation must be confirmed by the Department of Public Works prior to Final Plat review by the Planning Commission.

All required documents from AT&T granting permission or agreeing to easement impacts must be received prior to Final Plat review. All documents requiring recordation must be recorded prior to the recordation of the Record Plat.

A Traffic Impact Study (TIS) will be recommended.

Fire hydrant locations must be included on the Preliminary Plat and finalized in consultation with the North East Volunteer Fire Company and the department of Public Works.

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.

August 3, 2005
The applicant was reminded of the Monday noon submission deadline for review by the Planning Commission this month.

Mr. Montgomery pointed out that the $50/lot fee was established 10-15 years ago, and, therefore, it needs to be updated.

Mr. Di Giacomo agreed, but again advised that the Technical Advisory Committee has no power to effectuate any changes to the HOA requirements.

Mr. Montgomery questioned Mr. Di Giacomo's comment about the desirability of exploring the possibility of connectivity to the Jansen and O'Rourke projects. He pointed out that there is no connectivity to Northwoods.

Mr. Di Giacomo pointed out that, from planning and emergency response standpoints, such connectivity is desirable.

Mr. Burcham asked why the staff had not commented on a looped road system.

Mr. Di Giacomo replied that none had been proposed on the plat. The applicant is aware of the Planning Commission's comments on the desirability a looped road system for Silverado, and the fact that one is not reflected on the plat presumably means that the applicant's analysis deems it not to be technically feasible. It is incumbent upon the applicant to explain and justify that to the Planning Commission. Connectivity is desirable, and, therefore, its feasibility should be explored.

5. Baldwin Station, Preliminary Plat, Elk Mills Road, 3rd Election District.

Don Sutton, McCrone, presented their comments. This plat was in last month Planning Commission and did not receive preliminary plat approval because of forest conservation issues. Those issues have been taken care of and we have made amendments to this plan regarding those issues and are submitting it for your review.
Mark Woodhull presented the Department of Public Works comments. A SWM plan, Street & Storm Drain plan, and a Mass & Final Grading plan are required and must be approved by the CCDPW prior to Final Plat Approval. A SHA access permit is required for the Elk Mills entrance location shown. The internal street grade leaving Elk Mills Road may not exceed 5% within the limits of the intersection right-of-way.

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.

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.

Sidewalk maintenance will be required of the adjacent property owner, as required by the Cecil County Road Code.

No clearing or grading is permitted beyond the limits of disturbance show 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.

Any Road Code Variances sought must be requested prior to submittal for Preliminary Plat approval. Mr. Sutton indicated they do not have any that they know of.

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

If stormwater discharge is directed off of the site on to an adjacent property it is the responsibility of the Developer to obtain appropriate easements from the affected property owners in accordance with Section 251-13 and 251-15.D of the Cecil County SWM Ordinance.

The downstream conveyance of storm water must be analyzed in accordance with Section 251-9 A. (5) of the county’s SWM Ordinance. Special care must be given to the design if a concentration of runoff will result from the SWM facilities. What outfall configuration do you anticipate for the SWM facility’s discharge along the entrance? Mr. Sutton responded that it would be in the common open space and we will have that shown for the Planning Commission. A private drainage and stormwater management easement and structure(s) may be needed to cover conveyance along the rear of lots 1, 2, & 3 and direct the same to the
proposed SMW facility at the entrance.

The eastern access strip to MD Rte 277 does not appear to meet the minimum access width required for stormwater management ponds. If a new fee simple access is needed from the internal street for the private stormwater management facility, it may not conflict with the public drainage easement shown between lots 17 and 18. The applicant's engineer must address this issue at the initial design submittal. Are there any physical site features that would prevent the access drive from being reconstructed inside the access strip boundary shown basically coming in the lower access and what is the cover type of the existing lane shown gravel or paved? The review process is there to move the existing lane to the north side of that access strip, thereby giving you a straight shot across the 10’ strip there, where the pipe is shown, before it goes out into the facility. We may need to extend the pipe.

All driveways must be paved at least to the right of way. The driveway paving must be complete for all lots at the time when the surface course for the internal roads is installed. This requirement includes any vacant but platted lots. Any driveway exceeding 5% up-gradient-slope form the roadway must be paved to the crest. If the development is phased and I assume this will not be phased, these requirements will apply to each phase when 80% of the lots are built-out. All of these requirements must be reflected on the Lot Grading Plan.

We recommend designing a shared access location with designed closed section drainage for the lot 7 & 8 driveway locations. Driveways do not need to adjoin only be located in manner to allow for proper culvert pipe installation and roadside drainage.

A PWA will be required for the street and storm drain improvements.

An Inspection and Maintenance Agreement will be required for the private SWM facilities.

Please clarify to which lot 3 the future 50’ wide ROW will be dedicated to. Minor sub #3 under the Balwin property. Don Sutton will put Minor subdivision on the plat.

Mr. Von Staden presented the Health Department comments. Groundwater Appropriation Permit must be issued by Maryland Department prior to final plat approval; an application has been submitted. Submit a site-grading plan for lots 12, 13, 14, and 15 showing that stormwater will not be diverted within 25’ of the sewage areas on these lots prior to record plat approval. A revised preliminary plat showing stormwater management facilities, including dry wells, and Forest Retention / Afforestation areas must be submitted to the Cecil County Health Department prior to record plat approval.
At the timing of the driveway removal on Troiani we would want that resolved before we sign a record plat because we are not sure what legal rights he might have to keep it there and it is in a sewage area.

Lindsey Tulloch presented Soil Conservation Service comments.

John Roop, Army Corps of Engineers stated that any filling or filling within the stream requires a Department of the Army permit. Jurisdictional determination was issued on 7/14/2005.

James Kyte presented the Fire Chief comments. On the 5' strip on the inside of that cul-de-sac, is that a run up ledge to be able to get around fire equipment? Mr. Sutton indicated he believes that is what they are looking at for the design.

Cynthia Latham made the MDE comments. She asked Fred Von Staden if the appropriations permit with the name Kincaid on it could be changed to use now. Fred Von Staden indicated Kincaid was the previous owner and on 5/28/05, they made application for 20 wells, but it was not received back by the Health Department. Ms. Latham found a permit in the file, but it has the name Kincaid on it. It appears to be the same place.

Mr. Di Giacomo read the State Highway Administration comments: Access to the site must be in accordance with the Maryland State Highway access manual as well as rules and regulations of this administration. The permit must be issued to the developer by this office for improvements within the state right of way. Any additional improvements must be dedicated fee simple to the State Highway Administration. Storm drain plans and computations must be submitted for review and approval by the Highway hydraulics division. Further comments may be warranted as the project progresses.

Tony Di Giacomo read the faxed Cecil County Public Schools comments: No interior service. Bus service will be at Sunburst and Elk Mills Rd.

Mr. Di Giacomo presented the Office of Planning and Zoning’s comments. 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.
The zoning is Suburban Residential, or SR. The SR zone permits a maximum base density of 1 du/1 ac., or 2/1 if community facilities are provided.

The Concept Plat, proposing 20 lots plus on 21.07 acres, for a proposed density of 0.95/1, was approved on 5/16/05, conditioned on:

1) The boundary line survey being completed prior to Preliminary Plat review by the TAC;
2) The JD being completed prior to Preliminary Plat review by the Planning Commission; and
3) The proposed density being correctly stated on all subsequent plats;
4) A stub being shown north of Lot 1 connecting Sunburst Drive to a possible future mini-road.

This Preliminary Plat, now proposing only 18 lots on 21.52 acres, is generally consistent with the approved Concept Plat. The revised density is 0.84/1 has been stated on the plat.

Some redesign has occurred. Is that the result of the boundary line survey? Mr. Sutton indicated that the boundary survey is done.

The redesign includes a narrowing, or chokepoint, in the stormwater management area/ common open space access strip running from Elk Mills Road between the Ball and Jaggers properties. Is 10’ wide enough for adequate access for maintenance of the stormwater management area? Have other, alternative means of access been considered?

Mr. Sutton indicates there are other alternatives being considered. Mark Woodhull indicated they prefer it be fee simple ownership of the Homeowner’s Association as opposed to putting an access road on someone’s yard and they actually physically lose use of that area.

No slopes greater than 25% have been shown. The JD has been completed and was issued on 7/14/2005.

A minimum of 15% common open space is required; 19.1% is proposed. The common open space sensitive areas thresholds have been calculated and included on the plat.

20% landscaping of the development envelope is required in the SR zone. Sidewalks are recommended along at least one side of the proposed Sunburst Drive.
Bufferyard Standard C is required, outside the right-of-way, along the road frontages of Elk Mills Road. That requirement will likely need modification for the common open space road frontage that would provide access to the proposed stormwater management area.

The Forest Stand Delineation (FSD) was approved on 5/9/05 by virtue of the Natural Heritage Service’s having exceeded their 30-day time limit to respond to the consultant’s inquiry regarding the presence of rare, threatened or endangered species. Therefore, the Natural Heritage Service’s letter must be received, and any resultant species be completed, prior to PFCP approval.

What is the status of the Natural Heritage Letter and the PFCP? Mr. Sutton stated that as far as he knows, the PFCP memo was ready to be approved and was approved a day or two after the Planning Commission last month. Mr. Sutton will verify this information.

The final Forest Conservation Plan (FCP) and Landscape Plan must be approved prior to Planning Commission review of the Final Plat. 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. The metes and bounds description of the FRA must be shown on the record plat.

The proposed Sunburst Drive road name has been approved.

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

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

The contiguous operating farm notice has been provided on the plat.

The applicant was reminded of the Monday noon submission deadline for review by the Planning Commission this month.
6. Stoney Acres, Lots 1-6, Biggs Highway (MD Route 274), Preliminary Plat, McCrone, Inc., Fifth Election District.

Don Sutton, McCrone presented comments. This is a preliminary plat for lots 1-6 for Stoney Acres accessing off Route 274 with a proposed mini road. We realize that there is additional percolation testing needed through the Health Department. We are submitting this to get comments from the Health Department regarding additional tests.

Mark Woodhull presented the Department of Public Works comments.

A SWM plan, Street & Storm Drain plan, and a Mass & Final Grading plan are required and must be approved by the CCDPW prior to Final Plat Approval. The internal Street grade leaving Maryland Route 274 may not exceed 5% within the limits of the intersection right-of-way. A SHA access permit is required for the MD Rte. 274 entrance location shown. If the mini-road profile grades exceed 5%, the mini-road travel way and cul-de-sac must be paved in accordance with Section 2.13.F of the Road Code.

The Final Plat must include the Lot Grading Plan standard note this note is already shown on the preliminary plat. 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.

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.

No clearing or grading is permitted beyond the limits of disturbance show 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.

Any Road Code Variances sought must be requested prior to submittal for Preliminary Plat approval.

The private mini-road subdivision and plans must adhere to the provisions of Section 2.13 of the Road Code which addresses requirements for private roads. A statement clearly outlining the responsibilities of the homeowners in the maintenance of roads and storm drainage systems must be approved by the Planning
Commission and placed on the final plat. Deed restrictions must be developed and recorded in accordance with Road Code Section 2.13.D. Driveways must be installed to the right-of-way by the developer at the time of final mini-road construction, per the approved street design and lot grading plans.

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

If stormwater discharge is directed off of the site on to an adjacent property it is the responsibility of the Developer to obtain appropriate easements from the affected property owners in accordance with Section 251-13 and 251-15.D of the Cecil County SWM Ordinance.

The downstream conveyance of storm water must be analyzed in accordance with Section 251-9 A. (5) of the county's SWM Ordinance. Special care must be given to the design if a concentration of runoff will result from the SWM facilities.

A PWA will be required for the private mini-road shown.

An Inspection and Maintenance Agreement will be required for the private SWM facilities.

Mr. Von Staden presented the comments for the Health Department. Groundwater Appropriation Permit is not required. Show surveyed test hole location on parcel 157 and parcel 69. Percolation tests are required on lots 1, 2 and additional tests are required on lots 3, 4, 5, and 6; some tests may be seasonal. Show wells and sewage areas / septic tanks on all parcels adjacent to this property. Well on lot 2 is shown too close to the road right of way. Place a note on the plat that the well must be drilled on lots 1, 2, and 3 prior to issuance of building permits. Minor Subdivision #2564 is on Calvert Road based on our records; provide correct minor sub number for the Lands of L. Partain. Sewage area on lot 1 is to close to the well on parcel 485. Proposed well on lot 1 is shown to close to a sewage area on parcel 259. Additional comments may be necessary after additional perc tests are conducted and the above are shown on the plat.

Ms. Tulloch presented the SCS comments.

John Roop, Army Corps of Engineers stated that based on the plans, you do not have any wetlands or waters of the United States. A jurisdiction determination has not been issued.
Mr. Kyte provided comments from the Fire Chiefs. The roadway still appears to be 12' wide. Mr. Sutton responded that it is a 12' wide mini road. Mr. Kyte continued that it is 500' long going back up in there. Last time a suggestion was made to widen it to 18' in case we have any fires in there. This is just a safety factor. It will be hard to pass on the road if someone is going out and coming in anyway. They will be running in the grass. Mr. Sutton advised that this is as per the design of Public Works.

Cynthia Latham, MDE, indicated it does not require an Appropriation Permit.

Mr. Graham, Citizens Representative, stated that there have been no comments.

Tony Di Giacomo read the State Highway Administration comments: All access to lot 6 must be off the proposed pebble lane with no direct access onto Joseph Biggs Memorial Highway, Maryland 274. The entrance must be constructed in accordance with the Maryland State Highway access manuals as well as the rules and regulations of this administration. A permit must be issued to the developer/builder by this office for improvements within State Highway right of way. Any additional right of way needed for improvements required by this office must be deeded in fee simple to the State Highway Administration.

Mr. Di Giacomo read the comments of the Cecil County Public Schools: No interior service. Bus service will be at Pebble Lane and Biggs Highway.

Tony Di Giacomo provided the comments of the Office of Planning and Zoning. Upon inspection, this project 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.

The zoning is Rural Residential, or RR. The RR zone permits a maximum base density of 1 du/ 5 ac. Bonus density eligibility carries with it a permitted density of 1/3.

The Concept Plat was approved on 6/20/05, conditioned on:

1) The boundary line survey being completed prior to TAC’s review of the Preliminary Plat;

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2) The JD being completed prior to the Planning Commission's review of the Preliminary Plat; and

3) The Natural Heritage letter's being received, and any issues raised by the letter being addressed, prior to PFCP approval.

This Preliminary Plat continues to propose 6 lots, a private mini road, and common open space on 7.09 acres, for a proposed density of 1/1.18. Therefore, it is consistent with the approved Concept Plat.

Has the boundary line survey must been completed? Mr. Sutton responded that yes, it was done prior to concept.

Mr. Di Giacomo asked if there are any steep slopes? Mr. Sutton responded that he had not seen any. He stated that he is going to take a look at the area between lots 3 and 4, but he doesn’t think there are any. 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. Slopes greater than 25% must be shown on the preliminary plat.

Has the JD been completed? No. No common open space is required for fewer than 10 lots; 18% is proposed in order to accommodate stormwater management facilities.

No landscaping of the development envelope is required in the RR zone. No sidewalks are recommended.

Bufferyard Standard C is required, outside the right-of-way, along the road frontages of roads of Rt. 274.

A Bufferyard Standard A is required along northern borders of proposed Lots 3 and 4. Even if the existing vegetation is proposed to satisfy that requirement, the Bufferyard A and 100 setback must be shown on proposed lot 4.

Mr. Sutton asked if since the Tabitha Patchell property was done as a minor subdivision off of that farm, why are you pushing the buffer into lot 4? There was discussion of Bufferyard A and Lot 4. Mr. Di Giacomo stated that he would check the aerial photos.
Rows of street trees with 10’ planting easements are required, outside the right-of-way, along both sides of the proposed Pebble Lane. Where feasible, the natural vegetative equivalent may be used to satisfy the bufferyard and street tree requirements.

The FSD was approved on 6/17/05. Because the Natural Heritage Service exceeded their allotted time to respond to the consultant's inquiry regarding the presence of any rare species, the FSD's approval was conditioned upon receiving the Natural Heritage letter, and addressing any issues raised by the letter, prior to PFCP approval. What is the status of the Natural Heritage letter? Mr. Sutton responded that they have not seen the letter. With the perk test, we do not anticipate going to this month’s Planning Commission. We still have not seen that letter from the environmentalist.

The Preliminary Forest Conservation Plan (PFCP) must be approved prior to Planning Commission review of the Preliminary Plat. The final Forest Conservation Plan (FCP) and Landscape Plan must be approved prior to Planning Commission review of the Final Plat. 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. The metes and bounds description of the FRA must be shown on the record plat.

The Pebble Lane road name has been approved.

Proposed Lots 1 & 6 must not directly access MD 274.

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

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

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

The contiguous operating farm notice has been provided on the plat.

August 3, 2005
The applicant was reminded of the Monday noon submission deadline for review by the Planning Commission this month.

7. John A Peoples, Jr., Lot 9, Preliminary Plat, Little N.Y. & Wilson Roads, 9th Election District

Don Sutton, McCrone, presented comments for the project. This is a one lot preliminary plat to create a lot for Mr. Peoples son next to his existing home. The John Peoples property has had lots 1-8 created previously in years back. The idea here is to create a home spot for his son and access the existing gravel lane past Mr. Peoples existing dwelling. In discussions with the Planning office it was determined we did not need to do a concept plat for this since it was a one lot conveyance and we had not gone to 10 lots total and no open space would be required.

Mark Woodhull presented the Department of Public Works comments. A SWM plan, Erosion & Sediment Control and Final Grading plan are required and must be approved by the CCDPW prior to Final Plat Approval.

The Final Plat must include the Lot Grading Plan standard note this note is already shown on the preliminary plat. 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.

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.

No clearing or grading is permitted beyond the limits of disturbance show 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.

Any Road Code Variances sought must be requested prior to submittal for Preliminary Plat approval and as far as I can see there would be no need for a road code variance.

Where determined necessary by the utility companies, the owner, the designer, or DPW, utility poles must be relocated at the Owner’s expense.
If stormwater discharge is directed off of the site on to an adjacent property it is the responsibility of the Developer to obtain appropriate easements from the affected property owners in accordance with Section 251-13 and 251-15.D of the Cecil County SWM Ordinance.

The downstream conveyance of storm water must be analyzed in accordance with Section 251-9 A. (5) of the county’s SWM Ordinance. Special care must be given to the design if a concentration of runoff will result from the SWM facilities. What is the anticipated design approach to meeting the stormwater management ordinance requirements. The assumption is you would be looking for something non-structural for this. We would highly recommend use of credits for this.

An Inspection and Maintenance Agreement will be required for any private Stormwater Management facilities.

A Perpetual Road Maintenance Agreement must be signed and submitted to the Department of Public Works for approval prior to the Department’s signing the final plat for record. PRMA’s are applicable for internal lots dedicated from parents to children, or grandparents to grandchildren. will this proposal meet this criteria? Mr. Sutton responded that this is going to his son. Mr. Woodhull indicated that this meets the criteria.

Mr. Von Staden presented Health Department comments. A Groundwater Appropriation Permit is not required by MDE for 9 lots. Written request for a well variance is required prior to record plat approval. Adjust sewage area on Remaining Lands.

Lindsey Tulloch commented for the Soil Conservation Service and ask if the road needed any upgrade. Mr. Sutton responded that there would be no disturbance. The only disturbance there would be the new driveway coming down to Mr. Peoples existing farm lanes. Mr. Sutton further stated that they would talk to SCS about the plat.

John Roop, Army Corps of Engineers, present comments. Based on the plans, you do not have any non-tidal wetlands or waters of the United States, so you do not require a permit. A jurisdictional determination has not been issued.

Cynthia Latham, Maryland Department of Environment, stated a Groundwater Appropriation Permit is not required.
Tony Di Giacomo stated that the State Highway Administration had no comments. The Cecil County Public Schools have the following comments: No interior service. Bus service will be on Little New York road.

Mr. Di Giacomo presented the comments of the Office of Planning and Zoning. 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.

The zoning is Rural Residential, or RR. The RR zone permits a maximum base density of 1 du/5 ac. Bonus density eligibility carries with it a permitted density of 1/3. This Concept Plat proposes 1 new lot plus remaining lands on an undisclosed number of acres. Therefore, the density is not easily calculated.

Lots 5-8 bear the subdivision name Little New York. Why wasn't that name used on this plat? Mr. Sutton responded that apparently someone did not look at lots 5-8 when they did it, so we can adjust it on the plat.

The Record Plat for Little New York, Lots 5 and 6 was signed on 5/13/91. The Record Plat for Little New York, Lots 7 and 8 was signed on 7/12/91.

Those plats combined, contained 16 acres, and tax records indicate that Parcel 4 consists of 66.387 acres. Therefore, 5 Little New York lots plus remaining lands on 82.387 acres would yield a density of 13.73/1.

A boundary line survey must be done in conjunction with the preparation of the Preliminary Plat for density calculation purposes. Mr. Sutton indicated that this has been done.

§4.1.22 (u) requires that the perimeter of the entire parcel be shown on Preliminary Plats. It must be clearly shown on any Preliminary Plat submitted for review by the Planning Commission. Section 2.4.4 of the subdivision regulations also go on the indicate that there should be an insert, e.g. if you do not want to actually plot out the entirety of the property that there would be an insert and where this is on the property. Mr. Sutton responded that this would be a large version of the Tax map. Mr. Di Giacomo indicated that this must be on any plat submitted for Planning Commission review.
§4.1.22 (r) requires that the total number of lots, area of lots, density, etc., be shown in table form on Preliminary Plats. Those tabulations must be clearly shown on any Preliminary Plat submitted for review by the Planning Commission.

§4.0.1 of the Subdivision Regulations allows for the elimination of a Concept Plat for projects with fewer than 10 lots and 25 acres. Given the piecemeal fashion in which this parcel has heretofore been subdivided, staff will recommend that any further subdivision require the submittal of a Concept Plat that explicitly shows all previously created major subdivision lots and the proposed aggregate density.

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

Dwellings or impervious surfaces shall not occur on slopes with a grade of 25% or more covering a contiguous area of 10,000 ft\textsuperscript{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.

Slopes greater than 25% must be shown on the preliminary plat. Are there any such steep slopes? Mr. Sutton respond that there are none in the area we are developing.

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. A Jurisdictional Determination (JD) must be done prior to preliminary plat review by the Planning Commission.

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

No common open space is required in NAR zone for proposals fewer than 10 lots. If a 10\textsuperscript{th} lot is proposed, then, at that time the Concept Plat shall include 15% common open space of the original total acreage (82.387 acres), a Homeowners Association must be established prior to recordation, with $50 per all major subdivision recorded lots being placed in escrow for improvements prior to recordation (of a 10\textsuperscript{th} lot), and the
owners of all major subdivision recorded lots must become members.

No landscaping of the development envelope is required in the RR zone. No sidewalks are recommended.

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

The plat notes that this project is exempt per §3.2K of the Forest Conservation Regulations as it is to be deeded to a son.

A Bufferyard Standard A is required along the western border of proposed Lot 9.

A Landscape Plan must be approved prior to Planning Commission review of the Final Plat. A Landscape Agreement must be executed prior to recordation.

The contiguous operating farm notice has been provided on the plat.

The applicant was reminded of the Monday noon submission deadline for review by the Planning Commission this month.

8. Bayline Estates, Section 3, Lots 13-19, Preliminary Plat (Green).

Don Sutton presented comments for the project. A couple of notes of change to the Health Department and Public Works. 1. We changed the house and well location on lot 19 to where is should have been and not where it was shown. 2. We have suggested stormwater management facilities somewhat to pull the outfall pipes out of the stream buffer. Also, the directional flow area for the drainage have been revised.

Mr. Sutton provided corrected drawings to the committee members. This plat was approved at last month’s planning commission as a concept plan and we are here for the preliminary plat review at TAC.
Mark Woodhull presented the Department of Public Works comments. A SWM plan, Street & Storm Drain plan, and a Mass & Final Grading plan are required and must be approved by the CCDPW prior to Final Plat Approval. The internal Street grade leaving Joe Meltz Road may not exceed 5% within the limits of the intersection right-of-way. If mini-road profile grades exceed 5%, the mini-road travel way and cul-de-sac must be paved in accordance with Section 2.13.F of the Road Code.

The Final Plat must include the Lot Grading Plan standard note. 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.

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.

No clearing or grading is permitted beyond the limits of disturbance show 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.

Any Road Code Variances sought must be requested prior to submittal for Preliminary Plat approval. The street R.O.W. entrance tapers must be offset 25' from the R.O.W. point of intersection, and be straight lines, per 7.2.12.E.3 of the Subdivision Regulations.

Why is lot 13 denied access to Bayline Avenue and Buckingham Court? Mr. Sutton replied that there is a question as the Planning Commission and we were going to access 13 off of Joe Meltz Road as we had done for 11 and 12 and then there was some concern by the Planning Commission that 13 not have two accesses. Mr. Woodhull stated that right now it appears lot 13 has access to nowhere as the note indicates that lots 13-15 are denied direct access to Joe Meltz Road. Mr. Sutton responded that the note should have been changed. Mr. Sutton indicated that 14 and 15 should be in that note, not 13.

The area shown for dedication north of the S.R.C. plat designations is unclear as to complete limits and associated acreage. Does the lot 10 boundary impact or otherwise occur as a property boundary conflict with the areas shown for dedication? Who owns the property to be dedicated? Mr. Sutton replied that when lot 10 was done and recorded, that area was to be recorded in fee simple to the County Commissioners on that plat for lot 10. To our knowledge, that strip has never been dedicated over to the County Commissioners. Mr. Di Giacomo stated that he will check to see if at that time it may have been an easement. Cost of any right-of-way acquisition is to be borne by the applicant. Revise right-of-way dedication as follows: the County will not accept dedication of an unimproved road right-of-way at this time’ terminate the new dedication right-of-way just north of the tee-turn around. Mr. Sutton responded by questioning if they want the land area to be part of lots 14 and 15 or shown in some easement for future dedication? Mr. Woodhull indicated that they will clarify this for Mr. Sutton.
The Applicant will be responsible to upgrade Joe Meltz Road to a Minor Road standard from approximately the southern boundary line of the Livingstone parcel to and including the tee turn-around shown. A public works agreement and plan design will be required for this work.

The private mini-road subdivision and plans must adhere to the provisions of Section 2.13 of the Road Code which addresses requirements for private roads. Any areas of the existing gravel lane intended to be used for the private mini road must be evaluated by a geotechnical engineer for depth, material suitability, and subgrade stability and by a civil engineer for grade and width suitability in accordance with the Road Code standards. The cross culvert must also be analyzed for the 10-year storm event conveyance and condition. Guardrail may be necessary along the crossing. A statement clearly outlining the responsibilities of the homeowners in the maintenance of roads and storm drainage systems must be approved by the Planning Commission and placed on the final plat. Deed restrictions must be developed and recorded in accordance with Road Code Section 2.13.D. No more than three (3) additional lots may access from the Delaware side of the site.

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

If stormwater discharge is directed off of the site on to an adjacent property it is the responsibility of the Developer to obtain appropriate easements from the affected property owners in accordance with Section 251-13 and 251-15.D of the Cecil County SWM Ordinance.

The downstream conveyance of storm water must be analyzed in accordance with Section 251-9 A. (5) of the county’s SWM Ordinance. Special care must be given to the design if a concentration of runoff will result from the SWM facilities. Has any consideration been given for the configuration for the SWM facilities? Mr. Sutton responded that some had been, however, they are not at the end of the design stage yet.

A PWA will be required for the private mini-road shown.

An Inspection and Maintenance Agreement will be required for the private SWM facilities.

Mr. Von Staden presented the Health Department comments. The Health Department believes the existing Groundwater Appropriation Permit CE2002G033 (01) must be updated to include lots 18 and 19, but this should be confirmed with MDE. Show dwelling locations above sewage areas on lots 14 and 15 or show pumping details for both lots. A written request for a well variance is required on lots 14 and 17. Show well
location on lot 19 at least 50 feet and upslope from sewage area and at least 30' from dwelling. Label Stormwater Management ponds as dry or wet on the plat and keep sewage area 100' from wet pond if one exist. Show restricted tank location on lots 18 and 19. Show the well on lot 14 at least 100' from the sewage area. Show waterline on the plat for well on lot 15. A revised preliminary plat showing Forest Retention / Afforestation areas and Stormwater Management devised, including dry wells must be submitted to the Cecil County Health Department prior to record plat approval.

Ms. Tulloch, Soil Conservation Service, asked if there is any intent for the remaining land to be farmed? Mr. Sutton responded that in the interim, probably until any development is proposed on that Delaware portion, yes. Ms. Tulloch suggested that the access for agricultural equipment is severely limited by this configuration. Mr. Sutton responded that this is basically the configuration for access that is currently being used. Ms. Tulloch stated that she was talking about the two culverts that have to pass through and the turning radius and width of farm equipment makes it problematic. If there are some adjustments that can be made to accommodate, it would be good. Plans must be submitted and reviewed by the SCS and any small ponds, approval for the stormwater management facility must be reviewed to meet or not to meet the regulations.

John Roop, Army Corps of Engineers, presented comments. Any filling of the perennial stream or adjacent wetlands requires a permit. A jurisdictional determination has not been issued. Mr. Sutton stated that a JD was issued previously for Butler’s Crossing. We have formerly Butler’s Crossing in the title block. We will verify that we still have the JD.

James Kyte present comments for the Fire Chiefs. The same notes as last time. Check with the local fire department for water source for the area. It is 1000' back in there to lots 19 and 18, however, they may be able to get in and out as there will not be much traffic.

Cynthia Latham presented comments for Maryland Department of the Environment. She stated that she had looked for Appropriations Permit for Butler’s Crossing and thought she had seen one. If lots 7 and 9 are looked up in the tax records would they be shown as Butler’s Crossing. Mr. Di Giacomo indicated that if approved, it would be lots 13 and higher that would be Bayline Estates. Up to lot 12 would be considered Butler’s Crossing.

Daniel Graham, Citizens Representative, indicated that he has had no comments.

Tony Di Giacomo stated that there are no comments from the State Highway Administration. Cecil County Public Schools offers the following comments: Bus service is provided on Joe Meltz Rd. Currently we are backing into a farm lane and would like to see a minimum 100' diameter cul-de-sac on Bayline. if it is a county road, for a turn around point.
Mr. Di Giacomo presented the comments for the Office of Planning and Zoning. Upon inspection, this project was found to be more or less in compliance with §3.8 of the Subdivision Regulations, regarding public notification signs.

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

The zoning is Southern Agricultural Residential, or SAR.

The Concept Plat, proposing 7 lots, roadway rights-of-way, and common open space on 61.08 acres, for a proposed density of 1/8.73, was approved on 7/18/05, conditioned on:

1) The Section 3, Lots 11 & 12 Record Plat being revised to convert the 3.802 acres of proposed common open space to actual common open space prior to the recordation of these proposed lots;

2) A Jurisdictional Determination (JD) being completed, and submitted to the Office of Planning & Zoning, prior to preliminary plat review by the Planning Commission; and

3) The FSD being revised to show the wetlands on proposed Lots 14 and 15.

This Preliminary Plat is consistent with the Concept Plat approved on 7/18/05.

The original Butler’s Crossing Concept Plat (Lots 4-11) was approved on 11/16/98, at a density of 1/21.2, conditioned on:

1) The limits of the County maintenance of Joe Meltz Road being verified prior to preliminary plat review by the Technical Advisory Committee;

2) A paved road provided by the developer being extended a sufficient distance to provide an entrance to Lot 10 eliminating the need for a panhandle lot; and

3) Elimination of the street tree requirement.

A Butler’s Crossing Preliminary Plat for Lots 4-10 was approved on 12/20/99, conditioned on:

1) Health Department requirements being met;

2) Department of Public Works requirements being met;
3) Bufferyard A being provided to separate residential use of the portion of Lot 8 in the vicinity of the proposed dwelling from the agricultural operation of the Peverly property to the west,

4) Landscape plan for any remaining bufferyards being approved prior to Planning Commission review of the final plat;

5) Landscape Agreement being executed prior to recordation;

6) Permit being obtained from the Maryland Department of the Environment and the Corps of Engineers for the stream crossing of Lot 8, prior to recordation;

7) Final Forest Conservation Plan being approved prior to final plat review by the Planning Commission;

8) Any further development of the remaining lands resulting in ten or more lots will require 15% common open space and the establishment of a Homeowners Association, and if partially in New Castle County, then New Castle County approving the subdivision plat prior to Cecil County recordation;

9) A jurisdictional determination being received prior to final plat review by the Planning Commission; and

10) A 300-foot setback from agricultural operation being provided on Lot 10, otherwise a Bufferyard A being provided.

The Final Plat for Section 1, Lots 4-7 & 10, was approved on 3/20/00, conditioned on:

1) Health Department requirements being met;

2) Department of Public Works requirements being met;

3) Any further development of the remaining lands resulting in ten or more lots will require 15% common open space and the establishment of a Homeowners Association, and if partially in New Castle County, then New Castle County approving the subdivision plat prior to Cecil County recordation;

4) Deed restrictions for the long-term protection of the Forest Retention/Afforestation Areas being recorded and noted on the plat prior to recordation and the metes and bounds description of the forest retention areas being shown on the record plat;

5) A 300-foot setback from agricultural operation being provided on Lot 10, otherwise a Bufferyard A being provided; and

6) Persistent misspellings being corrected.

The Final Plat for Section 2, Lots 8 and 9, was approved on 10/16/00, conditioned on:

1) Health Department requirements being met;

2) Department of Public Works requirements being met;
3) Any further development of the remaining lands resulting in ten or more lots will require 15% common open space and the establishment of a Homeowner's Association, and if partially in New Castle County, then New Castle County approving the subdivision plat prior to Cecil County recordation;

4) Deed restrictions for the long-term protection of the Forest Retention/Afforestation Areas being recorded and noted on the plat prior to recordation and the metes and bounds description of the forest retention areas being shown on the record plat;

5) The title block on sheet 2 being corrected; and

6) A copy of the stream crossing authorization being forwarded to the Office of planning and Zoning for inclusion in the file, prior to recordation.

A Concept Plat for Section 3, lots 11-18, was approved on 5/20/02 at a density of 1/8.42, conditioned on:

1) The proposed mini-road's name being approved by the County's Emergency Management Agency prior to Planning Commission review of the preliminary plat.

A Section 3 Preliminary-Final Plat for lots 11 and 12 was approved on 12/16/02, conditioned on:

1) Health Department requirements being met;

2) Department of Public Works requirements being met;

3) The owners of these lots becoming members of the Homeowners' Association for maintenance of common open space with $50 per recorded lot placed in escrow for improvements prior to recordation;

4) Deed restrictions for the long-term protection of the Forest Retention/Afforestation Areas being recorded and noted on the plat prior to recordation and the metes and bounds description of the forest retention areas being shown on the record plat; and

5) The standard forest retention note being placed on the record plat.

The SAR zone permits a maximum base density of 1 du/8 ac. Considering all sections, 19 lots on 169.3 would yield a density of 1/8.91. Bonus density eligibility is not an issue.

The boundary line survey has been completed.

The Section 3, Lots 11 & 12 Record Plat was signed on 7/22/03. Per §4.0.9 of the Subdivision Regulations, both previously-approved Concept Plats have expired. The approved Section 3 Preliminary-Final Plat consisted only of Lots 11 & 12.
Slopes greater than 15% have been shown on the plat. 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 streams and buffers have been shown. The non-tidal wetlands and buffers have been depicted. Permits are required from the (US Army) Corps of Engineers and MDE for all non-tidal wetland and stream impacts prior to recordation. According to OPZ records, a JD has been completed under the name Butler’s Crossing.

15% common open space is required; 27.25% is proposed, in keeping with previous requirements.[1]

The Section 3, Lots 11 & 12 Record Plat must be revised to convert the proposed common open space to actual common open space.

No landscaping of the development envelope is required in the SAR zone. No sidewalks are recommended.

Bufferyard Standard A is required along the northern lot lines of proposed Lots 15, 16, & 18. Rows of street trees with 10' planting easements are required, outside the right-of-way, along both sides of all internal roads. Where feasible, the natural vegetative equivalent may be used to satisfy the bufferyard and street tree requirements.

A Forest Stand Delineation (FSD) approved on 10/12/99. Its validity was extended on 6/2/05. The Preliminary Forest Conservation Plan (PFCP) must be approved prior to Planning Commission review of the Preliminary Plat. How is that progressing? Mr. Sutton responded it should be in this Friday.

Mr. Di Giacomo continued, the final Forest Conservation Plan (FCP) and Landscape Plan must be approved prior to Planning Commission review of the Final Plat. A Landscape Agreement must be executed prior to recordation.

The internal road names have been approved.
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. The metes and bounds description of the FRA must be shown on the record plat.

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

A Homeowners Association for maintenance of common open space must be established with $50 per recorded lot placed in escrow for improvements prior to recordation. The owners of these lots must become members of the Homeowners Association, along with the owners of lots 4-12, consistent with previous conditions of approval.

A Mini-road 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.

As stated at previous reviews, if any development of the remaining lands in New Castle County is accessed via the private mini-road, then the mini-road maintenance association must be formed and the incorporation documents recorded in both counties prior to recordation of the roadway in Cecil County.

In addition, the mini-road cannot be accessed by more lots than is permitted for mini-roads in Cecil County, even if some of those lots accessing the mini-road are located in New Castle County and their allowable densities would permit more.

The contiguous operating farm notice has been provided on the plat.

The applicant is reminded of the Monday noon submission deadline for review by the Planning Commission this month.

The meeting was adjourned at 12:10 p.m.
[1] A common condition of the 12/20/99, 3/20/00, and 10/16/00 approvals was Any further development of the remaining lands resulting in ten or more lots will require 15% common open space and the establishment of a Homeowner’s Association, and if partially in New Castle County, then New Castle County approving the subdivision plat prior to Cecil County recordation.

The 15% required in those recurring conditions of approval was based upon 169.3 acres. Therefore, since 3.802 acres of common open space were proposed in Section 3, Lots 11 & 12, 21.593 acres of common open space are still required. 23.65 acres been proposed here.
September 7, 2005, 9:00 a.m.

Technical Advisory Committee

Present: Chris Brown (SCS), Gale Dempsey (CCP&Z), Tony Di Giacomo (CCP&Z), Fred Orr (CCDPW), Fred Von Staden (DEH), James Kyte (FA), Cynthia Latham (MDE), Daniel Graham (Citizen Rep), Kathleen O'Connell (CCP&Z), Lisa Thomas (CCP&Z), John Roop (USACE)

Absent: Bob Markwardt (CCPS), Butch King (SHA)

Mr. Di Giacomo called the TAC meeting to order at 9:05 a.m.

1. West Creek Village, Fletchwood Road (MD 277), Revised Preliminary Plat, McBride & Ziegler, Inc., Fourth Election District.

Mr. Parley Hess, McBride & Ziegler, Inc., presented the proposed revised Preliminary Plat, stressing the nature of the revisions, primarily involving the proposed relocation of West Creek Village Drive farther to the east. Mr. Hess noted that there is a typo on the plan and in the notes. The plan reflects that there are a total of 904 units and the note on the plan indicates there are 905. Mr. Hess stated that 904 is the correct number. Mr. Hess stated that this plan was approved as a preliminary plat by the Planning Commission in June 2004 and after having met with Cecil County Staff, that they have made minor changes to the layout in the apartment complex and more significant changes to the townhouse units along Fletchwood Road. The reason for this is that they have met with FEMA, MDE and the location for the road crossing originally for the stream was not thought to be the best location for the crossing and as a result of those meetings, we have moved that crossing down along the property line.

Mr. Orr, Cecil County Department of Public Works (CCDPW), reported that the applicant must make and receive approval for public water or sewer allocation from the Director of the Department of Public Works prior to submittal for final plat approval. The ability of the existing water distribution system, together with the proposed service extensions, to provide adequate fire flow and pressure must be demonstrated through an update to the Engineering Report of Meadow View Highlands Water System Analysis prepared by George, Miles, & Buhr, LLC and dated October 2004. Public utility connection fees and a benefit assessment for the Meadowview system upgrades will be applicable to each building permit sought, and on an ELU basis.

The applicant’s engineer must verify, by an engineering analysis based upon as-built survey information, peak flow capacity in the receiving sections of gravity sewer downstream from the site and to the WWTP. The public Pumping Station must have fee simple access to a county or state road right-of-way. Applicant is
required to submit a conceptual gravity sewer and force main routing to the Department of Public Works for review prior to submitting a preliminary plat for planning commission. Current turn-around on plan submittals to the department is 60-90 days and is expected to increase over the next 60 days. Applicant must make their department of public works submittals in consideration for the required lead time. All private water & sewer infrastructure, including the pumping station, must be designed to County standards, per code.

Any public gravity sewer collection mains run outside of County ROW must be ductile iron and designed and located in a utility easement of sufficient width and to allow access. A State Highway Access permit is required for the West Creek Village Drive entrance off MD Rte 277.

A SWM plan, Road & Storm Drain plan, Sanitary Sewer Infrastructure plan, Water Distribution plan, and a Mass and Final Grading plan must be approved by the CCDPW prior to submittal for Final Plat Approval. 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:

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 show 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.

Any applicable Road Code or Water & Sewer Standard Specification Variances must be requested prior to submittal for Preliminary Plat approval. The applicant must identify that the horizontal curvature geometry shown meets Section 3.04.1 of the Road Code in regards to sight lines remaining within the right-of-way or revise the same for compliance with the Road Code (this is a layout issue). At this time, the horizontal geometry shown for Spicebush Circle and Azalea Circle does not meet the codified requirements and cannot be approved. Those are the sharp horizontal curvatures on both those circles. You need to either obtain a road code variance for that or otherwise make suitable revisions to those horizontal curves in order to meet the road code criteria. Additionally, the West Creek Village Drive turn-around does not meet standard R-16 and is not approvable as shown.

If stormwater discharge is directed off of the site on to adjacent property it is the responsibility of the Developer to obtain appropriate easements from the affected property owners per Section 251-13 of the Cecil County SWM Ordinance. Any and/or all structures (i.e. dwellings, outbuildings, driveways, etc’) on down-gradient properties so impacted must be identified on the SWM Plans. The structural SWM BMPs...
required for this site must be located within a stormwater management easement and within Common Open Space (COS). Fee simple access should be provided, separate from public drainage and utility easements, to all stormwater management facilities. The combined width of any adjacent public drainage and private stormwater access easements should not be less than 30 feet. For the apartments site, the access easement for stormwater maintenance and inspection must include the facility and the access from a public roadway. Permanent or temporary stormwater management facilities are not permitted within a perennial stream buffer by code. Previously two of the stormwater management facilities are shown within the buffer and cannot be approved if they are shown in the same area now. Just north of Karina Court, the proposed SWM facility shown there appears to have a buffer conflict. If there is a conflict, you will need to construct or design a SWM facility outside the buffer area. All conveyance and access easements must be identified on the Final Plat. The standard easement width is 20' however they may need to be wider depending on the type of conveyance and/or the combination of access and conveyance.

Where determined necessary by the utility companies, the owner, the designer, or DPW; utility poles must be relocated at the Owner's expense. All driveways must be paved at least to the right of way. The driveway paving, within the ROW, must be complete for all lots at the time when the surface course for the internal streets is installed (80% of Lots are built-out). The Developer/Contractor must establish the driveways for any lots not built out at that time. In addition any driveway in excess of 5% up-gradient-slope from the road rights-of-way must be paved to the crest and the Developer/Contractor will be responsible for this at the time of surface course installation. If the development is phased this requirement will apply to each phase when 80% of the lots are built-out. All of this must be so indicated on the Lot Grading Plan. All common parking areas are to be paved and are to be maintained by the HOA unless otherwise noted. Identify parking easements as private easements for HOA maintenance of the parking areas. Identify permanent maintenance easements in accordance with footnote one of standard detail R-5 of the Cecil County Road Code. That applies to private parking for the town home lots. For the town home units, how many off-street parking spaces will be provided on each of the town home lots? Are there two proposed per town home lot? Mr. Hess replied that there are not two complete parking spaces on each of the townhouse lots. There are some lots that have parking spaces overlapping. On average, there are more than two.

Pre-design geotechnical evaluation and borings along the proposed road perennial stream and wetlands crossings is required, along with specific remedial recommendations for subsurface drainage and street subgrade placement. Additionally, the stream crossing structure must be approved as part of the private road system approval, which must meet County Road Code criteria, passing the 25 year storm without overtopping. A re-mapping of the 100-year flood plain onsite and a hydraulic analysis of the new stream crossing must be submitted by the applicant's engineer as part of the crossing design.

The Department recommends that the applicant's engineering and management personnel conduct a pre-design meeting with the Department before beginning the site infrastructure design. This would normally follow your preliminary plat approval from Planning Commission. A pre-design meeting is required for the sanitary sewer pumping station designs. Our normal procedure with that is that you should contact us after preliminary plat and we will arrange the meeting with the waste water superintendent and the director and deputy director and go through our standard specifications and details. Any Tot Lots or active recreation areas required by the Planning Commission must be included in a PWA and have approved construction plans. A PWA is required for the Roads and Storm Drains, Public Sanitary Sewer, and Water System. An I&M Agreement is required for SWM facilities. Preliminary plats are to be signed and sealed by the
registered engineer and/or surveyor. Just a note on phasing, it appears that on the apartment site, some of the buildings will have additions in subsequent phases and we would like you to consider the impact that will have on the existing road network and if you anticipate any construction impact to the private road network in terms of staging, etc., we would like you to consider how you would stage there. In other words, we would not want you to block the road to emergency access even though it is a private access road to a number of apartment units that were internally at the most distant point.

Mr. Di Giacomo asked Mr. Orr if the DPW was satisfied with the delineation between the publicly maintained road and the private road and if that was something that needed to be made more clear on the preliminary plat. Mr. Orr responded that it would absolutely have to be clear on the final plat. The applicant may wish to have a larger scale detail on the final plat about where the ROW changes from private to public. It must be clear and a denotation made where the County maintenance ends. It is shown here on the preliminary plat; we would just need a note on the final plat and maybe a larger scale.

Mr. Von Staden read the Health Department’s comments, attached.

Mr. Brown read the Soil Conservation Service (SCS) report, and distributed copies of the detailed soils maps and reports. Mr. Brown stated that the proposed project will require an erosion and sedimentation control plan be submitted to the Cecil Soil Conservation District for review and approval. We suggest your engineer contact our office to agree on design concepts before commencing design. Soil maps and reports on soil limitations for development are provided. All pond designs need to be submitted for review to the Cecil Soil Conservation District to determine the applicability to NRCS pond standard 378. Ponds meeting 378 thresholds will need to have the designs approved by the District.

Mr. Kyte, Fire Chiefs’ Committee Representative, asked if the water system was single feed off Fletchwood Road and what would be the size of the main. The applicant responded that it will be cross connected out to Willow Drive and they do not know the size of the main. Mr. Kyte asked if there would be any dead end hydrants. He further stated that if they are 100 away from a loop system, at least an 8 main going back into them is required for fire suppression. The applicant stated that the water main back in the town house development is looped through. It is the only utility that actually does loop through. Mr. Kyte stated that anything that runs off a loop must have sufficient water going to the hydrants. Mr. Kyte stated that they will need at least 26 of blacktop put down because there will be parking on the street and there will be less than 2 parking places per home. If cars park on the street, a piece of fire equipment will not go through there. Some of the streets are shown as 24, however, the extra 2 allows for larger equipment to get through.

Ms. Latham, Maryland Department of the Environment, Water Rights Division, commented that this project will be on public water and does not require a water appropriation permit.

Mr. Graham, TAC Citizens’ Representative reported he had received no comment.
Mr. Di Giacomo reported that the representative from the Cecil County Public Schools (CCPS) is not present for comment.

Mr. Roop, U.S. Army Corp of Engineers (USACE) commented that any filling in of the West Branch or non-tidal wetlands requires a DOD permit. A JD is being issued.

Mr. Di Giacomo read the comments of the State Highway Administration, attached.

Mr. Di Giacomo read comments provided by the Singerly Fire Department, attached.

Mr. Di Giacomo, Office of Planning & Zoning (OPZ), reported that upon inspection, this proposal was found to be attempting compliance with §3.8 of the Subdivision regulations regarding public notification signs. A sign had been erected, but on the wrong property.

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.

The zoning is Multifamily Residential (RM), which permits a maximum density of 12 du/s 1 acre for townhouses and 16/1 for apartments or condos, with community facilities. 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 and 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. It was approved on 10/21/02 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 Brach 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.

Since the approved Preliminary Plat remains valid (until 6/21/06), this plat must be considered and labeled a Revised Preliminary Plat. This revised Preliminary Plat, now under the name West Creek Village, Fletchwood Road, proposes a total of 905 dwelling units (234 already exiting) on 83.90 acres. That is inconsistent with the Concept and Preliminary Plats that were approved for 904 total dwelling units; therefore, there can be no recommendation of approval when and if this is submitted to the Planning Commission.

Inasmuch as the addition in note 7.A is incorrect and the figures in notes 7.A and 7.C are in disagreement with 7.B, the 905 d.u. total and 191 townhouse figures may be errors and we have heard already that they are. Please correct this. If not, then a revised Concept Plat must be approved for the higher proposed density. Only 190 lots are actually depicted on the plat. The approved Preliminary Plat, consistent with the approved Revised Concept Plat, proposed 714 (234 already exiting) apartments, at a density of 13/1; and 190 were townhouse units, at a proposed density of 6.5/1.

The major revision on this plat is the realignment of the proposed West Creek Village Drive farther to the east at the point of the stream crossing. For Section II, that design revision has, in turn, resulted in more balance in the number of proposed town homes on either side of West Creek Village Drive, the shifting of all SWM areas to the west of West Creek Village Drive, and a simpler street layout with the elimination of Azalea Lane, Cornus Court, and Spicebush Court. The names Cornus Lane and Karina Court are new. The internal road names will need to be approved by the County's 911 Emergency Center prior to the Planning Commission's review of the Preliminary Plat.

For Section I, that revision has resulted in some changes that are inconsistent with the West Creek Village Apartments Record Plat that was signed on 2/23/95 and revised on 6/4/96 and 12/13/00. Specifically:

- Buildings 14a and 14B have been shifted from Phase III to Phase II.
- 14A-1 and 14B-1 are new.
10-C is new.

11 has been shifted from Phase III to Phase II.

11A is new.

18A and 18B have been split into 2 buildings, as have 16 and 17.

Some of these changes also render the Phasing Note on the plat inaccurate. It must be modified accordingly prior to any submission to the Planning Commission. This design is consistent with §7.2.12 (e) (4) of the Subdivision Regulations with respect to the proximity of the proposed entrance to Persimmon Lane.

The Traffic Impact Study (TIS) has been submitted and it indicates that a traffic signal will be warranted at the Fletchwood/Peach Drive/West Creek Village Road when approximately 50% of the development is built out, and that all intersections in the study area will operate at level-of-service D, which is an acceptable level-of-service in the Development District. Developer contribution to the signal installation will be required although this was not specifically noted in the SHA comments.

Note # 9 indicates that the boundary line survey has been done. Note # 14 indicates that there are no slopes greater than 25%. 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. 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'.

Note # 13 indicates an expanded stream buffer waiver is being sought. Consistent with §174.1.b (1) (a) & (b), since this property is located in the Development District, as defined by the Cecil County Comprehensive Plan, and evidence was provided that this design would provide the same level of water quality or better, that waiver was granted by the Planning Commission with its 6/21/05 approval of the Preliminary Plat, which remains valid. In terms providing the same or better level of water quality, how would this new design affect that previous evidence and what documentation has been provided to support that position? An answer is not expected, however, but this will need to be demonstrated at such time as this goes before the planning commission and it would behoove you to share this with the staff of OPZ and DPW prior.

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 impacts prior to recordation. A JD has been done.
20% open space or 16.78 acres is required in the RM zone. About 53% -- or 44.23 acres are proposed. 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. Those thresholds have been provided. Staff will recommend that active recreational amenities be provided in the area of common open space. The town house portion that you have come up with is a clear design and arguably a better design, but some of those areas of centrally located common open space with the active amenities are gone. The active amenities can be installed in some of those areas of common open space that remain. 25% landscaping of the development envelope is required in the RM zone. Sidewalks are recommended on both sides of all internal roads, as well as along Fletchwood Road per a previous condition of approval.

Fire hydrant final locations should be selected in consultation with the Department of Public Works and the Singerly Volunteer Fire Company. Consideration should be given to the installation of a dry hydrant on the proposed bridge structure over the West Branch. Mr. Di Giacomo asked if the applicant has 600’ spacing of the hydrants and the applicant responded that in this area it is 300’. Applicant will check the apartments as that section was already complete and they had only evaluated that area that had changed.

The minimum distance between townhouse structures shall be 60’ if the townhouse structures are face to face. No townhouse structure shall be closer than 20’ to any interior roadway or closer than 15’ to any off-street parking area excluding garages built into an individual townhouse unit.

Apartment buildings shall be set back at least 20’ from all parking areas and internal roads (§29.4.h). Some of those proposed appear closer than 20’. A Variance may be required prior to Final Plat review. 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 (§29.4.d). Proposed Phase III apartment buildings 14A and 14B appear to be too close to the property line. A Variance may be required prior to Final Plat review. The maximum length of an apartment building is 300 feet (§29.4.j) and they all now appear to conform to that length.

Bufferyard Standard C is required, outside the right-of-way, along the road frontage of Fletchwood Road. The 25’ peripheral bufferyard is also a Bufferyard standard C. This has not been shown along the western boundary of the property in those sections of I and II and it has not been shown along Fletchwood Road. The sidewalk on Fletchwood Road could be inside that 25’ bufferyard to facilitate its implementation. Rows of street trees with 10’ planting easements are required, outside the right-of-way, along both sides of all internal roads. 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.

An Area Table, as required by §4.1.22 (r), has again not been included on the plat, though some of that information may be gleaned from the site data table and the townhouse schematic. Final plat details shall be more precise.

September 7, 2005, 9:00 a.m.
Some of the parking spaces are depicted partly on individual lots and partly on common open space. Those spaces should be located on one or the other, but not both. In addition, some parking spaces are depicted on 2 individual lots; that situation should also be avoided. §176.2.a prohibits any common open space being used for parking. There can be common overflow parking areas, but they cannot be included in the open space total acreage. Maintenance of the common overflow parking areas will be the responsibility of the Homeowners Association. In no case should there be a parking space on part of an individual lot and common open space, unless the HOA owns all the parking spaces in Section II.

The Forest Stand Delineation (FSD) for the Hardy Realty parcel was approved on 10/2/02. A revised FSD, expanded to include both p. 75 and p.316, was approved on 1/13/04. The Phase I area could be considered exempt under §3.2M, as has been noted, although the words of the Forest Conservation Regulations must be added. The Phase II areas that deviate from the West Creek Village Apartments Record Plat are subject to the Forest Conservation Regulations, as is Phase III. If there are no deviations, then Phase II can be include in Note # 16, covering the §3.2M exemption. The Preliminary Forest Conservation Plan (PFCP) was approved on 4/8/04. The final Forest Conservation Plan (FCP) and Landscape Plan must be approved prior to Planning Commission review of the Final Plat. 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. The metes and bounds description of the FRA must be shown on the record plat.

Access to common open space between lots must be marked with concrete monuments. Additional open space access between structures should be considered in the townhouse portion between clusters. In the Section II Phase III portion, a Homeowners Association for maintenance of common open space must be established with $50 per recorded lot placed in escrow for improvements prior to recordation.

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 Comprehensive 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 townhouses offered for sale. Verification of water and sewer allocation must be received for each phase and/or section prior to the Planning Commission’s review its Final Plat. In terms of access to the town houses along Azalea Ct., if there were a sidewalk through that bufferyard that would facilitate access to the rearage of those town houses, that would also be permitted within that bufferyard. Those town houses need some rear access.

The applicant was reminded on the Monday noon submission deadline for review by the Planning Commission this month.

2. Carmel, Lot 10-B, Conowingo Lake Road, Preliminary Plat, Northern Bay, Eighth Election District.

September 7, 2005, 9:00 a.m.
Mr. Faron Pyles, Northern Bay, presented the proposal to resubdivide Carmel, Lot-B, into 4 lots (3 additional). This plan represents a subdivision of Lot 10B which originally was Lot 10 in the Carmel Subdivision and through some additions and other modifications, the lot became Lot 10B. It is a 9.9 acre lot and we are proposing 4 lots served by a mini-road through an existing 50' wide access strip that was created when the original subdivision was layed out. We looked at the density at some point and assumed that there were no density issues. We noted that in March of 1988, Lots 5-10 were created by a final major subdivision plat and we believe there was a 3 acre density on the overall 46 acre parcel. Based on that assumption, the 4 lots here would have been permitted.

Mr. Orr, CCDPW, reported that a SWM plan, Street & Storm Drain plan, and a Mass & Final Grading plan are required and must be approved by the CCDPW prior to Final Plat Approval. The internal Street grade leaving Conowingo Lake Road may not exceed 5% within the limits of the intersection right-of-way. If the mini-road profile grades exceed 5%, the mini-road travel way and cul-de-sac must be paved in accordance with Section 2.13.F of the Road Code. The mini road entrance must be paved within the Conowingo Lake Road right-of-way regardless to the extent that the entrance becomes County maintenance.

The Final Plat must include the Lot Grading Plan standard note. This note is not shown on the preliminary plat and must be shown on the final plat. The Lot Grading Plan must include the standard construction limits note:

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.

No clearing or grading is permitted beyond the limits of disturbance show 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.

Any Road Code Variances sought must be requested prior to submittal for Preliminary Plat approval. 25 radius pavement returns are permitted for mini road access locations. The applicant must provide stopping sight distance measurements for the Conowingo Lake Road access to DPW prior to preliminary plat submittal to Planning Commission.

Section 3.07.15 of the Cecil County Road Code directs that Conowingo Lake Road be improved to a Minor Road standard at least 100' either side of the proposed mini-road entrance. I have not looked at this entrance at the current time so I do not know if that road currently meets that standard. If you go into engineering, you will need a report on whether or not the 100' on either side of Conowingo Lake Road already meets minor road standard or not. The design engineer must also address the requirement to improve / establish shoulders and roadside drainage, along with any cross culverts. The applicant's engineer must address the acceleration, deceleration, and bypass lane requirements of the Cecil County Road Code. Any right-of-way acquisition necessary is to be performed by the applicant and at the applicant's cost. The private mini-road subdivision
and plans must adhere to the provisions of Section 2.13 of the Road Code which addresses requirements for private roads. A statement clearly outlining the responsibilities of the homeowners in the maintenance of roads and storm drainage systems must be approved by the Planning Commission and placed on the final plat. Deed restrictions must be developed and recorded in accordance with Road Code Section 2.13.D. Driveways must be installed to the right-of-way by the developer at the time of final mini-road construction, per the approved street design and lot grading plans. Where determined necessary by the utility companies, the owner, the designer, or DPW; utility poles must be relocated at the Owner’s expense.

If stormwater discharge is directed off of the site on to an adjacent property it is the responsibility of the Developer to obtain appropriate easements from the affected property owners in accordance with Section 251-13 and 251-15.D of the Cecil County SWM Ordinance. The downstream conveyance of storm water must be analyzed in accordance with Section 251-9 A. (5) of the county’s SWM Ordinance. Special care must be given to the design if a concentration of runoff will result from the SWM facilities. With no C.O.S., the stormwater management and private stormwater conveyance system, the storm drainage network that is shown, must be located in a permanent easement, and have a suitable access and access easement for construction and maintenance. I believe you have already shown an easement. As you proceed to construction drawings, we need to verify that there is an adequate 10’ wide access area along the side of those storm water systems. The Developer shall be responsible to construct the stormwater management facilities shown.

Will a new driveway be constructed for lot 10B? Mr. Pyles responded that that has yet to be determined. A PWA will be required for the private mini-road shown.

An Inspection and Maintenance Agreement will be required for the private SWM facilities.

Mr. Von Staden read the Health Department’s comments, attached. Mr. Di Giacomo inquired of Mr. Von Staden that even though this is under the ten threshold, you would not count the radius? Mr. Von Staden responded that ultimately, it would be the call of the Maryland Department of the Environment (MDE). Ms. Latham stated that they have been treating re-subdivision of a single lot as a separate subdivision even though technically there are 14 lots now. When we have had re-subdivision of previously just a single lot, this is what we have been doing. Additionally, they must meet the minimum lot size requirements we have.

Mr. Brown read the Soil Conservation Service (SCS) report, and distributed copies of the detailed soils maps and reports. Mr. Brown stated that the proposed project will require an erosion and sedimentation control plan be submitted to the Cecil Soil Conservation District for review and approval. We suggest your engineer contact our office to agree on design concepts before commencing design. Soil maps and reports on soil limitations for development are provided. All pond designs need to be submitted for review to the Cecil Soil Conservation District to determine the applicability to NRCS pond standard 378. Ponds meeting 378 thresholds will need to have the designs approved by the District.
Mr. Roop, U. S. Army Corps of Engineers (USACE), reported that any filling in the perennial stream requires DOD permit and the JD has not been issued.

Mr. Kyte, Fire Chiefs Committee Representative, had no comment.

Ms. Latham, Maryland Department of the Environment, Water Rights Division, had no further comments.

Mr. Graham, TAC Citizens Representative, reported that he received comments from Mr. Devlin that apparently since they started to work on this property some time back, he has had a real problem with water coming across the back end of his property. On the back corner, it looks like there is a short section and his concern is that when this development is continued that unless they do something, he fears there will be more water coming down across his property. Mr. Pyles responded that he does not understand the comments as nothing has been done on the property as yet. Mr. Devlin explained that the activity was not recent, but that he has had problems since the original work was done on the development 10 or 15 years ago. He further stated he just does not want the problem to increase. Mr. Pyles stated that he understands. Mr. Graham further stated that Mr. Devlin indicates there is a right of way around the edge of his property and it is listed on the plat as property #1 that originally backed to the Susquana Power Company’s property and it is a 20 or 25’ right of way and it is not shown on this plat. Mr. Graham stated that the property line needs to be re-defined to make sure that it does not run onto the property being presented. Mr. Pyles states that there is nothing indicated on any prior plats. He stated that he will make a note of this information. He further stated he has not discovered anything of record and requested verification of the area Mr. Graham was indicating. Mr. Graham further explained where the area is located.

Mr. Di Giacomo stated that no comments had been received from the local fire company nor had there been comments from SHA except to say that it is not on a state highway therefore they have no objection to its approval.

Mr. Di Giacomo, Office of Planning & Zoning (OPZ), reported that 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. The zoning is Rural Residential (RR) and Manufactured Home (MH). The RR zone permits a maximum base density of 1 du/5 ac. Bonus density eligibility carries with it a permitted density of 1/3. The MH zone permits a base density of 2 du/1 ac., which is moot, since only a portion of proposed Lot 10-D’s FRA would be in the MH zone. Nevertheless, the MH zone must be acknowledged on the plat, and its acreage cited.

This Concept Plat proposes 4 lots on 9.888 acres, for a proposed density of 1/2.47. Given that a portion of the 9.888 acres is zoned MH, we know that the proposed RR density is even higher, higher, in fact, than...
permitted. Concept Plats approved prior to July 25, 1989 remain valid. Only a Concept Plat for the proposed resubdivision of Carmel Lot 6 was ever approved. It remains valid, but it did not include Carmel Lot 10. Therefore, RR/MH zone densities must prevail. A boundary line survey must be done in conjunction with the preparation of the Preliminary Plat for density calculation purposes.

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. 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. A Jurisdictional Determination (JD) must be done prior to preliminary plat review by the Planning Commission.

The habitats of rare, threatened, and endangered species must be avoided. With more than 10 lots, why has no common open space been proposed? This can be a rhetorical question and it is something the applicant needs to contemplate. It is a question that the members of the planning commission will ask. Mr. Pyles asked if Mr. Di Giacomo was saying that the density was okay and that Mr. Pyles was not saying that. Mr. Pyles further asked if they are saying that with 4 lots in conjunction with the other lots out there that that throws them over the threshold for a common open space. Mr. Di Giacomo stated this is something that will need to be discussed further. 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.

No landscaping of the development envelope is required in the RR zone; 20% is required in the MH zone. No sidewalks are recommended. Rows of street trees with 10' planting easements are required, outside the right-of-way, along both sides of all internal roads. 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) must be approved prior to Planning Commission review of the Concept plat. The Preliminary Forest Conservation Plan (PFCP) must be approved prior to Planning Commission review of the Preliminary Plat. The final Forest Conservation Plan (FCP) and Landscape Plan must be

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approved prior to Planning Commission review of the Final Plat. A Landscape Agreement must be executed prior to recordation. Reference must be to Forest Conservation Plan # 111. 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. The metes and bounds description of the FRA must be shown on the record plat.

The internal road name will need to be approved by the County 911 Emergency Center prior to Planning Commission review of the Preliminary Plat. Road names are required on Concept Plats, per §4.0.13 (h) of the Cecil County Subdivision Regulations. Access to any common open space between lots must be marked with concrete monuments.

If a large lot is proposed to achieve bonus density eligibility, then covenants prohibiting the subdivision of the large lot must be recorded and noted on the plat prior to recordation.

A Homeowners Association for maintenance of any 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 farm notice has been provided on the plat. Where are the Bufferyards A? Mr. Pyles stated that he was not aware that the note had been added and it was done after his review and he will address this. The proposal in its current configuration exceeds the density that can be permitted by the Planning Commission.

The applicant was reminded on the Monday noon submission deadline for review by the Planning Commission this month.

Mr. Pyles asked if anyone was aware if there is local road classification and if this is a local road out there. Mr. Di Giacomo stated he believes it is a local road, however, he will need to double check this.

3. Lands of Charles Sexton, Jr., Colora Road, Concept Plat, K.L.S. Consultants, Inc., Sixth Election District.

Ms. Julie Campbell, K.L.S. Consultants, Inc., presented the subdivision proposal for 2 lots plus remaining lands, which Mr. Sexton plans to sell for development at a future date. They are proposing one lot for a family conveyance to the owner's father-in-law and take a parcel of the property, approximately 5 acres, and
sell it to someone, either an individual or someone who could actually develop it at a later date. We submitted it as a minor subdivision and then because of other previous subdivisions of other areas that were related to this, we had to make it a major subdivision. We hurried it up to get it in for this meeting.

Mr. Orr, CCDPW, reported that a SWM plan, Erosion & Sediment Control and Final Grading plan are required and must be approved by the CCDPW prior to Final Plat Approval.

The Final Plat must include the Lot Grading Plan standard note and must be shown on the final plat. The Lot Grading Plan must include the standard construction limits note:

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.

No clearing or grading is permitted beyond the limits of disturbance show 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.

Any Road Code Variances sought must be requested prior to submittal for Preliminary Plat approval. The PRMA is not applicable to a son to father transfer, only from parents to children and/or grandchildren. A road frontage variance must be obtained from the Board of Appeals. Show access (ingress & egress) easement on plat for lots 2 and remaining lands if the intention is for fee simple access out to Colora Road. The access easement should be shown across lot one to Colora Road. The deed restrictions for remaining lands and lot 2 as well as the newly reconfigured lot 1 should address responsibilities for driveway construction and maintenance between the three lots. Where determined necessary by the utility companies, the owner, the designer, or DPW; utility poles must be relocated at the Owner’s expense.

If stormwater discharge is directed off of the site on to an adjacent property it is the responsibility of the Developer to obtain appropriate easements from the affected property owners in accordance with Section 251-13 and 251-15.D of the Cecil County SWM Ordinance. The downstream conveyance of storm water must be analyzed in accordance with Section 251-9 A. (5) of the county’s SWM Ordinance. Special care must be given to the design if a concentration of runoff will result from the SWM facilities. Do you have an anticipated design approach to meeting the stormwater management ordinance requirements? Ms. Campbell responded they do not. An Inspection and Maintenance Agreement will be required for any private Stormwater Management facilities.

You have already stated the intended use of the remaining lands. Any development on this portion, which will be the remaining lands shown, will require a stormwater management plan, Erosion & Sediment Control and Final Grading plan prior to subdivision and permit approvals. If there is no work proposed on that lot at
this time, then any future work on that lot will be subject to review and engineering prior to the permits being reviewed.

Mr. Von Staden read the Health Department’s comments, attached.

Mr. Brown read the Soil Conservation Service (SCS) report, and distributed copies of the detailed soils maps and reports. Mr. Brown stated that the proposed project will require an erosion and sedimentation control plan be submitted to the Cecil Soil Conservation District for review and approval. We suggest your engineer contact our office to agree on design concepts before commencing design. Soil maps and reports on soil limitations for development are provided. All pond designs need to be submitted for review to the Cecil Soil Conservation District to determine the applicability to NRCS pond standard 378. Ponds meeting 378 thresholds will need to have the designs approved by the District.

Mr. Roop, U. S. Army Corps of Engineers (CoE), reported that based on the plans, you do not have any waters of the United States or wetlands so no permit is required. A JD has not been issued.

Mr. Kyte, Fire Chiefs Committee Representative, commented that the only thing asked is that any tree line going back up the lane going in there is kept back so there is a 14’ by 14’ opening so they can get fire equipment in there.

Ms. Latham, Maryland Department of the Environment, Water Rights Division, had no comments in addition to the CC Department of Health.

Mr. Graham, TAC Citizens Representative reported no comments.

Mr. Di Giacomo stated that no comment was received from the Board of Education and the comment from the SHA is that as this is not on a state road, they have no objection to approval.

Mr. Di Giacomo, Office of Planning & Zoning (OPZ), reported that upon inspection, this proposal was found to be in compliance with §3.8 of the Subdivision regulations regarding public notification signs. However, the applicant’s name has been misspelled on the sign. 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.
The zoning is Northern Agricultural Residential (NAR), which permits a maximum base density of 1 du/ 5 ac. Bonus density eligibility carries with it a permitted density of 1/3. This plat proposes 2 lots plus remaining lands on 16.01 acres, for a proposed density of 1/5. Since in August 2004 it was determined that any subdivision of Parcel 509 would be a major subdivision, why, in August 2005, was this submitted as a minor subdivision?

§4.0.1 of the Subdivision Regulations allows for the elimination of a Concept Plat for projects with fewer than 10 lots and 25 acres, and §2.0 of the allows for a combined Preliminary-Final Plat if there are from 1 to 5 lots. Therefore, as the plat does not provide the information, it is impossible to determine if this has been submitted as a Concept, Preliminary, or Preliminary-Final Plat. If it is not a Concept Plat, then, pursuant to §4.1.22 (a), the scale should be no smaller than 1 = 100 . At 200 scale, the details of proposed Lot 2 are simply too small. Which is it? Ms. Campbell replied that it was a Concept Plat.

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

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. Slopes greater than 25% must be shown on the Preliminary Plat. Based on the contour lines, there appear to be 25% slopes on the remaining lands. Mr. Di Giacomo stated to Mr. Von Staden that it appeared it was in the 400 to 400 and had interpreted it as perhaps a dip. Mr. Von Staden replied that it could be. Mr. Di Giacomo stated that this is where he thinks the steep slopes are.

A 110’ perennial stream buffer is required from any 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 any 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. A Jurisdictional Determination (JD) must be done prior to preliminary plat review by the Planning Commission.

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

No common open space is required for fewer than 10 lots. No landscaping of the development envelope is required in the NAR zone. No sidewalks are recommended.
Bufferyard Standard C is required, outside the right-of-way, along the road frontage of Colora Road. This may not be practical given that this is just a driveway. A Bufferyard Standard A is required along a portion of the western lot line of proposed Lot 1. Where feasible, the natural vegetative equivalent may be used to satisfy the bufferyard requirements. Any tree removal within a public right-of-way requires approval from the Maryland Department of Natural Resources.

This plat claims 3.2N and 3.2K exemptions from the Forest Conservation Regulations. For the record, what is the relationship of the owner to the owner of the proposed Lot 2? Ms. Campbell responded that it is parents and they will be unable to do the perpetual road easement because it is a husband and wife to father-in-law. If it is not exempt, then the Forest Stand Delineation (FSD) must be approved prior to Planning Commission review of the Concept plat. The Preliminary Forest Conservation Plan (PFCP) must be approved prior to Planning Commission review of the Preliminary Plat. The final Forest Conservation Plan (FCP) and Landscape Plan must be approved prior to Planning Commission review of the Final Plat. A Landscape Agreement must be executed prior to recordation. Deed restrictions for the long-term protection of the Forest Retention/Afforestation Areas (FRAs) may need to be recorded and noted on the plat prior to recordation. The metes and bounds description of the FRA must be shown on the record plat.

These remaining lands will be accessed through a shared driveway as opposed to an easement. The owner will attempt to sell this for subsequent development and it will need to be activated as a buildable lot at a future date. 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 was reminded of the Monday noon submission deadline for review by the Planning Commission this month.

4. Lakeside South, Lots 5-9, Concept Plat, Razor Strap Road, RJ Engineering Corp., Fifth Election District.

Messrs. Barry Montgomery, Tom Montgomery and Robert Blomquist (RJ Engineering Corp.) presented the proposal for 5 new lots, lot 9 being the remaining lands situated just south of record plat #4 for Lakeside. I am showing a 50’ ROW on the proposed Baron Drive which shows clear and easy access to all these lots. They will be single family, detached dwellings. This proposal is consistent with the subdivision regulations for density in that we meet or exceed those requirements.

Mr. Orr, CCDPW, stated that it is the Department’s understanding that the Town of North East will own the water distribution system in this development. The CCDPW recommends that the water distribution system including fire hydrant locations be designed to meet or exceed the County’s standards. We also recommend that the Town request that the serving fire company review fire hydrant spacing and locations. The water
lines must be reflected on the sanitary sewer plans and as-builts. All easements for the water lines must be reflected on the final plat.

A SWM plan, Street & Storm Drain plan, Sanitary Sewer Plan and a Mass & Final Grading plan are required and must be approved by the CCDPW prior to Final Plat Approval. The internal Street grade leaving Razor Strap Road may not exceed 5% within the limits of the intersection right-of-way, or a minimum of 55’ from the centerline of Razor Strap Road. Will the street section be curb & gutter or grassed ditch lines?

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 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.

Sidewalk maintenance will be required of the adjacent property owner, as required by the Cecil County Road Code.

No clearing or grading is permitted beyond the limits of disturbance show 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.

Any Road Code Variances sought must be requested prior to submittal for Preliminary Plat approval. Lot 7 driveway shall not access the ‘tee turn-around’. Section 3.07.15 of the Road Code requires that Razor Strap Road be upgraded to Minor Collector Road standard for 100’ either side of the proposed entrance. The 50’ width dimension for Baron Drive appears to be incorrect. Barry Montgomery responded that there will be no chance of getting an easement on Mr. Ayers side of the road. Mr. Orr stated that if they run into the situation where they cannot acquire the necessary ROW but you can provide the adequate pavement width, DPW has historically since the road code adoption been offering variances as long as the intersection can provide safe turning movements. If you are in a ROW acquisition situation and you cannot acquire the ROW by reasonable means, there is guidance in our guidance document to follow, once you have gone through that process and you can prove that you can still provide the necessary pavement for proper and safe turning movements, the Director has been issuing variances for that. What you want to do and certainly what Mr. Blomquist will need to do is go to the guidance document to find the information, follow the procedure in the guidance document and therefore you will have the information necessary to give to the director. The applicant must provide stopping sight distance measurements for the Razor Strap Road access to DPW prior to preliminary plat submittal. The design engineer must address the requirement to improve / establish shoulders, construct the minimum acceleration and deceleration lanes, any bypass lanes, and improve any roadside drainage along Razor Strap Road on the street construction drawings. Any right-of-way acquisition required for Baron Drive entrance improvements shall be performed by the applicant and at the applicant’s cost.
All driveways must be paved at least to the right of way. The Developer is responsible to complete all driveway paving within the road 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. The Lot Grading Plan must include notes to this effect. Where determined necessary by the utility companies, the owner, the designer, or DPW; utility poles must be relocated at the Owner's expense.

No provisions for stormwater management facilities are shown. Prior discussions were to have stormwater facilities. Do you still anticipate that the stormwater facility will be located on Lot 9? Mr. Blomquist replied yes. Mr. Blomquist stated that they do not have the exact size of it yet, but it will be located outside the stream buffer. If stormwater discharge is directed off of the site on to an adjacent property it is the responsibility of the Developer to obtain appropriate easements from the affected property owners in accordance with Section 251-13 and 251-15.D of the Cecil County SWM Ordinance. The downstream conveyance of storm water must be analyzed in accordance with Section 251-9 A. (5) of the county's SWM Ordinance. Special care must be given to the design if a concentration of runoff will result from the SWM facilities. With no C.O.S., the stormwater management and any private stormwater conveyance system must be located in a permanent easement, and have a suitable access and access easement for construction and maintenance.

The Consultant must provide a conceptual layout of the proposed sanitary sewer and water on the Preliminary Plat. We will review that once the Preliminary plat comes in. A sanitary sewer allocation request must be submitted to the Department of Public Works. A sewer allocation must be obtained prior to proceeding to final plat.

Show required road widening dedication along lot 9’s Razor Strap Road frontage. PWA’s will be required for all public infrastructure shown. An Inspection and Maintenance Agreement will be required for any private SWM facilities.

Mr. Von Staden read the Health Department’s comments, attached.

Mr. Brown read the Soil Conservation Service (SCS) report, and distributed copies of the detailed soils maps and reports. Mr. Brown stated that the proposed project will require an erosion and sedimentation control plan be submitted to the Cecil Soil Conservation District for review and approval. We suggest your engineer contact our office to agree on design concepts before commencing design. Soil maps and reports on soil limitations for development are provided. All pond designs need to be submitted for review to the Cecil Soil Conservation District to determine the applicability to NRCS pond standard 378. Ponds meeting 378 thresholds will need to have the designs approved by the District.
Mr. Roop, U. S. Army Corps of Engineers (CoE), reported that based on the plans there are no waters of the United States or wetlands and no permit is required. A JD has not been issued.

Mr. Kyte, Fire Chiefs Committee Representative, commented that they would like to see traveled portion of the roadway 26 wide and check with the local fire department for placement of the fire hydrants.

Ms. Latham, Maryland Department of the Environment, Water Rights Division, commented the project does not require a Water Appropriation Permit.

Mr. Graham, TAC Citizens Representative reported that he has a letter addressed to Mr. Di Giacomo from Peter O Rourke stating that he wanted to enter into the record comments concerning the Lakeside South subdivision being proposed at the 9/7/05 TAC meeting. This plan indicates lots to be placed on the ROW of Baron Road. At the 8/3/05 TAC meeting, Mr. O Rourke proposed the Village of Stoney Run subdivision to be located just north of Lakeside South. The access to Stoney Run may include the reopening of Baron Road to Razor Strap Road. As now planned, Lakeside South would eliminate that possibility. Mr. O Rourke's letter indicated that he has only recently been made aware of Lakeside South and he intends to contact Mr. Montgomery as soon as possible to discuss other possible options. Mr. Graham further stated he had a comment from Mr. David Ayers about Lot 8 and its size because it is so small.

Mr. Di Giacomo reported that no comments had been received from the Board of Education and the comment from the SHA is that since this is not located on a state highway they have no objection to approval.

Mr. Di Giacomo, Office of Planning & Zoning (OPZ), reported that 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.

Similar proposals for this site were reviewed by the TAC on 6/7/00 and again on 4/4/01, under the name Montgomery Bros., Inc., but never submitted for P.C. review. These proposed lots make up Lot 5 in Minor Subdivision # 3188.
The zoning is Manufactured Home (MH), which permits a maximum base density of 2 du/1 ac. Projects with community facilities are permitted a density of 4/1. This Submission proposes 5 lots on 4.953 acres, for a proposed density of 1/0.9906. The density table is in error stating the density as 1/1.009 and must be corrected prior to submission to the Planning Commission. A boundary line survey must be done in conjunction with the preparation of the Preliminary Plat for density calculation purposes.

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. 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. A Jurisdictional Determination (JD) must be done prior to preliminary plat review by the Planning Commission.

Rows of street trees with 10' planting easements are required, outside the right-of-way, along proposed Lot 9's Razor Strap Road frontage and both sides of the proposed road. 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.

Sidewalks are recommended along at least one side of the internal street. Why does the proposed road end in a "t" turn-around? Why not connect it to Lakeside Park or, possibly, reactivate Baron Road? Mr. B. Montgomery stated that in light of Mr. O'Rourke's letter, we spent some time with Mr. O'Rourke at least 6 months ago or more with some dialogue about this. He opted not to pursue that, so we are pursuing our own project and of course north of this we have additional lands as well and the objective would be to develop those in the future.

No open space is required in the MH zone for subdivisions involving fewer than 10 lots. 20% landscaping of the gross site area is required in the MH zone.

A Forest Stand Delineation (FSD) for the minor subdivision was approved on 6/30/97. Per §5.1.E of the Forest Conservation Regulations, its validity expired on 6/30/02. The Preliminary FCP must be approved.

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prior to Planning Commission review of the Preliminary Plat. The FCP and Landscape Plan must be approved prior to Planning Commission review of the Final Plat.[1] 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. The metes and bounds description of the FRA must be shown on the record plat. Why hasn’t the 1.2-acre FRA been depicted on the plat? It must be shown on the plat.

The submission reviewed on 4/4/01 proposed private, individual wells and sewer service from the Cecil County Department of Public Works. That reviewed on 6/7/00 proposed water and sewer service from the Town[2] of North East and from the CCDPW, respectively.

This site is classified as W1 and S1 by the Master Water and Sewer Plan. Nothing has been specified on the plat; what is proposed with respect to water and sewer? Public water and sewer is proposed per Mr. B. Montgomery. Mr. Di Giacomo stated that when this was reviewed in 2001, they had allocation for 3 lots and had a moratorium. Mr. B. Montgomery stated that they supposedly have adequate supply. 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 Comprehensive 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 offered for sale. Verification of water and sewer allocation must be received prior to the Planning Commission’s review its Final Plat.

The proposed road name Baron Drive has been disapproved. Another road name must be approved by the County 911 Emergency Center prior to Planning Commission review of the Preliminary Plat. Minor Subdivisions 1989, 2982, and 3188 must be referenced on the plat.

The applicant was reminded of the Monday noon submission deadline for review by the Planning Commission this month.

5. Brookwood Estates, Lots 1-7, Moore Road, Preliminary Plat, McCrone, Inc., Eighth Election District.

Messrs. Tim Brooks and Bud Felty (McCrone, Inc.), presented the Preliminary Plat for 7 lots. We were here in June for the TAC meeting. The property consists of 38 acres with a density of 1 du/5.4 acres proposed on a 7 lot mini road subdivision with 3 lots accessing on the mini road itself. The different twist with this subdivision is the fact that there are truly deep slopes on this property and we are proposing a 25’ wide private access drive to locate the homes that are on the high side or east side of this property. The main reason for this private access drive is the fact that there is already an existing gravel lane that goes to the top of the hill. It actually goes a bit farther around than what is shown on the plat, past the existing dwelling. In order to save the tree clearing and widening and shoulders preparation, we feel better environmentally if we
can reconstruct this whole driveway and bring it up to a condition that is good and stable as far as erosion is concerned. There was a recommendation from the fire company for a dry hydrant possibility on Octoraro Creek. Mr. Felty stated that he has talked with Wayne Tome of Port Deposit fire company and he thinks that would be a good idea if we can get it in there. Mr. Felty is asking for the assistance of Jim Kyte and/or Wayne Tome to visit that site with Mr. Felty to look at the condition there. Mr. Felty has been there personally and is a bit concerned about the depth of the water where it is located today in reference to the debris that is in the creek and how things change from one storm to another. There have been some perk tests done since the plat was submitted for review and we know that on Lots 1 & 4 will need rearranging of the dwelling sites and septic areas. We will attempt to work that out with the Health Department prior to time for the Preliminary plat submittal. Reference the endangered species study that was required as far as some plants from a letter from Natural Heritage, the study has been completed and none of the threatened or endangered species were found to be located on this property.

Mr. Fred Orr, CCDPW, reported that a SWM plan, Street & Storm Drain plan, and a Mass & Final Grading plan are required and must be approved by the CCDPW prior to Final Plat Approval. The internal Street grade leaving Moore Road may not exceed 5% within the limits of the intersection right-of-way. If mini-road profile grades exceed 5% (it is shown greater than 5%) the mini-road travel way and cul-de-sac must be paved in accordance with Section 2.13.F of the Road Code. The mini road entrance must be paved within the Moore Road right-of-way regardless of the profile slope.

The Final Plat must include the Lot Grading Plan standard note. The Lot Grading Plan must include the standard construction limits note:

_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._

_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._

Any Road Code Variances sought must be requested prior to submittal for Preliminary Plat approval. Section 3.07.15 of the Road Code requires that Moore Road be upgraded to a Minor Collector Road standard for 100 either side of the proposed entrance. The design engineer must address the requirement for minimum acceleration, deceleration, and bypass lanes. Any right-of-way acquisition necessary shall be performed by the applicant and at the applicant's expense. The private mini-road subdivision and plans must adhere to the provisions of Section 2.13 of the Road Code which addresses requirements for private roads. A statement clearly outlining the responsibilities of the homeowners in the maintenance of roads and storm drainage systems must be approved by the Planning Commission and placed on the final plat. Deed restrictions must be developed and recorded in accordance with Road Code Section 2.13.D. Where determined necessary by the utility companies, the owner, the designer, or DPW; utility poles must be relocated at the Owner's expense.
If stormwater discharge is directed off of the site on to an adjacent property it is the responsibility of the Developer to obtain appropriate easements from the affected property owners in accordance with Section 251-13 and 251-15.D of the Cecil County SWM Ordinance.

The downstream conveyance of storm water must be analyzed in accordance with Section 251-9 A. (5) of the county’s SWM Ordinance. Special care must be given to the design if a concentration of runoff will result from the SWM facilities. The stormwater management design submittal must provide for grading and layout of the proposed shared driveway & access easement. This is related to any significant re-grading of the existing drive and the new drive that would be installed through lots 4, 5, 6, & 7. That would all be part of the lot grading plans for those lots. Deed restrictions must identify construction and maintenance responsibilities for the shared driveway access as this is to be privately installed and maintained.

A PWA will be required for the private mini-road shown. An Inspection and Maintenance Agreement will be required for the private SWM facilities.

As a side note, Mr. Orr stated that DPW is in receipt of a planned minor subdivision design for an adjacent property of the Phillips. There is a notable difference in the property boundary survey of the lines shared between the two properties. Mr. Felty can contact DPW to get the information for that surveyor, Dudley Campbell. Mr. Felty stated that he will need a copy of the plat.

Mr. Von Staden read the Health Department’s comments, attached. Additionally, Mr. Von Staden noted that while looking at the plat, on lot 1, what you have shown is MAV land and Soil Conservation has it as Codorus (CU). Comus is a flood plane soil and if the scaling of the Codorus is correct, even part of what is being proposed as a sewage area on lot 1 is not usable as it is within 25’ of the Codorus. You will need to check the soil map. Mr. Felty stated that in the revision, one of the things to be worked out with the Health Department is that the septic area will move from where it is shown now, so it should not be a problem.

Mr. Brown read the Soil Conservation Service (SCS) report, and distributed copies of the detailed soils maps and reports. Mr. Brown stated that the proposed project will require an erosion and sedimentation control plan be submitted to the Cecil Soil Conservation District for review and approval. We suggest your engineer contact our office to agree on design concepts before commencing design. Soil maps and reports on soil limitations for development are provided. All pond designs need to be submitted for review to the Cecil Soil Conservation District to determine the applicability to NRCS pond standard 378. Ponds meeting 378 thresholds will need to have the designs approved by the District.
Mr. Roop, U. S. Army Corps of Engineers (CoE), reported that based on the plans, there are no waters of the United States or wetlands, so no permit is required and no JD has been issued.

Mr. Kyte, Fire Chiefs Committee Representative, asked how wide the road circling to lots 5, 4, 6 & 7 will be. Mr. Felty stated that it would probably be 10 to 12' wide. It will be more like a private driveway. Mr. Kyte stated their concern is in the sharp curve up there and swinging vehicles around that. They will need at least 14' in that area going around that curve. The road going up into the cul-de-sac is small and you show 12'. Can this be increased to allow fire equipment to go in and out as usually we like to have a minimum of 18'. Mr. Felty stated that what they have shown is the county standard for a mini road and for a few number of lots, so that width is narrower than the other sections. Mr. Kyte asked that the road going up to the top be a minimum of 12' and preferably 14' so they can make a turn up there. Mr. Felty stated that there are paved sections. There are 12' of paved but then there are two 3' shoulders on either side of the pavement with a total of 18' wide of at least a combination of paved and gravel on that road section.

Ms. Latham, Maryland Department of the Environment, Water Rights Division, commented that no Water Appropriation Permit is required.

Mr. Graham, TAC Citizens Representative, stated there were no comments.

Mr. Di Giacomo stated that no comments were received from the Board of Education and the SHA does not object to the approval of the project as it is not located on a state maintained highway.

Mr. Di Giacomo, Office of Planning & Zoning (OPZ), reported that this project 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.

The zoning is Northern Agricultural Residential (NAR), which permits a maximum base density of 1 du/ 5 ac. The Concept Plat was approved on 6/20/05 at a density of 1/5.39, conditioned on:

1) The JD being completed prior to the Planning Commission’s review of the Preliminary Plat;
2) The boundary line survey being completed prior to the TAC’s review of the Preliminary Plat; and
3) The sensitive species survey being completed prior to the TAC’s review of the Preliminary Plat.
Bonus density was not an issue. This Preliminary Plat proposing 7 lots, common open space, and a private mini-road on 37.89 acres, for a proposed density of 1/5.41, is consistent with the approved Concept Plat.

Has the boundary line survey been completed? Yes. McCauley Road and Ratledge Lane have been misspelled in the vicinity map. That must be corrected.

All proposed lots are depicted to have steep slopes. 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 well symbol for Lot 3 seems to have been garbled. You should show connectivity for proposed lots 3 and 4 across the Colonial pipe line. Slopes greater than 25% must be again 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. A Jurisdictional Determination (JD) must be done prior to preliminary plat review by the Planning Commission.

The Natural Heritage letter stated the six endangered species (Goldenseal, Tall Dock, Flattened Spikerush, Butternut, Valerian, and Ostrich Fern) were known to occur in the project area. The required sensitive species survey found that none of the six species occurs on the site.

No common open space is required; 1.4 acres are proposed. No landscaping of the development envelope is required in the NAR zone. No sidewalks are recommended.

Bufferyard Standard C is required, outside the right-of-way, along the Moore Road road frontages. Rows of street trees with 10' planting easements are required, outside the right-of-way, along both sides of the proposed Brookwood Drive. Where feasible, the natural vegetative equivalent may be used to satisfy the bufferyard and street tree requirements.

The FSD was approved on 6/17/05. The Preliminary Forest Conservation Plan (PFCP) must be approved prior to Planning Commission review of the Preliminary Plat. The final Forest Conservation Plan (FCP) and
Landscape Plan must be approved prior to Planning Commission review of the Final Plat. 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. The metes and bounds description of the FRA must be shown on the record plat.

The proposed Brookwood Drive road name has been approved. Proposed lots 3, 5 and 6 exceed the 3:1 length to width ratio established in §7.4.2. Access to common open space between lots must be marked with concrete monuments.

A Homeowners Association for maintenance of common open space must be established with $50 per recorded lot placed in escrow for improvements prior to recordation. 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. What mechanism is envisioned for the maintenance of the common driveway proposed to be shared by lots 4-7? Mr. Felty stated that they would propose a structure very similar to the Mini-Road agreement. Those legal arrangements/documents must also be established prior to recordation. This design appears actually to embrace two mini-roads: the proposed Brookwood Drive and the common driveway proposed for lots 4-7. That is confusing and, as a result, poses a number of potential problems, including addressing and emergency response.

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.

All required documents from the gas line company granting permission or agreeing to easement impacts must be received prior to Final Plat review. All documents requiring recordation must be recorded prior to the recordation of the Record Plat.

The applicant was reminded of the Monday noon submission deadline for review by the Planning Commission this month.

Mr. Felty mentioned that on the Gas Company documents, there is a deed that has some restrictions on it. A copy of this document will be provided to Mr. Di Giacomo. Regarding the preliminary forest conservation plan, Mr. Felty asked if that could be reviewed prior to preliminary plat. Mr. Felty asked that properties that do not have any non-tidal wetlands or Waters of the United Sates on them not be required to have a JD.

Mr. Kyte asked that they look at a back in space for the ladder truck at the top of the road and stated he would need about 40 to 50'.
Messrs. Barry Montgomery, Tom Montgomery and Mike Burcham (McCrone, Inc.) explained that the previously approved Concept and Preliminary Plats had expired. This project was initially approved as a Concept Plat in May of 2002 and as we were working on the final for phase 1, lots 5-40 of this project, they went back to review the previously approved preliminary plat and realized that the preliminary plat had expired. Under Cecil County subdivision regulations, we have come back resubmitting the Concept and the Preliminary Plat for approval once again so we can complete phase 1 of this project. The only change that has been made to this plan since its original approval in May of 2002 is that we have revised the plan to remove lots 1-4 which front along Bethel Church Road. Those lots have been approved as a minor subdivision in November 2004 and we have changed the area tables to identify the lot acreage involved in lots 1-4 from the area table.

Therefore, this Concept Plat has now been resubmitted in order for the project to proceed.

Mr. Orr, CCDPW, stated that all of the Department’s comments from the May 20, 2002 Planning Commission hearing on this concept plat remain applicable. Departmental comments have been issued on the phase one infrastructure design submittals. The Department will not re-read the May 20, 2002 comments at this time, rather we will make these comments part of the record by reference alone.

A SWM submittal must be approved by the DPW prior to submittal for Final Plat Approval. A street and storm drain submittal must be approved by the DPW prior to submittal for Final Plat Approval. Sight distance measurements have been provided to the DPW to establish compliance with the Cecil County Road Code. Vegetative clearing may be necessary at the two entrances. These sight distance easements are in conflict with the Buffer Yard ‘C’. We would request that they be extended back to clear the sight triangle.

The sight distances provided for the joint access to Lots 1-4 are marginally acceptable. The Department uses AASHTO guidelines in reviewing allowable sight distances and these guidelines are base on a straight road section. The location of the driveways on a curved section of Bethel Church Road accounts for these being marginal. The success of these depends on the design of the shared driveways. The design used at Racine Estates is recommended. A PWA will be required in conjunction with the Minor Subdivision. An oververtical or knoll exists in Bethel Church Road near proposed Lot 102 and may need to be addressed as an off site improvement. Where determined necessary by the utility companies, the owner, the designer, or DPW; utilities poles must be relocated at the Owner’s expense.

An Inspection and Maintenance Agreement will be required for the SWM facilities. Preliminary plans for phase I should carefully consider SWM requirements for phase II on the west half of the project. The topography appears to allow for SWM Pond III to be delayed until the start of phase II. The centerline of Flintstone Drive must align with the centerlines of Billy Goss Loop & the proposed entrance to Bethel Springs.
A Sanitary Sewer submittal must be approved by the DPW for the sewer improvements prior to submittal for Final Plat Approval. Because of the questionable build-out potential of this project DPW recommends that the design of Flintstone Drive be completed through to Bethel Church Road and bonded in Phase 1. If this is not done than a cul-de-sac with midpoint turnaround must be designed and bonded and rights of way must be shown for the construction should Phase 2 not be constructed within a specific time.

If sidewalks are required by the Planning Commission, the Final Plats should include a note indicating that sidewalks maintenance will be required of the adjacent property owner, as required by the Cecil County Road Code. Any applicable Road Code Variances must be requested prior to submittal for Preliminary Plat approval.

Outlet culverts must be extended to the SWM facility. SWM outfalls must be extended to the toes of slopes. The ROW dedication must be denoted as, 30' wide strip to be dedicated in fee simple to the Board of County Commissioners of Cecil County. A PWA will be required for internal streets, storm drains, sanitary sewers, and any private utility improvements. Please confirm or dedicate a Utility easement for the existing 18' Sanitary Sewer Line.

Ms. Latham, Maryland Department of the Environment, Water Rights Division, commented that the Water Appropriation Permits have been done for Lots 1-40 and there are no applications to change it or revise it in any way. Ms. Latham asked if some portion of the development will go to public water. Mr. B. Montgomery stated that it will if the water becomes available. Mr. Burcham stated that Lots 76-106 would be proposed with Public water. Ms. Latham stated that due to the density of the lots, there is an increased chance of well interference during a draught. If public water is eventually available, they should hook up.

Mr. Von Staden read the Health Department’s comments, attached.

Mr. Brown read the Soil Conservation Service (SCS) report, and distributed copies of the detailed soils maps and reports. Mr. Brown stated that the proposed project will require an erosion and sedimentation control plan be submitted to the Cecil Soil Conservation District for review and approval. We suggest your engineer contact our office to agree on design concepts before commencing design. Soil maps and reports on soil limitations for development are provided. All pond designs need to be submitted for review to the Cecil Soil Conservation District to determine the applicability to NRCS pond standard 378. Ponds meeting 378 thresholds will need to have the designs approved by the District.
Mr. Roop, U. S. Army Corps of Engineers (CoE), reported any filling of the nontidal wetlands or streams require a Department of the Army permit and a JD was issued in November of 2002.

Mr. Kyte, Fire Chiefs Committee Representative, commented that Flintstone Drive is shown as a 60' ROW but it is only showing 24' wide blacktop. Mr. Burcham stated that it is proposed as open section roadways. Mr. Kyte asked if the properties were to be located 30' off the property line. Mr. Burcham stated they would be 30' off the ROW line. Mr. Kyte asked that they increase the size of the roadway to a minimum of 26 wide and that all other roadways in the development have 26' minimums. Mr. Kyte further stated they would like to see a fire suppression tank between lots 28 and 29. Mr. Kyte asked what size homes would be going in and Mr. B. Montgomery stated three and four bedrooms. Mr. Kyte asked that they increase the size of the roadway to a minimum of 26' wide and that all other roadways in the development have 26' minimums. Mr. Kyte further stated they would like to see a fire suppression tank between lots 28 and 29. Mr. Kyte asked what size homes would be going in and Mr. B. Montgomery stated three and four bedrooms. Mr. B. Montgomery stated that there is a hydrant out on Red Toad Road about a half mile to a mile away. He further stated there is a water tower with a high pressure line that goes up to I95. Mr. Kyte stated the time involved in using this alternative was not good.

Mr. Graham, TAC Citizens Representative reported there has been no citizen comment.

Mr. Di Giacomo stated that no comments were received from the Cecil County Public Schools and the SHA has no objection to the approval of this project as it is not located on a state maintained road.

Mr. Di Giacomo, Office of Planning & Zoning (OPZ), reported that 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.

The zoning is Suburban Residential (SR), which permits a maximum base density of 1 du/1 ac. With community facilities, a density of up to 2/1 is permitted. The Concept Plat was approved at a density of 1.38/acre on 5/20/02, conditioned on:

1) A Jurisdictional determination being completed prior to Planning Commission review of the Preliminary Plat;

2) A boundary line survey being done for the preparation of the Preliminary Plat for density calculation purposes;

3) A sensitive species survey being conducted prior Preliminary Plat review by the Planning Commission;

4) All conditions of approval by MDE being fulfilled; and

September 7, 2005, 9:00 a.m.
5) A Traffic Impact Study (TIS) being completed prior to Preliminary Plat review by the Technical Advisory Committee.

§4.0.8 of the Subdivision Regulations provides that Concept Plats are valid for 2 years, and that approval of a Preliminary Plat extends the Concept Plat approval for 1 year from the date of Preliminary Plat approval.

The Bedrock Preliminary Plat was approved on 10/21/02, conditioned on:

1) Health Department requirements being met;
2) DPW requirements being met;
3) A Homeowners Association being established for maintenance of common open space with $50 per recorded lot being placed in escrow for improvements prior to recordation and all lot owners becoming members;
4) The Master Water & Sewer Plan being amended for sewer, showing this property as S-1, prior to Final Plat review;
5) The title block being amended to included only those lots actually being reviewed, prior to review of the Final Plat;
6) The FCP and Landscape Plan being complete prior to review of the Final Plat;
7) Deed restrictions for the long-term protection of the Forest Retention/Afforestation Areas (FRAs) being recorded and noted on the plat prior to recordation. The metes and bounds description of the FRA must be shown on the record plat;
8) The common open space recreational improvements being included in the Public Works Agreement; and
9) Sidewalks being provided on one side of all internal roads.

Thus, the Concept Plat was extended until 10/21/03. In that time, no Final Plat was ever approved, so the validity of Concept Plat approval has expired. The same is true for Preliminary Plat approval. Consistent with the original, this resurrected Concept Plat proposes 102 lots on 73.3 acres, for a proposed density of 1.38/acre. The minor subdivision has now been completed, as has the boundary line survey. This development is being proposed in 3 phases: 1) Lots 5-40, 2) Lots 41-75, and 3) Lots 76-106.

This location is outside the water service area agreement between the County and the Town of North East, which must be amended to include this parcel prior to the Planning Commission’s review of the Final Plat.
Dwellings or impervious surfaces shall not occur on slopes with a grade of 25% or more covering a contiguous area of 10,000 ft$^2$ 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. Slopes greater than 25%, which are shown as hatched areas on the Concept Plat, must again 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. The intermittent stream buffer has been shown (50' in a FRA; otherwise, 25'). Permits are required from the (US Army) Corps of Engineers and MDE for all non-tidal wetland impacts prior to recordation. A JD was previously completed.

The habitats of rare, threatened, and endangered species must be avoided. This proposal satisfies the common open space provisions of the SR zone for subdivisions of 10 or more lots. 15% common open space is required, 42.42% 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 calculations for those thresholds must be included on the Preliminary Plat.

Has any thought been given to the installation of protective fencing around the proposed stormwater management ponds in the areas of common open space? It should be given serious consideration.

A minimum 20% landscaping of the development envelope is required in the SR zone.

Sidewalks are recommended on at least one side of all internal roads in the SR zone. There can be no direct access from any of the proposed lots onto Bethel Church Road.

Bufferyard Standard C is required, outside the right-of-way, along the road frontages on Bethel Church Road. Rows of street trees with 10' planting easements are required, outside the right-of-way, along both sides of all internal roads. 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 Department of Natural Resources.
The Forest Stand Delineation (FSD) was approved 5/17/02. The site contains FIDS habitat, and Natural Heritage's database indicated that 5 endangered or threatened species (Swamp Pink, Darlington's Spurge, Canada Burnet, Rough-leaved Aster, and Climbing Fern) are known to occur within the vicinity. A survey for these species was conducted in which 2 other rare species were found on site in the proposed FRA: Appalachian quillwort and sharp leaved goldenrod. The PFCP was approved on 10/17/02. The final Forest Conservation Plan (FCP) and Landscape Plan must be approved prior to Planning Commission review of the Final Plat. 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. The metes and bounds description of the FRA must be shown on the Final and Record Plats.

The road names were previously approved. Access to common open space between lots must be marked with concrete monuments. A Homeowners' Association for maintenance of common open space must be established with $50 per recorded lot placed in escrow for improvements prior to recordation.

Verification sewer allocation must be received prior to the Planning Commission's review of any Final Plat. For Phase III, 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. For Phase III, the Record Plats shall also contain a statement, signed by the owner, to the effect that such facilities will be available to all homes/lots offered for sale. For Phase III, verification of water allocation must be received prior to the Planning Commission's review its Final Plat. If you are unable to obtain town water for proposed Phase III, is there any thought to redesigning this and having connectivity to the Bedrock II property to the west? Mr. B. Montgomery stated that there are only 3 acres there and we are in negotiations to purchase some of the Harvest and Walker properties to add to this as well which would be an alternative if we were not able to get water for the rest of the lots. If that were to happen, there would be a redesign to Phase III.

Ms. Latham stated that this side of the subdivision is less than 1 acre lots and the original idea was that there would be recharge area. If you end up needing water bounds on the whole area, a reconfiguration will be needed. Even though the balance works out over the property, there are a lot of people competing for the water and could be tight during draught conditions. If public water becomes available down the road, it would be advised and as much well spacing as possible. Mr. B. Montgomery stated there was an abundant amount of water in the area drilled.

The applicant was reminded of the Monday noon submission deadline for review by the Planning Commission this month.

7. Bedrock, Lots 5-106, Bethel Church Road, Preliminary Plat, McCon, Inc., Fifth Election District.
Messrs. Barry Montgomery, Tom Montgomery and Mike Burcham (McCrone, Inc.) explained that the previously approved Concept and Preliminary Plats had expired. Again, the only change since the approval of the preliminary plat was the removal of the minor subdivisions to show them as they were recorded in November of 2004 and the adjustments to the area table to reflect the removal of the minor subdivisions. Therefore, this Preliminary Plat has now been resubmitted in order for the project to proceed.

Mr. Orr, CCDPW, stated that all of the Department's comments from the October 21, 2002 Planning Commission hearing on this preliminary plat remain applicable. Departmental comments have been issued on the phase one infrastructure design submittals. The Department will not re-read the October 21, 2002 comments at this time, rather we will make these comments part of the record by reference alone.

The following submittals, at a minimum, must be approved by the Department of Public Works prior to submittal for Final Plat Approval: a stormwater management plan, a sanitary sewer plan, a mass and final grading plan, and a street and stormdrain plan.

The TIS was received on 9/30/02 and the Department has begun review. Bethel Church Road currently meets a Minor Road standard and is an overlaid tar and chip road in section. The Minor Road classification is designed to handle an ADT of less than 500. Recent traffic counts indicate an ADT 700+/− with no new development impacting Bethel Church Road. At an ADT of 700 the roadway width and section are marginal, at best, for supporting the current traffic loading. With the addition of this development the ADT is expected to rise to 1760+/− and would reach 2700+/− when Bethel Springs and Stonebridge developments are completed. The Department considers Bethel Church Road inadequate for this traffic load. The developer will be responsible for off-site improvements to Bethel Church Road including obtaining the required Rights-of-Way. These improvements would consist of increasing the width of lanes, shoulders, and ROW to meet the classification of a Minor Collector Road (500-3000 ADT). The extent of this upgrade, at a minimum, would be from the westernmost intersection of Flintstone Drive and Bethel Church Road to the Bethel Church Road/Marysville Road intersection. The upgrade is limited to Bethel Church Road based on the condition that the Developer of the Chesapeake Ridge development upgrades Marysville and Lums Roads, as directed by DPW, at approximately the same time. The off-site work will be required prior to the 42nd house being built in the Bedrock Development. This Department is well aware of the design difficulties associated with accomplishing this upgrade without undue burden upon existing residential home sites. As such, the Department will consider some modifications to the Minor Collector Road standards where necessary to meet site constraints.

The Bethel Church Road Denied Access note must be changed to reflect the change in lot numbers fronting the road.

Lots 1-4 must have driveway turnarounds and they must be so shown on the final plat. An oververtical or knoll exists in Bethel Church Road near proposed Lot 102 and may need to be addressed as an off site improvement.
The sewer line run in the vicinity of Lots 4 & 5 should be located in the Bethel Church Road ROW. The Department considers Flintstone Drive to meet the requirements for Minor Collector Road status. All lots must access Minor Roads wherever possible and Denied Access should be denoted accordingly. Where substantiated as necessary, lots may front Major Collector Roads; however, additional pavement cross section or other measures such as driveway turnarounds may be required by the Department to provide for safe egress from driveways. The driveways for Lots 75, 41, 40, & 5 must be shown at the southern most side of the lots. The remaining road frontage of these lots must be denied access.

If the Planning Commission requires sidewalks, the Final Plats should include a note indicating that sidewalks maintenance will be the responsibility of the adjacent property owner, as required by the Cecil County Road Code. The downstream conveyance of stormwater must be analyzed in accordance with Section 251-9 A. (5) of the county's SWM Ordinance. Sanitary sewer proposed outside of the ROW shall be ductile iron. The Department will require justification for the seemingly long and circuitous route of the sewer from Barney Court and Fred Drive. An Inspection and Maintenance Agreement will be required for the SWM facilities.

A PWA will be required for internal streets, storm drains, sanitary sewers, and any private utility improvements.

Mr. Von Staden read the Health Department's comments, attached. Mr. Von Staden stated the comments are the same for the preliminary plat as for the concept plat with the addition of showing all wells 100' apart on the preliminary, final and record plats.

Mr. Brown read the Soil Conservation Service (SCS) report, and distributed copies of the detailed soils maps and reports. Mr. Brown stated that the proposed project will require an erosion and sedimentation control plan be submitted to the Cecil Soil Conservation District for review and approval. We suggest your engineer contact our office to agree on design concepts before commencing design. Soil maps and reports on soil limitations for development are provided. All pond designs need to be submitted for review to the Cecil Soil Conservation District to determine the applicability to NRCS pond standard 378. Ponds meeting 378 thresholds will need to have the designs approved by the District.

Mr. Roop, U. S. Army Corps of Engineers (CoE), reported the same comments are applicable as to the concept plan.

Mr. Kyte, Fire Chiefs Committee Representative, reported that the comments are the same as those applicable to the concept plat.
Ms. Latham, Maryland Department of the Environment, Water Rights Division, reported the same comments as for the concept plat.

Mr. Graham, TAC Citizens Representative, reported no comments.

Mr. Di Giacomo reported no comments were received from the CCPS and the SHA has no objection to the approval as it is not located on a state highway.

Mr. Di Giacomo, Office of Planning & Zoning (OPZ), reported that 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 was given that 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 zoning is Suburban Residential (SR), which permits a maximum base density of 1 du/ 1 ac. With community facilities, a density of up to 2/1 is permitted. The original Concept Plat was approved at a density of 1.38/acre on 5/20/02, conditioned on:

1) A Jurisdictional determination being completed prior to Planning Commission review of the Preliminary Plat;

2) A boundary line survey being done for the preparation of the Preliminary Plat for density calculation purposes;

3) A sensitive species survey being conducted prior Preliminary Plat review by the Planning Commission;

4) All conditions of approval by MDE being fulfilled; and

5) A Traffic Impact Study (TIS) being completed prior to Preliminary Plat review by the Technical Advisory Committee.

§4.0.8 of the Subdivision Regulations provides that Concept Plats are valid for 2 years, and that approval of a Preliminary Plat extends the Concept Plat approval for 1 year from the date of Preliminary Plat approval.

The original Bedrock Preliminary Plat was approved on 10/21/02, conditioned on:

1) Health Department requirements being met;
2) DPW requirements being met;

3) A Homeowners Association being established for maintenance of common open space with $50 per recorded lot being placed in escrow for improvements prior to recordation and all lot owners becoming members;

4) The Master Water & Sewer Plan being amended for sewer, showing this property as S-1, prior to Final Plat review;

5) The title block being amended to included only those lots actually being reviewed, prior to review of the Final Plat;

6) The FCP and Landscape Plan being complete prior to review of the Final Plat;

7) Deed restrictions for the long-term protection of the Forest Retention/Afforestation Areas (FRAs) being recorded and noted on the plat prior to recordation. The metes and bounds description of the FRA must be shown on the record plat;

8) The common open space recreational improvements being included in the Public Works Agreement; and

9) Sidewalks being provided on one side of all internal roads.

Per §4.1.17, the Preliminary Plat approval expired on 10/21/04, as no Final Plat was approved beforehand. Consistent with the original, this resurrected Preliminary Plat proposes 102 lots on 73.3 acres, for a proposed density of 1.38/acre. OPZ again noted that an issue for Phase 3 will be that this location is outside the water service agreement area between the County and the Town of North East, which must be amended prior to the Planning Commission’s review of the Final Plat. The Master Water and Sewer Plan now includes this parcel as W2 and S2.

The dwelling locations on several proposed lots are partially located on steep slopes. 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.

Permits are required from the (US Army) Corps of Engineers and MDE for all non-tidal wetland impacts prior to recordation. The JD has been completed.

15% common open space is required, 42.4 % is proposed. The Common Open Space sensitive areas calculations have been included and are within the thresholds. Fee simple access to the active common open space area from the north has been included. The minor subdivision has been completed.
The installation of protective fencing around the proposed stormwater management ponds in the areas of common open space is recommended. A minimum of 20% landscaping of the development envelope is required in the SR zone. Sidewalks are recommended on at least one side of all internal roads in the SR zone. There can be no direct access from any of the proposed lots onto Bethel Church Road.

Bufferyard Standard C is required, outside the right-of-way, along the road frontages on Bethel Church Road. Rows of street trees with 10’ planting easements are required, outside the right-of-way, along both sides of all internal roads. 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.

The FSD was approved 5/17/02.[3] The PFCP was approved on 10/17/02. The final Forest Conservation Plan (FCP) and Landscape Plan must be approved prior to Planning Commission review of the Final Plat. 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. The metes and bounds description of the FRA must be shown on the Final and Record Plats.

The road names were previously approved. As was a condition of Concept Plat approval, a TIS has been submitted, which found that the key intersections would continue to operate at acceptable levels of service, and it recommended improvements at the Bethel Church/Red Toad Roads intersection.

Access to common open space between lots must be marked with concrete monuments. A Homeowners Association for maintenance of common open space must be established, with $50 per recorded lot placed in escrow for improvements prior to recordation.

Verification sewer allocation must be received prior to the Planning Commission’s review of any Final Plat. For Phase III, 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. For Phase III, the Record Plats shall also contain a statement, signed by the owner, to the effect that such facilities will be available to all homes/lots offered for sale. For Phase III, verification of water allocation must be received prior to the Planning Commission’s review its Final Plat.

The applicant was again reminded of the Monday noon submission deadline for review by the Planning Commission this month. It is fair to anticipate that the conditions of approval the first time, with the exception that the TIS has already been done, will again pertain to our recommendation.
8. Lands of H. Barry Montgomery, Lots 2-A and 5, Principio Road, Preliminary/Final Plat, Seventh Election District.

Messrs. Barry Montgomery, Tom Montgomery and Mike Burcham (McCrone, Inc.) explained that this represents one additional lot that could not be approved via the minor subdivision process. Mr. B. Montgomery stated that he started out with the belief that he was entitled to have a 5 lot minor subdivision there. He bought the property from Mrs. Hall and she had two separate tax accounts and as far as he knew everyone felt that way, but at the end a technicality popped up that did not justify 5 lots so we finalized the 4 lot minor subdivision and had to take this lot off and make it 4, so we are back now to accomplish the 5th lot that we already had approved through the minor subdivision process.

Mr. Orr reported that the Consultant must verify with the plans reviewer, Mr. Vernon Tome, that the previously approved SWM plan, Erosion & Sediment Control and Final Grading plan covers lot 5 prior to proceeding to final plat at planning commission. If not, a SWM plan, Erosion & Sediment Control and Final Grading plan are required and must be approved by the CCDPW prior to Final Plat Approval.

The Final Plat must include the standard note addressing Natural Conservation Areas for stormwater management. You may obtain this note directly from the plans reviewer, Mr. Vernon Tome.

Any shared driveways require a common access easement on the final plat. If stormwater discharge is directed off of the site on to an adjacent property it is the responsibility of the Developer to obtain appropriate easements from the affected property owners in accordance with Section 251-13 and 251-15.D of the Cecil County SWM Ordinance. The downstream conveyance of storm water must be analyzed in accordance with Section 251-9 A. (5) of the county’s SWM Ordinance. Special care must be given to the design if a concentration of runoff will result from the SWM facilities. An Inspection and Maintenance Agreement will be required for any private Stormwater Management facilities.

Mr. Von Staden read the Health Department’s comments, attached.

Mr. Brown read the Soil Conservation Service (SCS) report, and distributed copies of the detailed soils maps and reports. Mr. Brown stated that the proposed project will require an erosion and sedimentation control plan be submitted to the Cecil Soil Conservation District for review and approval. We suggest your engineer contact our office to agree on design concepts before commencing design. Soil maps and reports on soil limitations for development are provided. All pond designs need to be submitted for review to the Cecil Soil Conservation District to determine the applicability to NRCS pond standard 378. Ponds meeting 378 thresholds will need to have the designs approved by the District.
Mr. Roop, U. S. Army Corps of Engineers (CoE), reported based on the plan there are no waters of the United States or wetlands and no permit is required. A JD was not found on this particular property. Mr. B. Montgomery stated that a JD was provided on another part of the property.

Mr. Kyte, Fire Chiefs Committee Representative, commented that there is a need to check with the local fire department to check for the closest water source for the area.

Ms. Latham, Maryland Department of the Environment, Water Rights Division (MDE), had no additional comment.

Mr. Graham, TAC Citizens Representative, reported no comments.

Mr. Di Giacomo stated that no comments were received from the Cecil County Public Schools and the SHA raises no objections as this is not on a state maintained road.

Mr. Di Giacomo, Office of Planning & Zoning (OPZ), reported that this project was 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.

The zoning is Northern Agricultural Residential (NAR), which permits a maximum base density of 1 du/5 ac. This Concept Plat proposes 2 lots on 19.335 acres, for a proposed density of 1/9.67. Bonus density is not an issue.

A boundary line survey must be done in conjunction with the preparation of the Preliminary Plat for density calculation purposes. Minor Subdivision # 3546 must be referenced on the plat. §4.0.1 of the Subdivision Regulations allows for the elimination of a Concept Plat for projects with fewer than 10 lots and 25 acres. §2.0 of the Subdivision Regulations allows for a combined Preliminary-Final Plat if there are from 1 to 5 lots.

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.
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. A Jurisdictional Determination (JD) must be done prior to preliminary plat review by the Planning Commission.

The habitats of rare, threatened, and endangered species must be avoided. No common open space is required. No landscaping of the development envelope is required in the NAR zone. No sidewalks are recommended.

Bufferyard Standard C is required, outside the right-of-way, along the road frontages of Camp Meeting Ground and Princípio Roads. Any tree removal within a public right-of-way requires approval from the Maryland Department of Natural Resources.

An FCP for Lots 1-4 was approved on 1/13/05, in conjunction with Minor Subdivision 3546. The revised FCP and Landscape Plan must be approved prior to Planning Commission review of the Final Plat. 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. The metes and bounds description of the FRA must be shown on the record plat.

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 was reminded of the Monday noon submission deadline for review by the Planning Commission this month.

Mr. B. Montgomery asked for clarification of the FCP. Mr. Di Giacomo reiterated that the FCP for lots 1-4 was approved on 1/13/05. Mr. B. Montgomery stated that was for 1-5 and showed Mr. Di Giacomo the mylars with all the signatures from all departments. Mr. Di Giacomo stated for the record, the minor subdivision plan had to be amended, however, stated he will check it.

Messrs. Trace Burris, American Engineering and Surveying and Robert Blomquist of RJ Engineering presented the summary of the project. This is a 5 lot major subdivision. We received concept approval on 3/21/2005 and we have now submitted the preliminary/final and request your comments.

Mr. Orr, CCDPW, stated that a SWM plan and Final Lot Grading plan are required and must be approved by the CCDPW prior to Final Plat Approval. The Final Plat must include the Lot Grading Plan standard note. The Lot Grading Plan must include the standard construction limits note:

**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.

**Grading Plan:** No clearing or grading is permitted beyond the limits of disturbance show 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.

Any Road Code Variances sought must be requested prior to submittal for Preliminary Plat approval. The applicant must provide stopping sight distance measurements for the Old Elk Neck Road access points to the DPW prior to preliminary plat submittal to planning commission. Mr. Orr stated that he thought DPW may have been in receipt of those and asked if they could confirm if they had sent them to DPW. Mr. Blomquist responded that he is not sure. Mr. Orr requested that they confirm that these had been submitted to DPW prior to going before Planning Commission with the preliminary plat. Are there any existing site access locations (driveway entrances) to this site along Old Elk Neck Road. If so any existing Old Elk Neck Road access points/driveways that do not meet safe stopping sight distance requirements shall be removed by the applicant. Lots 1 through 5 are to be denied access to Old Elk Neck Road wherever sight distances are inadequate along Old Elk Neck Road. Show locations of the same on the final plat. This was discussed with Tim Granger. Mr. Blomquist stated that the site distance analysis plan was submitted 9/7/2005. Mr. Orr stated that he will look for that plan. All driveways must be paved at least to the right of way. All driveways exceeding 5% up-gradient-slope must be paved to the crest. The lot grading plans must comply with this requirement. Where determined necessary by the utility companies, the owner, the designer, or DPW; utility poles must be relocated at the Owner’s expense.

If stormwater discharge is directed off of the site on to an adjacent property it is the responsibility of the Developer to obtain appropriate easements from the affected property owners in accordance with Section 251-13 and 251-15.D of the Cecil County SWM Ordinance. The downstream conveyance of storm water must be analyzed in accordance with Section 251-9.A(5) of the county’s SWM Ordinance. Special care must
be given to the design if a concentration of runoff will result from the SWM facilities. Obtain any MDE and/or ACOE stream crossing permits, where required, for all stream or non-tidal wetlands crossings shown prior to final plat recordation. An Inspection and Maintenance Agreement is required for the private SWM facilities. Mr. Orr added he is not aware of receipt of any design submittals yet and you will need to obtain approval for those plans prior to going to the Planning Commission for final. The design submittals have to be at least technically complete. I have scheduled a meeting with the road superintendent to review your request for capping and/or plugging and removal of that redirection of flow from one side of the road to the other along Old Elk Neck and should be getting back to you late next week regarding that.

Mr. Von Staden read the Health Department’s comments, attached.

Mr. Brown read the Soil Conservation Service (SCS) report, and distributed copies of the detailed soils maps and reports. Mr. Brown stated that the proposed project will require an erosion and sedimentation control plan be submitted to the Cecil Soil Conservation District for review and approval. We suggest your engineer contact our office to agree on design concepts before commencing design. Soil maps and reports on soil limitations for development are provided. All pond designs need to be submitted for review to the Cecil Soil Conservation District to determine the applicability to NRCS pond standard 378. Ponds meeting 378 thresholds will need to have the designs approved by the District.

Mr. Roop, U. S. Army Corps of Engineers (CoE), reported and filling of nontidal wetlands or streams requires a permit and a JD has not been issued.

Mr. Kyte, Fire Chiefs’ Committee Representative, commented that they need to check with the local fire department for water for that area because the bridge is out at the bottom of the hill. Mr. Kyte stated that he did not walk down to see how deep the creek is or how big it is. Also, the intersection, trying to get in there from the upper side is a tight intersection. That should be North East Fire Department. Check with the local fire department to see if there are any issues.

Ms. Latham, Maryland Department of the Environment, Water Rights Division (MDE), had no additional comments.

Mr. Graham, TAC Citizens’ Representative, reported no comments.

Mr. Di Giacomo stated no comments have been received from the Cecil County Public Schools and SHA has no objection to the approval as it is not located on a state maintained road.
Mr. Di Giacomo, Office of Planning & Zoning (OPZ), reported that 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.

§2.0 eliminates the need for separate Preliminary & Final Plats if there are from 1 to 5 lots, however, given the DPW earlier comments, you may want to consider just doing a preliminary plat submittal to the Planning Commission.

The zoning is Northern Agricultural Residential (NAR) with a Resource Conservation Area (RCA) overlay for the portion within the Critical Area. The NAR zone permits a maximum base density of 1 du/ 5 ac. Bonus density is not being sought. This Preliminary/Final Plat proposes 5 lots on 97.9313 acres, for a proposed density of 1/19.586.

The Concept Plat was approved on 31/21/05, conditioned on:

1) The JD being completed prior to the Planning Commission’s review of the Preliminary-Final Plat;
2) The details of the FCP and the Landscape Plan matching those of the Preliminary-Final Plat; and
3) The FCP and the Landscape Plan being approved prior to the Planning Commission’s review of the Preliminary-Final Plat.

14.760 acres of proposed Lot 5 are designated RCA. The RCA zone permits a maximum density of 1/20. No dwellings are proposed in the Critical Area. No more than 15% of the surface area can be converted to impervious surface in the RCA. No more than 20% of the forest or developed woodland may be removed.

The boundary line survey has been done. Proposed Lots 2, 3, & 5 show some areas of steep slopes. 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. Streams, wetlands, and buffers have been shown.

Permits are required from the (US Army) Corps of Engineers and MDE for all non-tidal wetland and stream impacts prior to recordation. In the case of proposed Lot 5, permits for that stream crossing must also be obtained prior to any clearing taking place. A JD must be done prior to Preliminary-Final Plat review by the Planning Commission.
The Natural Heritage letter indicated that Bog Turtle habitat may be present on site. Frederick Ward Associates conducted a habitat assessment on 1/23/04 and found that suitable habitat (unforested emergent wetland areas) does not exist within the proposed limits of disturbance.

No common open space is required for only 5 lots; no landscaping of the development envelope is required in the NAR zone, and no sidewalks are recommended.

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. Is a Bufferyard A required from the adjacent lands of McMaster? Mr. Blomquist stated that he does not know how to answer that and Mr. Di Giacomo stated that he needed to double check that.

Bufferyard Standard C is required, outside the right-of-way, along the road frontages Old Elk Neck Road. Where feasible, the natural vegetative equivalent may be used to satisfy the bufferyard requirements.

The Forest Stand Delineation (FSD) was approved on 5/6/03. The FCP and Landscape Plan were approved on 4/24/04. A Landscape Agreement must be executed prior to recordation. Deed restrictions for the long-term protection of the Forest Retention/Afforestation Areas (FRAs) were recorded in WLB1666/282, and they have been noted.

The applicant was reminded of the Monday noon submission deadline for review by the Planning Commission this month. Again, Mr. Di Giacomo stated that he leaves it to their discretion given the comments of the DPW whether to do so as a Preliminary or Preliminary/Final.

Mr. Di Giacomo called a 5 minute recess.

10. Lands of Stewart, Lots 1-30, Oldfield point Road, Concept Plat, Morris & Ritchie Associates, Inc., Fifth Election District.

Messrs. James Keefer (Morris & Ritchie Associates, Inc.), Mr. Steve Breeden with Security Development, LLC who is developing the site and Mr. Robert Sheesley who is with Ecosense presented the proposed 30-lot Concept Plat. This is somewhere between 42 and 44 acres depending on whether you believe the State tax records or how it becomes a composite based on all the plats that are around it which is what we have shown on the plan. It is zoned SR and has an allowable density of somewhere between 42 and 44 lots. We are
proposing 30 lots on it. Open space requirement would be 6.39 acres and we are proposing 17 acres. We are proposing that it would be served by individual septic systems and by public water coming from the Pine Hills water system which would require an extension and a study as to whether it is determined to be adequate.

Mr. Orr, CCDPW, said that he DPW comments are based on lot wells and he stated he must have missed that they were proposing public water. There would be a water plan design required and a distribution and network analysis required also to be sure there is adequate pressure and volume from the Pine Hills system. Mr. Orr continued that a SWM plan, Road & Storm Drain plan, and a Mass and Final Grading plan must be approved by the CCDPW prior to submittal for Final Plat Approval. The 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:

**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 show hereon. Any expanded clearing and 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.

Any Road Code Variances sought must be requested prior to submittal for Preliminary Plat approval. The applicant must provide stopping sight distance measurements for the Oldfield Point Road access to the DPW prior to preliminary plat submittal. Please mark the proposed entrance location in the field by flagging or stake on the roadside bank. Section 3.07.15 of the Road Code requires that Oldfield Point Road be upgraded to a Collector Road standard for 100 either side of the proposed entrance. The design engineer must address the requirement for minimum acceleration, deceleration, and bypass lanes. Any right-of-way acquisition necessary shall be performed by the applicant and at the applicant’s expense.

New intersection/entrance signage will be required along Oldfield Point Road. The street R.O.W. entrance tapers must be offset 25 from the R.O.W. point of intersection and be straight lines, per 7.2.12.E.3 of the Subdivision Regulations. The internal street grade leaving Oldfield Point Road may not exceed 5% within the limits of the intersection right-of-way. Where determined necessary by the utility companies, the owner, the designer, or DPW; utility poles must be relocated at the Owner’s expense. All driveways must be paved at least to the right of way. The driveway paving must be complete for all lots at the time when the surface course for the internal roads is installed. This requirement includes any vacant but platted lots. Any driveway exceeding 5% up-gradient-slope form the roadway must be paved to the crest. If the development is phased these requirements will apply to each phase when 80% of the lots are built-out. All of these requirements must be reflected on the Lot Grading Plan.
The downstream conveyance of storm water must be analyzed in accordance with Section 251-9 A. (5) of the county’s SWM Ordinance. If stormwater discharge is directed off of the site on to adjacent property it is the responsibility of the Developer to obtain appropriate easements from the affected property owners per Sections 251-13 and 251-15.D of the Cecil County SWM Ordinance. Show private stormwater management and stormwater management outfall easements across common open space on preliminary and final plats. A PWA is required for the internal streets & storm drains. An I&M Agreement is required for all private SWM facilities. Additionally, you can obtain the ROW drawing plats from DPW office. If you are interested in obtaining copies of those, please contact Kathy Logan at the DPW office. There has been prior study of the downstream conveyance through the storm drainage system under Oldfield Point Road or some adjacent projects in the C-1 zoning along Chestnut Point Road and this is relevant to the southern SWM area. Just a note about Lots 21-27, this may apply to Lot 10 and a few of the other lots, it appears that those building locations will be in or adjacent to some of the broader swales or drainage conveyances that cross the site. Mr. Orr stated that he is not sure how they will address those if they will be graded with walk outs in the back with a redirection of run off or how you intend to do that, but as shown now, some of those houses would be impacted by the drainage so there would need to be lot specific grading plans developed and a drainage system to convey water around the building envelopes. It may be prudent to take some borings along the rear of lots 25-28 to determine if you need to do structural fill. There may be high ground water table there and it could become an issue for establishing a house foundation.

Mr. Von Staden read the Health Department’s comments, attached.

Mr. Brown read the Soil Conservation Service (SCS) report, and distributed copies of the detailed soils maps and reports. Mr. Brown stated that the proposed project will require an erosion and sedimentation control plan be submitted to the Cecil Soil Conservation District for review and approval. We suggest your engineer contact our office to agree on design concepts before commencing design. Soil maps and reports on soil limitations for development are provided. All pond designs need to be submitted for review to the Cecil Soil Conservation District to determine the applicability to NRCS pond standard 378. Ponds meeting 378 thresholds will need to have the designs approved by the District.

Mr. Roop, U. S. Army Corps of Engineers (CoE), reported that according to plans there are no nontidal wetlands or streams and no JD has been issued.

Mr. Kyte, Fire Chiefs Committee Representative, commented that reference roads A & B we would like to see a 26’ blacktop put on with cul-de-sacs a minimum of 100’ or a 50’ radius. If you need wells, we would like to see a fire suppression tank put between lots 23 and 24 by the pull off at that open space if you do not get public water for the project.

Ms. Latham, Maryland Department of the Environment, Water Rights Division (MDE), commented that she does not know much about the Pine Hills system, but she would need to see how much excess appropriation
they have. She will need to know how much capacity they have and if there is any excess on their appropriation. Ms. Latham will look up the appropriation and determine the quantity they have and how much they are using and will get back to the applicant.

Mr. Graham, TAC Citizens Representative, reported several comments. Mrs. Mildred Milner had concerns that the water system would be maxed out already without adding these houses. She is on lot 158 adjoining this property and she understood that this property behind her was not to be subdivided. She also stated that at the present time the middle school is over crowded and if this goes in they will have to add more temporary buildings.

As stated prior, you have a SWM area over by Oldfield Point Road which should stop the water rushing down and going down and flooding Plum Creek from what we understand.

From Phillip Giesing, he thinks sidewalks are needed so folks can walk to adjacent stores in the area. Tom Taylor and Jason Blankenship are concerned now. Mr. Taylor has been there for some time on lot 100 adjacent to the property and apparently someplace, there was a farm dump in the past and material has been coming down through there with flood water and it has stopped somewhat now. He is concerned that if there is any additional digging, there will be a lot more debris coming down from the farm dump through his property and at the present time now, at the end of his property where it goes onto the driveway or street that is there, there is a 6 or 8 inch drain pipe that is not adequate to take the water that is already coming down through there in high rain times. It becomes a lake on his property and the property next to him.

Mrs. Lorraine Young is concerned as she is involved with the fire company and she states that the people in this general area now have to wait for EMS services for about ½ hour and she is concerned that if there are more houses, unless the fire service increases the number of personnel to man the ambulances it will be worse for people in this area.

Mr. Di Giacomo stated that no comments were received from the Cecil County Public Schools and the SHA has no objection as it is not located on a state maintained road.

Mr. Di Giacomo, Office of Planning & Zoning (OPZ), reported that 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.
The zoning is Suburban Residential (SR), which permits a maximum base density of 1 du/1 ac. Community facilities allow for a permitted density of 2/1. This Concept Plat proposes 30 lots on 44.22 acres, for a proposed density of 0.68/1. A boundary line survey must be done in conjunction with the preparation of the Preliminary Plat for density calculation purposes.

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. Slopes greater than 25% must be shown on the Preliminary Plat. Why does the plat include a graphic for 10%(instead of 15%)-25% slopes? Mr. Keefer reported that was a typo.

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. A Jurisdictional Determination (JD) must be done prior to preliminary plat review by the Planning Commission.

The habitats of rare, threatened, and endangered species must be avoided. 15% common open space is required; 38.7% 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.

20% landscaping of the development envelope is required in the SR zone. Sidewalks are recommended on at least one side of all internal roads. Planning and Zoning will support Mr. Giesing in his request that a sidewalk, if feasible, be installed on Oldfield Point Road so as to provide pedestrian access to the nearby commercial activity. Bufferyard Standard C is required, outside the right-of-way, along the road frontages of Oldfield Point Road. The Bufferyard C delineation is not shown on proposed Lot 30. The Bufferyard C south of proposed Road A is labeled a 20’ Bufferyard C, but it is partly shown to be 30’ wide, and partly not shown at all. It must be shown on Lot 30 to see if it conflicts with the proposed dwelling location. Applicant stated that it is shown as being 20’ along lot 30 and then it widens out to 30’ when it gets to the open space.

Rows of street trees with 10’ planting easements are required, outside the right-of-way, along both sides of all internal roads. 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 FSD must be approved prior to Planning Commission review of the Concept Plat. The PFCP must be approved prior to Planning Commission review of the Preliminary Plat. The FCP and Landscape Plan must be approved prior to Planning Commission review of the Final Plat. 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. The metes and bounds description of the FRA must be shown on the record plat.

The internal road names will need to be approved by the County 911 Emergency Center prior to Planning Commission review of the Preliminary Plat. Road names are required on Concept Plats, per §4.0.13 (h) of the Cecil County Subdivision Regulations. The names now proposed were disapproved.

Access to common open space between lots must be marked with concrete monuments. A Homeowners Association for maintenance of common open space must be established with $50 per recorded lot placed in escrow for improvements prior to recordation.

Is Road B intended as a mini-road or a County road? Mr. Keefer replied it is proposed to be a County road.

Currently, this site is not included in the Master Water and Sewer Plan which must be amended to include this site prior to the Planning Commission’s review its Final Plat.

The Record Plats shall contain a statement signed by the Health Department approving authority; to the effect that use of the community water supply system is in conformance with the Master Water and Sewer Plan. The classification will need to be checked and if there needs to be an amendment to include this, then that amendment must be effectuated prior to final plat review by the Planning Commission. In taking the amendment first to the Planning Commission and then to the Board of County Commissioners, they prefer to have an approved concept plat prior to your request of them. The Record Plats shall also contain a statement, signed by the owner, to the effect that such facilities will be available to all homes/lots offered for sale. Verification of water allocation must be received prior to the Planning Commission’s review its Final Plat.

The applicant was reminded of the Monday noon submission deadline for review by the Planning Commission this month.
Mr. Di Giacomo called a lunch recess for one hour at 12:30 to reconvene at 1:30 PM.

Mr. Di Giacomo called the meeting to order at 1:30 PM.


Messrs. Will Knorie from Clark Turner and James Keefer, Morris and Ritchie, presented this resubdivision proposal for Lots 6 and 18 in Summit, portions of the Connelly Farm.

There are some wetlands shown on this Concept Plat that were from a plat of an adjacent property. Since this was submitted, a wetland delineation has been conducted and that line will be added to the plat. The lots are proposed to be certified private well and septic. We have noted on the plat some previous perk testing that had been done as recorded with Cecil County Health Department. Required open space is 15% and we are proposing about twice that amount.

Mr. Orr, CCPDW, advised that a SWM plan, Road & Storm Drain plan, and a Mass and Final Grading plan must be approved by the CCDPW prior to submittal for Final Plat Approval. The Final Plat must include the Lot Grading Plan standard note. The Lot Grading Plan must include the standard construction limits note:

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.

Grading Plan: No clearing or grading is permitted beyond the limits of disturbance show 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.

Any Road Code Variances sought must be requested prior to submittal for Preliminary Plat approval. The design for the common open space loop road on Berkeridge Circle does not meet the cul-de-sac or mid-block turn-around and is not an approvable geometric without a road code variance. The applicant must provide stopping sight distance measurements for the New Bridge Road access to the DPW prior to preliminary plat submittal. Please mark the proposed entrance location in the field by flagging or stake on the roadside bank. For our record, is the proposed access road directly across from the quarry access? Applicant responded that it is not that this is a driveway that is showing. Section 3.07.15 of the Road Code requires that New Bridge Road be upgraded to a Minor Collector Road standard for 100’ either side of the proposed entrance. The design engineer must address the requirement for minimum acceleration, deceleration, and bypass lanes. Any right-of-way acquisition necessary shall be performed by the applicant and at the applicant’s expense.

September 7, 2005, 9:00 a.m. 376
New intersection/entrance signage will be required along New Bridge Road. The street R.O.W. entrance
	
tapers must be offset 25' from the R.O.W. point of intersection and be straight lines, per 7.2.12.E.3 of the

Subdivision Regulations. The internal street grade leaving New Bridge Road may not exceed 5% within the
	
limits of the intersection right-of-way. Where determined necessary by the utility companies, the owner, the
designer, or DPW; utility poles must be relocated at the Owner’s expense. All driveways must be paved at
least to the right of way. The driveway paving must be complete for all lots at the time when the surface
course for the internal roads is installed. This requirement includes any vacant but platted lots. Any driveway
exceeding 5% up-gradient-slope form the roadway must be paved to the crest. If the development is phased
these requirements will apply to each phase when 80% of the lots are built-out. All of these requirements
must be reflected on the Lot Grading Plan.

The downstream conveyance of storm water must be analyzed in accordance with Section 251-9 A. (5) of the
county’s SWM Ordinance. If stormwater discharge is directed off of the site on to adjacent property it is the
responsibility of the Developer to obtain appropriate easements from the affected property owners per
Sections 251-13 and 251-15.D of the Cecil County SWM Ordinance. Stormwater Management facility
discharge should be located at the base of the steep slopes shown (to minimize erosion potential); and, if
available, at a defined point of existing onsite runoff channelization. Any stormwater management facilities
discharging to the Basin Run watershed shall be designed to meet Stream class III and IV standards in the
2000 Maryland Stormwater Design Manual (specifically addresses thermal impacts). Show private
stormwater management and stormwater management outfall easements across common open space on
preliminary and final plats. A PWA is required for the internal streets & storm drains.

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

Mr. Von Staden read the Health Department’s comments, attached.

Mr. Brown read the Soil Conservation Service (SCS) report, and distributed copies of the detailed soils maps
and reports. Mr. Brown stated that the proposed project will require an erosion and sedimentation control
plan be submitted to the Cecil Soil Conservation District for review and approval. We suggest your engineer
contact our office to agree on design concepts before commencing design. Soil maps and reports on soil
limitations for development are provided. All pond designs need to be submitted for review to the Cecil Soil
Conservation District to determine the applicability to NRCS pond standard 378. Ponds meeting 378
thresholds will need to have the designs approved by the District.

Mr. Kyte, Fire Chiefs’ Committee Representative, asked what size homes were planned for the area. He
inquired if they would be 3000 to 4000 square feet. Applicant replied that they could be, similar to Loop
Road. Mr. Kyte stated that they would like to have a fire suppression tank installed and with 3000 square foot
homes, a 20,000 gallon tank would be sufficient for that area. The streets need to be 26’ wide, especially
around the half circle. The fire suppression tank position would be determined by the local fire company and
it would probably be in the common open space at Brekeridge Circle with a pull off.
Mr. Graham, TAC Citizens Representative, reported that Stephen Funk has a question regarding water that runs from the edge of the property across his property. His concern is also about the entrance road whether there will be curb and gutter or ditches along side of the road. There was some thought about perhaps putting a buffer of bushes or trees to shield the properties of Mr. Forester and Mr. Funk from the traffic going in and out. Odetta Ashley is concern with drainage, noise during building and if there is damage to existing trees, who would pay for them. George Terrill is concerned about clean up after construction.

Mr. Di Giacomo read the comments of the COE. Any filling in of nontidal wetlands requires a DOA permit and a JD has not been issued.

Mr. Di Giacomo stated no comments have been received from the Cecil County Public Schools and the SHA has no objection to approval as it is not located on a state maintained road.

Mr. Di Giacomo, Office of Planning & Zoning (OPZ), reported that 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.

The zoning is Rural Residential (RR). The permitted RR zone’s base and bonus densities are both moot. As the RR zoning would suggest, this plat represents a proposal to resubdivide lots within the existing Summit subdivision. This parcel was included as parts of Parcels 1 and 2 on the Final Plat for the John M. Connelly Farm, approved on 1/19/82, at which time the overall density of the entire 790-acre tract was set at 3 acres per unit. That density approval is still valid.

This Concept Plat proposes 19 lots on 54.21 acres, for a proposed density of 1/2.86. The project area consists of Lots 6 and 18 in the Summit subdivision, which was part of the Connelly Farm’s Parcel 2. Lot 6’s current configuration is the result of 2 add-on resubdivisions: one plat signed on 7/20/83 and the other on 6/11/84. Both of these added Parcel 1 lands to Lot 6, which otherwise was located entirely within Parcel 2. Lot 18’s current configuration results from 2 resubdivisions. One created Lots 18-20. Its plat was signed on 1/12/83. The second added Lots 19 and 20 on to Lot 18. That plat was signed on 5/23/84. All of those Lot 18 resubdivisions occurred entirely within Parcel 2.

The pertinent net effect of the John M. Connelly Farm density approval was that Parcel 1 had potential for recorded 62 lots, and Parcel 2 had 42. Parcel 1 now has 45 and Parcel 2 has 26, including Lots 6 and 18 in Summit. Thus, the remaining potential number of lots is 17 and 16, respectively.
Therefore, the 1 additional proposed lot (19) on Parcel 1, and Parcel 2's 2 existing plus 16 new proposed lots are consistent with the Connelly Farm's approved density. If approved, Parcel 1 would have remaining potential for 16 lots; Parcel 2's would then be exhausted. A note to that effect will be recommended for the Final and Record Plats. In addition, a note to the effect that there can be no further subdivision of the Parcel 2 portion of proposed Lot 19 will also be recommended for the Final and Record Plats.

Inasmuch as what is proposed is the resubdivision of 2 lots in Summit, that name must be shown in the title block. What is the rationale for this proposal's being something other than a continuation of Summit? Applicant responded that it was the developers choice. The title block must also reflect that the site is in the 8th Election District, not the 5th. A boundary line survey must be done in conjunction with the preparation of the Preliminary Plat for density calculation purposes.

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. 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. A Jurisdictional Determination (JD) must be done prior to preliminary plat review by the Planning Commission.

The habitats of rare, threatened, and endangered species must be avoided. 15% common open space is required; 30% is proposed. Although the acreage for proposed Lot 19 is not provided, it appears that it and the common open space together comprise 60% or more of the total acreage as if bonus density were being sought. Is that the rationale for this design? Mr. Keefer replied that it was not and if the question is why 19 is so large, this is part of the negotiation with the seller.

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.
Is the cul-de-sac island proposed to be common open space? If so, then has its acreage been included in the C.O.S. total? Mr. Keefer replied perhaps, and no, respectively.

No landscaping of the development envelope is required in the RR zone. Sidewalks are not recommended. Bufferyard Standard C is required, outside the right-of-way, along the road frontage on New Bridge Road. Rows of street trees with 10’ planting easements are required, outside the right-of-way, along both sides of all internal roads. 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 FSD must be approved prior to Planning Commission review of the Concept plat.

The PFCP must be approved prior to Planning Commission review of the Preliminary Plat. The FCP and Landscape Plan must be approved prior to Planning Commission review of the Final Plat. 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. The metes and bounds description of the FRA must be shown on the final and record plats.

The internal road names will need to be approved by the County 911 Emergency Center prior to Planning Commission review of the Preliminary Plat. Access to common open space between lots must be marked with concrete monuments. A Homeowners Association for maintenance of common open space must be established with $50 per recorded lot placed in escrow for improvements prior to recordation. Is there a Summit HOA, and what would the implications for it if this proposal were to be approved? Applicant responded that he is not aware that there is a HOA and the belief would be that this would be a separate HOA.

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 was reminded of the Monday noon submission deadline for review by the Planning Commission this month.
12. **Persimmon Creek, Section 5, Fletchwood Road (MD 277), Preliminary Plat, KCI Technologies, Inc., Fourth Election District.**

Messrs. John Mascari (KCI Technologies, Inc.) and Mr. Jeff Seemans (Blenheime Partners) presented the Section 5 Preliminary Plat. Applicants stated that they are here to request review of Preliminary Plan for Persimmon Creek, Section 5. It is a section that proposes 21 town house fee simple lots with one cul-de-sac, Caribou Court connecting to an existing Persimmon Lane that is part of the existing Persimmon Creek subdivision. This plan has been modified slightly to address some of the Planning Commission and TAC comments, primarily some of the parking scenarios we believe have been improved with this plan. All of the lots from 215 – 225 now will accommodate 2 parked vehicles in front of the garage unit so each one of those houses would allow 3 parking spaces on each lot. We have increased the over flow parking spaces at the end of the cul-de-sac to 8 spaces and have maintained the initial intent as was shown on the Concept Plan.

Mr. Orr, CCDPW, stated that the Preliminary Plat identifies public water supply for this site from and owned by Cecil County. An allocation request with capacity confirmation must be requested and received from the Department prior to final plat submittal. The water distribution system shall be designed to meet or exceed the County standards. Applicant is responsible to have the serving fire company review fire hydrant spacing and locations prior to final engineering drawings submittal. The water lines must be reflected on the sanitary sewer plans and as-builts.

No public sewer capacity exists at this time within the Meadowview WWTP. Upgrades to the plant are ongoing at the current time and we believe we will have the ability to meet any allocation request you make even if you go with Preliminary Plat at the next Planning Commission, but you do need to make the request. An allocation request with capacity confirmation must be made by the applicant’s engineer to the Department of Public Works. An allocation must be acquired prior to final plat submittal. The public sanitary sewer mains are to be owned and maintained by Cecil County. Sewer service laterals for all new town homes proposed must connect to a new sewer main in the proposed subdivision street. The SPS access road must be reconfigured and paved. The Developer must upgrade SPS controller panel as part of the sanitary sewer improvements for Sections 4 and 5, contact the DPW Water & Wastewater Division for details. Developer must repair I&I problem at gravity sewer input to SPS wet well as a condition of sewer allocation.

The ability of the existing water distribution system, together with the proposed service extensions, to provide adequate fire flow and pressure must be demonstrated through an update to the Engineering Report of Meadow View Highlands Water System Analysis prepared by George, Miles, & Buhr, LLC and dated October 2004. Public utility connection fees and a benefit assessment for the Meadowview system upgrades will be applicable to each building permit sought, and on an ELU basis.

A SWM plan, Street & Storm Drain plan, Public Water & Sanitary Sewer plan, and a Mass & Final Grading plan are required and must be approved by the CCDPW prior to Final Plat Approval. The Internal Street grade leaving Persimmon Lane may not exceed 5% within the limits of the intersection right-of-way, *(or a minimum of 55 from the centerline of Persimmon Lane).* Identify deed or plat reference for deeded county
rights-of-way adjacent to proposed access locations.

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 by the Planning Commission). The Lot Grading Plan must include the standard construction limits note:

**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 show 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.

Any Road Code Variances sought must be requested prior to submittal for Preliminary Plat approval. Have you obtained a variance for the Caribou Court pavement radius, which, as shown, does not meet Road Code criteria? Applicant responded that they have not obtained that variance and it will be requested for the radius of the cul-de-sac. Section 3.07.15 of the Road Code requires that Persimmon Lane be upgraded to Minor Collector road standard for 100’ either side of the proposed entrances. Additionally, with all Section 5 construction traffic requiring access along Persimmon Lane, the Developer is responsible to guarantee and supply pavement and sub grade failure repairs to Persimmon Lane at construction completion of this Section. A performance monetary guarantee may be required. All driveways must be paved at least to the right of way. The Developer is responsible to complete all driveway paving within the road 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. All private parking areas are to be paved and are to be maintained by the HOA unless otherwise noted. Identify parking easements as private easements for HOA maintenance of the parking areas. This must be shown clearly on the final plat. Identify permanent maintenance easements in accordance with footnote one of standard detail R-5 of the Cecil County Road Code. For the town home units, how many off-street parking spaces will be provided on each town home lot? I think you have addressed this, but is it an average of 2 for each town home unit? Applicant responded that each house has a garage and each house has an adequately sized parking space on their lot and numerous houses have an extra space which allows them three parking spaces per lot and then there are 8 additional overflow parking spaces. Where determined necessary by the utility companies, the owner, the designer, or DPW, utility poles and underground utilities must be relocated at the Owner’s expense.

All sewer service cleanouts must be designed to be outside of all paved or concrete areas on each lot and this must be shown on the utility plans. The C.O.S. stormdrain system shown is for private stormwater management purposes and shall be shown in a private stormwater drainage easement outside of the public.
water easement. Public Stormdrainage easements must be separated from private stormwater management access easements.

The stormwater management outfall may not impact the public water or sewer main. Any and/or all structures (i.e. dwellings, outbuildings, driveways, etc’) on down-gradient properties impacted by the site’s designed stormwater discharges must be identified on the SWM Plans. If stormwater discharge is directed off of the site on to an adjacent property it is the responsibility of the Developer to obtain appropriate easements from the affected property owners in accordance with Section 251-13 and 251-15.D of the Cecil County SWM Ordinance. Further, to the identification of downstream structures, we ask that on the stormwater management plan, show all topography and conveyance channels to the existing subdivision pond if that is the intended direction for the run off from this SW facility outfall. Applicant responded that this goes to an existing pond and not to the other SW facility. Mr. Orr stated that DPW would at least need to see enough topography to know that the conveyance channel downstream does not impact any of the downstream dwellings, buildings, etc. in the immediate or adjacent areas of the project, the Persimmon Creek project. We would want to know that the existing swale as shown has conveyance capacity without affecting adjacent town homes. Conveyance design must be shown to be adequate by the design engineer. The downstream conveyance of storm water must be analyzed in accordance with Section 251-9 A. (5) of the county’s SWM Ordinance. Special care must be given to the design if a concentration of runoff will result from the SWM facilities.

Public Works Agreements will be required for all public infrastructure shown. An Inspection and Maintenance Agreement will be required for the private SWM facilities.

Show an easement at the east end of Caribou Court to cover the private driveway maintenance area. Why is HOA maintenance preferable to the individual lot owner maintenance? You have added a note and shown an easement that covers this question. Obtain MDE and/or ACOE stream crossing permits, where required, for all stream or non-tidal wetlands crossings shown prior to final plat recordation. Applicant asked about upgrading to a Minor collector. Applicant had submitted a plan a while back to get your recommended core locations so we could actually do some core samples and we would like to get your recommendations so we can get those core samples.

Mr. Von Staden read the Health Department’s comments, attached.

Mr. Brown read the Soil Conservation Service (SCS) report, and distributed copies of the detailed soils maps and reports. Mr. Brown stated that the proposed project will require an erosion and sedimentation control plan be submitted to the Cecil Soil Conservation District for review and approval. We suggest your engineer contact our office to agree on design concepts before commencing design. Soil maps and reports on soil limitations for development are provided. All pond designs need to be submitted for review to the Cecil Soil Conservation District to determine the applicability to NRCS pond standard 378. Ponds meeting 378 thresholds will need to have the designs approved by the District.

Mr. Kyte, Fire Chiefs’ Committee Representative, asked if the water main running through the project will be looped or is it a dead end out toward Persimmon Lane? Applicant responded that the water main ties into a water meter within Persimmon Creek which connects to a Delaware water system. It is hooked up to a water
It is connected to the Meadow View system to the west and north and is fed from both ends. Houses 231-235, not including the garage, only have one parking space on the lot. Mr. Kyte stated that he rode around the development last Sunday and they park out on the street frequently and it got tight on one corner getting around. Mr. Kyte suggests at least a 26' pavement to give enough room to get a fire truck through.

Mr. Di Giacomo read the comment from the COE. Any filling of a nontidal wetland requires a DOA permit and no JD has not been issued. Mr. Di Giacomo continued that the SHA had the following two comments. Storm drains and computations must be submitted for review by the Highway Hydraulics Division and further comments may be warranted as project progresses. We have received no comments from the Cecil County Public Schools.

Mr. Graham, TAC Citizens Representative, reported no comments.

Mr. Di Giacomo, Office of Planning & Zoning (OPZ), reported that this remains in compliance with § 3.8 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.

The zoning is Multifamily Residential (RM), which permits a base density of 2 du/1 ac., or 6/1 with community facilities, or 12/1 for townhouses. The Section 4 – Section 5 Concept Plat Concept Plat[5] was approved at a density of 2.32/1 on 4/20/05, conditioned on:

1) The JD Being completed prior to Preliminary Plat review by the Planning Commission;
2) The boundary line survey being complete prior to Preliminary Plat review by the TAC;
3) A sidewalk along the Fletchwood Road frontage being included in the final design;
4) All stream buffers being depicted on the Preliminary Plat prior to TAC review;

This Section 5 Preliminary Plat is consistent with the approved Concept Plat. Mr. Mascari reported that the boundary line survey had been completed. Minor Subdivision #2337 and Rezoning File # 04-21 have been referenced on the plat.

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. Slopes greater than 25% must be shown on the preliminary plat; there appear to some steep slopes not shaded. Applicant stated that when they looked at this, it did not appear to be more than 10,000 square feet. It is very close to the 15%, but does
not reach the 25%.

A 25' buffer is required around all non-tidal wetlands and intermittent streams present. The buffer must be shown around all 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. The required JD had not been completed.

20% of the gross site area is required to be common open space, 38% is proposed in this section. The common open space sensitive areas calculation has been included. Maintenance of the common overflow parking areas will be the responsibility of the Homeowners Association. Per §176.2.a, Note # 11 indicates that none of the overflow parking area has been used to achieve the minimum required common open space.

25% landscaping of the development envelope is required in the RM zone. Sidewalks are recommended on both sides of all internal roads, as well as along Fletchwood Road, as depicted.

Bufferyard Standard C is required, outside the right-of-way, along the road frontages of Fletchwood Road, as well as a 25' peripheral bufferyard. Rows of street trees with 10' planting easements are required, outside the right-of-way, along both sides of all internal roads. 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.

The FSD was approved on 3/29/05. The PFCP must be approved prior to Planning Commission review of the Preliminary Plat. The FCP and Landscape Plan must be approved prior to Planning Commission review of the Final Plat. 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. The metes and bounds description of the FRA must be shown on the final and record plat.

The road name Caribou Court has been approved. Access to common open space between lots must be marked with concrete monuments. Between 219 and 220, is that an area of common open space? Applicant responded that it is just an easement between those lots. It is labeled as a 10’ wide utility and access easement. The owners of these lots must become members of the Homeowners Association for maintenance of common open space, with $50 per recorded lot placed in escrow for improvements prior to recordation.
The Master Water and Sewer Plan shows this site as S-1 and W-1. 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 the buyers of all lots offered for sale. Verification of water and sewer allocation must be received for each phase and/or section prior to the Planning Commission’s review its Final Plat.

The fire hydrant final location should be selected in consultation with the Department of Public Works and the Singerly Volunteer Fire Company. We have not heard from them, but it appears that as long as the location is not more than 300 feet from the end of the cul-de-sac you should be fine. Mr. Kyte stated it is right at 200 feet. Check on the position of the hydrant with the fire company.

Is there any way to access the rear yards of units 227-229 other than through the house? Discussion of the ways of provided access to the rear yards followed. There is open space surrounding the perimeter. Make a notation that in addition to drainage and utility there is also rear access in the easement. Mr. Orr stated that DPW will not maintain access to the rear of those town homes. Mr. Di Giacomo explained the rationale for rear access to the town homes.

The applicant was reminded of the Monday noon submission deadline for review by the Planning Commission this month.

The meeting was adjourned at 2:45 P.M.

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[1] §2.0 allows for a combined Preliminary-Final Plat if there are from 1 to 5 lots.

[2] At the time of the 4/4/01 TAC review, the Town of North East reported a water allocation for only 3 lots: 3, 4, and 5 of Minor Sub 3188. Lots 6, 7, 8, and 9 then proposed did not have any water allocation, and the Town then had a moratorium on water allocations.

[3] The site contains FIDS habitat, and Natural Heritage’s database indicated that 5 endangered or threatened species (Swamp Pink, Darlington’s Spurge, Canada Burnet, Rough-leaved Aster, and Climbing Fern) are known to occur within the vicinity. A survey for these species was conducted in which 2 other rare species...
were found on site in the proposed FRA: Appalachian quillwort and sharp leaved goldenrod.


[5] The first Persimmon Creek Concept Plat was approved on 12/18/90. The last Record Plat from previous sections was signed on 5/6/99. Therefore, the original Concept Plat has expired.
Cecil County Technical Advisory Committee (TAC)
October 5, 2005, 9 a.m., Minutes

Present: Chris Brown (SCS), Tony Di Giacomo (CCP&Z), Mark Woodhull, (CCDPW), Joe Moore (DEH), James Kyte (FA), Bob Markwardt, (CCBoE), Kathleen O’Connell (CCP&Z), Phil Cwiek, (USACoE), Butch King (MDSHA),

Absent: Daniel Graham (Citizens’ Representative), Cynthia Latham (MDE)

Mr. Di Giacomo called the TAC meeting to order at 9:05 a.m.

1. Payne Property – Lots 1-23, Concept Plat, MD Rte. 7 – W. Old Philadelphia Road, Highpoint Services, Inc., Fifth Election District.

Mr. Di Giacomo explained that this property is being reviewed as a courtesy to the town of Charlestown.

Thomas Oeste, Vice-President of Development and Robert Smiley, Vic-President of Planning, GenTerra Corporation presented a summary of the project. They are requesting that the property be annexed into the town of Charlestown. The project provides for a recreation area for the residents and 10,000 square foot lots.

Mark Woodhull read the comments of the Department of Public Works (DPW). Mr. Woodhull asked if the applicants have approached the town of Charlestown about annexation. Mr. Oeste stated that they have appeared before their Planning and Zoning Office on a couple of occasions and on the last one, which was two or three months ago, Mr. Heanne requested that they come to the Cecil County Technical Advisory Committee to get whatever comments you have. Mr. Stanley Heanne, Town Administrator, Town of Charlestown, stated that they have not made a formal request as yet for annexation. Mr. Woodhull stated that the assumption would be that the town would provide the water and sanitary sewer. Density of the proposed development is obviously tied to the availability of public utilities. The County has no ability to provide water to this site. Therefore without annexation private wells will be required to meet this need necessitating a reduction to the proposed density.

Without annexation the following comments are moot.

If this site is annexed by the Town of Charlestown, the streets along with the water mains and sanitary sewer will belong to the Town. The CCDPW recommends that the roads sanitary sewer and water distribution system be designed to meet or exceed the County’s standards. We also recommend that the Town request that the serving fire company review fire hydrant spacing and locations. The Town should require that the water lines must and sanitary sewer lines be as-built. The sanitary sewer connections for this development will be subject to County connection fees. The Department recommends that the Town require the applicant to provide a survey of the existing sanitary sewer system they intend to connect to addressing its adequacy of its capacity. The Department recommends that the
Town require PWAs for the sanitary sewer water distribution system and the internal streets and stormdrains.

We request that the Town withhold Final Plat approval until the Department has approved the SWM plan and the Mass and Final Grading plan.

Has any consideration been given as to how SWM will be met for this development? Applicants responded that there are a couple of areas that they will look at, between the development and the perennial stream that runs through the property on the north. We are investigating and will be doing some testing to see what type infiltration they can get. They are currently finishing up on their wetlands delineation so we will know exactly where they are and what they can and cannot touch. Applicants stated that they understand that there are buffer requirements both from the stream and from the non-tidal wetlands and also that storm water management should not be within those areas.

Mr. Woodhull asked if the solid gray shaded area represent an existing pond? The applicants responded that it is. If it is and you propose to use it to meet SWM controls the pond must be as-built and the SWM report must address its adequacy to do so. SWM ponds cannot be located within wetlands without obtaining a Section 404 permit under the Clean Water Act and State of Maryland Wetlands & Waterways permit (MDE Design Manual 3.1.1).

The following standard notes and requirements apply to this plat and project: The details of these notes and requirements are as follows:

1.1. The Final Plat Lot Grading Note and the Lot Grading Plan Construction Limits Note.


1.3. Requirements for Stormwater Inspection and Maintenance Agreements.

Notes and requirements identified for record:

1. The Final Plat must include the Lot Grading Plan standard note and 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 CCD PW 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 show hereon. Any expanded clearing and/or grading in the absence of an approved revised lot grading plan may be considered non-compliance with Chapter 251 of the Cecil County Code and either or both the developer and/or Builder may be subject to the enforcement of the penalty provisions therein.”
2. The downstream conveyance of storm water must be analyzed in accordance with Section 251-9 A. (5) of the county’s SWM Ordinance. If stormwater discharge is directed off of the site on to adjacent property it is the responsibility of the Developer to obtain appropriate easements from the affected property owners per Sections 251-13 and 251-15.D of the Cecil County SWM Ordinance.

3. An Inspection & Maintenance Agreement is required for the private SWM facilities.

Chris Brown, Soil Conservation Service (SCS), said the proposed project will require an erosion and sedimentation control plan be submitted to the SCS for review and approval. We suggest your engineer contact our office to agree on design concepts before commencing design. Soils maps and reports on soil limitations for development are provided. All pond designs need to be submitted for review to the SCS to determine the applicability to NRCS pond standard 378. Ponds meeting 378 thresholds will need to have the designs approved by the District. Soils maps were provided by Mr. Brown.

Bob Markwardt, Cecil County School Board (CCBoE), asked what size homes were anticipated, what the price range would be and when the project would start. Mr. Oeste stated that they have not decided that yet but they will probably be in the 2500 to 3000 square foot range, 4 bedroom homes. The price will likely be in the high $200s to low $300,000 range; however, these are preliminary figures. The applicant will start the project as soon as they have received all the approvals. Mr. Markwardt stated that due to the short nature of the roadway, internal bus service would not be provided. Bus stops would be located at the intersection of W. Old Philadelphia and the two streets to be named later.

Philip Cwiek, Corps of Engineers (USACoE), stated that regarding the use of the pond for storm water management and if there are discharges associated with that upgrade, this would require a permit from the USACoE. There is a 4’ wide trail on the property. If that is a culverted crossing, it would also require authorization from the Corp of Engineers. We would recommend putting a foot bridge over the top of that stream for that crossing.

James Kyte, Fire Chiefs’ Association, stated he had a letter from Ron Daniels, Fire Chief of Charlestown and if there are hydrants they prefer to have a 10” main on route 7. An 8” main would work everywhere else. If there will not be hydrants, they do request a drafting tank be placed at the entrance. Also, the cul-de-sac at the lower end of the property shows a 60’ radius. Mr. Kyte asked if there would be 50’ blacktop around it. Applicants stated yes and that they will build to County road specs. Mr. Woodhull stated that DPW would strongly recommend and in the past the town has applied the County road standards. Mr. Kyte further stated that if there will be on street parking the roads need to be widened to accommodate the parking. Mr. Hearne asked Mr. Woodhull what the requirements are for diameter for cul-de-sacs. Mr. Woodhull responded there is a 150’ diameter required for the right of way and he is not sure about the turning radius. Mr. Hearne stated he thought in the town code it was 100’. Robert Smiley stated that if it is 100’, that would be a 50’ radius.

Butch King, Maryland State Highway Administration, said the proposed entrances must be staked to see if adequate site distance can be obtained. If site distance cannot be obtained
the developer may need to remove the curve along MD 7 to obtain adequate site distance. Storm drain plans and computations must be submitted for review and approval by the Highway Hydraulic Division. The State Highway Administration (SHA) recommends that this project not be approved until the location of the entrances and hydraulics has been approved by the SHA. Mr. King further stated that he has a major problem with the location of the roads and until they are staked, he recommends that this not be approved because of the site distance. There is a curve right there, 50 mph speed and they need the entrances staked prior to being able to give approval. If the site distance cannot be obtained, applicant may have to take the curve out of the road.

Joe Moore provided the comments of the Health Department. See attached.

Tony Di Giacomo, Office of Planning and Zoning (OPZ), provided comments sent from Maryland Department of the Environment (MDE). A water appropriation and use permit will be required for a 22 lot subdivision if public water is not available.

Mr. Di Giacomo read comments provided by Daniel Graham, Citizen’s Representative. Comments were received from Mr. Patchell and he is concerned about water run off as he already gets water across his property during a heavy rain.

Mr. Di Giacomo, speaking for OPZ, stated that this subdivision is proposed in to be the Town of Charlestown. The Cecil County TAC, as a courtesy to the towns in the County, occasionally reviews subdivision proposals within the towns’ corporate limits.

Unless and until annexation into the Town of Charlestown is actually achieved, these comments shall be considered moot. The proposed Town zoning would be R-2. It is recommended that the proposed density be verified as being consistent with the Town’s Zoning Ordinance for R-2. The plat appears to confuse minimum lot size with density.

It should be confirmed that the setbacks, lot sizes, and lot widths are consistent with the Town’s Zoning Ordinance for the R-2 zone. It is recommended that the owner information include the street address number and the zip code. The labeled 15’ wetland buffers actually scale at 25’. It should be determined if those buffers are drawn wrong or labeled wrong and if what is actually intended is consistent with the Town’s Zoning Ordinance and Subdivision Regulations. A 25’ buffer is recommended around any non-tidal wetlands as may be present. Permits are required from the (US Army) Corps of Engineers and MDE for all non-tidal wetland impacts or stream crossings prior to recordation.

This is actually Parcel 16, not 15, on Tax Map 30. That should be corrected. It is recommended that the Town closely check the details of the plat. It is recommended that dwellings or impervious surfaces shall not occur on slopes with a grade of 25% or more covering a contiguous area of 10,000 ft² or more. On slopes between 15 and 25%, good engineering practices should be used to ensure sediment and erosion control and slope stabilization before, during and after disturbance activities.
It should be confirmed that the street geometrics are consistent with the Town’s Zoning Ordinance and Subdivision and Public Works codes and regulations. It should also be confirmed that this Concept Plat meets all of the technical requirements set forth in the Town’s Zoning Ordinance and Subdivision Regulations.

The Town of Charlestown and Cecil County have signed an “Assigning obligations under the Forest Conservation Act.” Any tree removal within a public right-of-way requires approval from the Maryland Department of Natural Resources. The Forest Stand Delineation (FSD) must be approved prior to Planning Commission review of the Concept Plat. The Preliminary Forest Conservation Plan (PFCP) must be approved prior to Planning Commission review of the Preliminary Plat. The final Forest Conservation Plan (FCP) must be approved prior to Planning Commission review of the Final Plat. It is recommended that 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.

It is recommended that the plat be checked to ensure that all requirements for Concept Plats, as set forth in the Town’s Zoning Ordinance and Subdivision Regulations, have been satisfied. The habitats of any rare, threatened, and endangered species should be avoided. It should be confirmed that any landscaping proposed is consistent with the landscaping requirements of the Town’s Zoning Ordinance and Subdivision Regulations, especially with respect to street trees and any required bufferyards. It is recommended that no street trees be planted within 20 feet of sewer laterals and cleanouts. It is recommended that the Landscape Plan be approved prior to final subdivision approval. It is recommended that a Landscape Agreement be executed prior to recordation.

Sidewalks are recommended. It should be confirmed that all aspects of the proposed site design and layout are consistent with the Town’s Subdivision Regulations and Public Works street code. It should be confirmed that the number of parking spaces proposed falls with the minimum and maximum established by the Town’s Zoning Ordinance and Subdivision Regulations. It should be confirmed that all proposed building heights do not exceed the maximum height established in the Town’s Zoning Ordinance and Subdivision Regulations.

Street names must be approved by the County’s 911 Emergency Center prior to Final Plat approval. It should be confirmed that Town Regulations allow Concept Plats to be submitted without street names. Consideration should be given to soliciting review and comment on the subdivision layout by the Charlestown Volunteer Fire Company. You have heard their comments. Any fire hydrant/standpipe locations should be shown on the Preliminary Plat and be consistent with the Town’s Zoning Ordinance and Subdivision Regulations and/or recommendations by the Charlestown Volunteer Fire Company.

It is recommended that the plat’s Note 4 explicitly name the public utilities provider(s). This property is classified as W-2 and S-2 in the Master Water and Sewer Plan. Water allocation should be confirmed prior to final approval. Sewer allocation should be confirmed prior to final approval. It is recommended that a Homeowners’ Association for maintenance of common open space must be established with whatever sum required by the
Town be placed in escrow for improvements prior to recordation. It is recommended that access to common open space between and beside lots must be marked with concrete monuments.

It is recommended that the Final and Record Plats 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. It is recommended that the Final and Record Plats also contain a statement, signed by the owner, to the effect that such facilities will be available to all lots/homes offered for sale. It is recommended that any recreational amenities be included in the Public Works Agreement with the Town.

Mr. Woodhull made an additional comment that DPW recommends to the Town that any equipment in the recreation area be included in the Public Works Agreement.

2. Bayview 23 – Lots 1-92, Concept Plat – Planned Unit Development, Theodore Road and MD Rte. 274, Taylor Wiseman & Taylor, Fifth Election District

Mike Pugh, Corridor Land Services, and Bob McAnally, Taylor, Wiseman and Taylor, represented Bayview 23. Mr. Pugh presented a few initial comments. This proposal represents a drawing over an assembly of parcels which is zoned SR. We have designed the project under the criteria of ultimately receiving a special exception for a PUD under the County Zoning Ordinance and within those regulations we will seek a variance for the proportion of mix of units on the property. That application will be forwarded for the consideration of the Board of Appeals next month. Our purpose here today is to begin receiving overall comments on the design and issues that might arise from the use of the property. In the course of our work, it has come to our attention that there is an exception to the property that we believed we had acquired, and a parcel with a different ownership has emerged. We have identified that property and will be extracting it. There may be some minor modifications to this design as a result and there may be some minor modification to the number of units as a result. Fundamentally, today we would like to get your comments based on what has been submitted with the understanding that there may be changes forthcoming as a result of that issue.

Mr. Woodhull, CCDPW, stated the applicant had already addressed his first question regarding the discrepancy between the project property owner listed, Bayview 23, LLC, and the property owner of parcel 601, tax map 19, Mr. Kennedy.

A SWM plan, Road & Storm Drain plan, sanitary sewer collection and pumping system plan, and a Mass and Final Grading plan must be approved by the CCDPW prior to submittal for Final Plat Approval. It is the Department’s understanding that the Town of North East will own the water distribution system in this development. The CCDPW recommends that the water distribution system including fire hydrant locations be designed to meet or exceed the County’s standards. We also recommend that the Town request that the serving fire company review fire hydrant spacing and locations. The water lines must be reflected on the sanitary sewer plans and as-builts. All easements for the water lines must be reflected on the final plat.
The Developer is responsible to complete a public gravity sewer capacity analysis. The limits of this analysis shall begin at the site discharge location and cover the downstream collection system to the Interstate 95 Stony Run Interceptor crossing.

Any Road Code Variances sought must be requested prior to submittal for Preliminary Plat approval. The street centerline geometry shown does not meet Road Code criteria for clear line of sight and is not approvable as shown. Additionally, the Old Bayview Road and Street ‘A’ offset does not meet the required minimum centerline-to-centerline dimension established in the Cecil County Subdivision Regulations. The Applicant is instructed to revise this layout and resubmit to TAC a concept that more reasonably addresses the Road Code Section 3.04 requirements, offset requirements, and Town home Street Standards.

Identify the number and location of any off-street parking areas provided for the town home section(s).

Regardless of the adequacy of any stopping sight distance measurements the applicant’s engineer may supply to the Department covering the Theodore Road access, the grade of Theodore Road in this location appears to exceed the maximum allowable for collector roads (8%), thereby eliminating the potential for approval of the access location shown without major vertical adjustments to Theodore Road. The engineer must investigate alternative access locations along Theodore Road. When you extract parcel 601, that will need to be adjusted anyway.

Show all private stormwater management and stormwater management outfall easements across the common open space on the final plat(s).

If the existing wet pond is intended to serve a stormwater management function, then a geotechnical analysis of the embankment is required, along with a Maryland professional engineer’s analysis of the pond and outfall structure condition and hydraulic performance. The pond analysis must address any relevant MD 378 Pond Code criteria. The analysis must be submitted to the Department of Public Works in the form of an engineering report, signed and sealed by a Maryland licensed professional engineer. If the pond is to be maintained by the HOA, but not perform a stormwater function, the lot deed restrictions must note the same.

Public Storm drainage easements must be separated from private stormwater management and access easements.

The following standard notes and requirements apply to this plat and project: The details of these notes and requirements are as follows:

9.1 The Final Plat Lot Grading, Sidewalk Maintenance, and Lot Grading Plan Construction Limits Notes.


9.3 Compliance with Section 3.07.15 of the Cecil County Road Code.
9.4 Requirements for Utility relocations.
9.5 Requirements for Public Works Agreements.
9.6 Requirements for Stormwater Inspection and Maintenance Agreements.
9.7 Requirements for County Roads.
9.8 Requirements for Driveways.
9.9 Requirements for Final Plat - Public Water and Sewer Allocation.
9.10 Town home Parking Areas & H.O.A. Maintenance Easement Notes.
9.11 Requirements for Sewer Service Cleanouts – Location.
9.12 Requirements for Stopping Sight Distance Measurements.

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. Final Plat: “Sidewalk maintenance will be required of the adjacent property owner, as required by the Cecil County Road Code.”
   c. Grading Plan: “No clearing or grading is permitted beyond the limits of disturbance show hereon. Any expanded clearing and/or grading in the absence of an approved revised lot grading plan may be considered non-compliance with Chapter 251 of the Cecil County Code and either or both the developer and/or Builder may be subject to the enforcement of the penalty provisions therein.”

2. The downstream conveyance of storm water must be analyzed in accordance with Section 251-9 A. (5) of the county’s SWM Ordinance. If stormwater discharge is directed off of the site on to adjacent property it is the responsibility of the Developer to obtain appropriate easements from the affected property owners per Sections 251-13 and 251-15.D of the Cecil County SWM Ordinance.

3. Section 3.07.15 of the Road Code requires that Theodore Road be upgraded to a Collector Road standard for 100’ either side of the proposed entrance. The design engineer must address the requirement for minimum acceleration, deceleration, and bypass lanes. Any right-of-way acquisition necessary shall be performed by the applicant and at the applicant’s expense.

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

5. A Public Works Agreement is required for the streets & storm drainage and public water and sewer system constructions.

6. An Inspection & Maintenance Agreement is required for the private SWM facilities.

7. The street R.O.W. entrance tapers must be offset 25’ from the R.O.W. point of intersection and be straight lines, per 7.2.12.E.3 of the Subdivision Regulations.
The internal street grade leaving Theodore Road may not exceed 5% within the limits of the intersection right-of-way.

8. All driveways must be paved at least to the right of way. The driveway paving must be complete for all lots at the time when the surface course for the internal roads is installed. This requirement includes any vacant but platted lots. Any driveway exceeding 5% up-gradient-slope form the roadway must be paved to the crest. If the development is phased these requirements will apply to each phase when 80% of the lots are built-out. All of these requirements must be reflected on the Lot Grading Plan.

9. Developer must request and obtain a public sewer allocation from the Department of Public Works and a public water allocation from the Town of North East before submitting a final plat to the Cecil County Planning Commission for approval.

10. All parking areas are to be paved and are to be maintained by the HOA unless otherwise noted. Identify parking easements as private easements for HOA maintenance of the parking areas. This must be shown clearly on the final plat. Identify permanent maintenance easements in accordance with footnote one of standard detail R-5 of the Cecil County Road Code.

11. All sewer service cleanouts must be designed to be outside of all paved or concrete areas on each lot and this must be shown on the utility plans.

12. Applicant must provide stopping sight distance measurements for the Theodore Road access to DPW prior to preliminary plat submittal. Mark the proposed Theodore Road entrance location in the field by a survey stake or paint.

Mr. Brown, SCS, said the proposed project will require an erosion and sedimentation control plan be submitted to the SCS for review and approval. We suggest your engineer contact our office to agree on design concepts before commencing design. Soils maps and reports on soil limitations for development are provided. All pond designs need to be submitted for review to the SCS to determine the applicability to NRCS pond standard 378. Ponds meeting 378 thresholds will need to have the designs approved by the District. Under note 14, it says all the soils are AUB2. You will note in the soil maps I provided, they are quite different. The old soils maps are from 1973 and the roads have change since then, but it does not look like it. When submitting your original sediment control plan, plans submitted to SCS may not be larger than 24” x 36”. Check the soils for the planned area as they do not appear to be correct according to my delineation. (The soils survey from 1973 does not compensate for road improvements). Soil maps were provided.

Mr. Markwardt (CCBoE) asked applicant what size homes they are anticipating for the single family dwellings. Mr. Pugh stated no final decisions have been made; however, an estimate would be in the 2000 to 3000 square foot area. Mr. Markwardt further requested size information for the townhouse lots. Applicants responded they have 26’ wide town homes so three or four bedroom. There has been no discussion of pricing yet. Mr. Markwardt further asked if the project would be completed in stages. They would want to avoid picking up students on Biggs Hwy. So our preference when the project starts and until the roads are completed and turned over to the county would be to pick up students at the Street B and Theodore Road juncture. I believe that at some future point in time, it may
be advantageous to us to come through the development and then create a stop internally where in the morning we could come off Theodore and come back on at Biggs Hwy. Mr. Markwardt stated with the traffic in that area, he does not want to be picking up students at the Biggs Hwy entrance. Mr. Pugh stated that his understanding is that if they are to separate it into sections, Mr. Markwardt’s preference is that they begin on Theodore Road. Mr. Markwardt stated that this is correct. Mr. Markwardt continued that at some point in time, depending upon the number of students, it may be to our advantage to come in. We are not going to commit to that at this time, but it will be something we will review at a later point. Initially, bus service would be provided at Theodore and Street B, to be named later. Mr. Markwardt asked when they expected to begin the project, assuming approvals are obtained. Mr. Pugh stated that it would be 2 years.

Mr. Cwiek, USACoE, stated that in accordance with the preliminary plan, the only thing they are showing that may potentially be regulated by the Corps and or the State of Maryland, Department of the Environment, is the existing pond which currently show no impact, unless impact occurs through storm water management. Through the modification, if you are proposing impacts to the pond or if there are other waters of the United States, you will need a permit if there will be impact. Mr. Cwiek asked if there has been a Jurisdictional Determination been performed yet. Mr. McAnally stated that they have had an Environmental consultant out there. He has done his preliminary analysis and has done some flagging of some wetlands and the intermittent stream. We will be making that application and will need to avoid the center corridor and the area of the existing pond. Mr. Cwiek stated that they would avoid impacts to that area and if you can demonstrate that avoidance is not possible then a permit would be required from the Corps and MDE.

Mr. Kyte, Fire Chief’s representative, stated he received comments from Jeff Isaac, Fire Chief in North East. They would like to be involved in the placement of fire hydrants and check the location and allocation of the hydrants. Regarding streets, do you know roughly what your blacktop widths will be? Mr. Pugh stated they will be County spec. Mr. Kyte stated that would be 22’ and asked if the house setback would be 30’ roughly. Mr. Pugh stated probably 25 to 30’ and that they are looking at a cluster arrangement so the setbacks have not yet been determined. Mr. Kyte stated that they will end up with on street parking and that would be a problem. He further asked if they have additional parking for the town homes. Mr. Pugh stated that they are not sure they would have on street parking in the case of the singles and they have not achieved that level of analysis yet. Mr. Kyte stated that any time 3 or 4 bedroom homes are built they end up with on street parking. Mr. Pugh stated that obviously they will have to look at the parking issue on the town homes. The blacktop size would be recommended for streets A, B & C at least 26’ wide, especially C, because of going around the circumference.

Butch King, SHA, stated that the proposed access on MD 274 does not meet the SHA spacing criteria for public street connection of 750’, therefore it will not be allowed. All access must be on Theodore Road with no access onto 274. We will also require that a TIS be submitted to see what impacts this development will have on the surrounding state roads and county roadways. Mr. Pugh asked if the entirety of route 274 is denied for an access point. Mr. King stated that he is saying they want all access off Theodore Road with no access onto 274. Mr. Pugh stated that that would probably drive a large cul-de-sac issue in
terms of the ultimate design. Mr. Di Giacomo stated that this is fine with them. Mr. Pugh stated that this will put them in a position where they cannot create traffic flow through the project. Mr. King asked if they could get a 750 spacing criteria in there. Mr. Pugh stated that he could not say for sure at this time. Mr. Di Giacomo stated that the DPW earlier cited a 450’ separation for County road, but MD 274 is a state road, and they need a 750’ separation. Mr. Pugh asked if there is any waiver for that criteria, further stating that if they split the difference and there is an area where a driveway used to come in on 274, you can see about in the middle, if that were an opportunity physically to reconstruct this it would help to maintain flow through the project. Mr. King stated that they can take a look at it.

Mr. Moore read the comments of the Health Department. See attached.

Mr. Di Giacomo read MDE comments. If public water is not used, then a GAP will be required. A fax was received from the town of North East stating that the project is located within the town of North East water service area and will require a water allocation from the town.

Mr. Di Giacomo read the Citizens’ Representative’s comments. Numerous communications were received from residents, Charles and Catherine Bromall and Melissa Murtaugh with concerns about Bog Turtles, frogs and the wetland marshy areas. Mr. Linzy also has concerns about the wetlands and the low ground. Mr. Kennedy says he has lived there since 1993 and five of the lots or one his property and the road goes through his garage. Ms. Murtaugh is organizing a citizens group to attempt to block building.

Mr. Di Giacomo, OPZ, stated that upon inspection, this proposal was found to not be in compliance with §3.8 of the Subdivision regulations regarding public notification signs. Subsequent inspection revealed that the Old Bayview Road frontage still did not have its required sign and that the signs on Theodore Road and MD 274 referred to a “Bayview Crossing,” not Bayview 23. We were concerned that that might generate some confusion.

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.

Parcel 601 is clearly part of this proposal, but it was not among the parcels cited in Note #2, which also does not include grid, or block, numbers. Note #1 indicates that owner of the proposal as drawn on the plat to be Bayview 23, LLC. Does Bayview 23, LLC, in fact, own parcel 601? We have already talked about this issue and will not discuss it further at this point.

Tax records indicate the aggregate acreage to be 23.586 acres without parcel 601, and 24.928 acres with. Those data were not included on the plat. How was the 23-acre figure arrived at? We are suggesting that this be thoroughly checked. This may resolve itself with a boundary line survey.
The zoning is SR, which permits a base density of 1 du/1 ac, 2/1 with community facilities, or 4/1 in a Planned Unit Development (PUD). Per Note # 3, this is a PUD proposal.

PUD’s must adhere to the requirements of ARTICLE’s XII and XVII of the Zoning Ordinance and §6.0 of the Subdivision Regulations. Of particular note is the PUD review and approval process established in §256 of the Zoning Ordinance. §256.1 stipulates that a PUD is permitted in the SR zone by Special Exception. §256.2 requires that the “Sketch Plat/Special Exception Application” shall be reviewed by the TAC, as is now being done.

The title block should indicate that this is a “Sketch Plat/Special Exception Application” in addition to being a Concept Plat. Up to this point, there is no difference between the PUD approval process and the normal subdivision review and approval process. §256.3 requires that the “Sketch Plat/Special Exception Application” next shall be reviewed by the Planning Commission, and that the Planning Commission shall “make recommendations to the Board of Appeals.”

The Sketch Plat/Special Exception must be placed on the agenda of the Board of Appeals, pursuant to §256.4, which specifies that then “The Sketch Plat/Special Exception shall be reviewed by the Board of Appeals. The Board shall consider the recommendations of the Technical Advisory Committee, the Planning staff, the Planning Commission and the standards in Article XVII, Part II, in making their determination to approve or disapprove the proposed PUD.” Moreover, §’s 256.3 & 256.4 make clear that the Planning Commission’s role in what ordinarily would be the Concept Plat stage is to make a recommendation to the Board of Appeals on the “Sketch Plat/Special Exception Application” rather than an actual decision on what would otherwise be considered a Concept Plat.

§256.5 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.” Thus, assuming approval of the PUD Special Exception, the Preliminary and Final Plats would be reviewed in the regular way, with the Planning Commission rendering decisions, approving or disapproving such submissions, rather than making recommendations to any other body. Just as is the case with a Concept Plat approval, the possible PUD “Sketch Plat/Special Exception Application” approval by the Board of Appeals does not guarantee any subsequent Preliminary and Final Plat approvals by the Planning Commission. §256.1.c requires a draft of the terms and provisions of the public works agreement. None has been provided; why not?

The plat erroneously depicts the BR zoning district on the north side of Theodore Road. No such district exists. That must be corrected prior to the Planning Commission’s review of the Sketch Plat/Special Exception Application. Note # 8 misquotes §248 of the Zoning Ordinance. What has actually been quoted is §6.3 of the Subdivision Regulations. That citation must be corrected prior review by the Planning Commission.
The real §248.1, in part, states “It is the intent of these regulations to … permit the optimum amount of freedom and variety in design and management of such varying type of residential structures including, detached single-family dwellings, duplexes, semi-detached dwellings, townhouses and apartments.”

In referencing its intent to create “a more attractive living environment” utilizing “a more creative approach in the development of land,” the real §248.2 clarifies these concepts as follows: “It is further the intent of these regulations to permit certain commercial uses in a PUD that serve the day to day needs of the residents of the PUD.”

Thus, §248 establishes the two basic goals, or hallmarks, of PUDs to be a diversity of housing types and mixed uses. Inasmuch as only two housing types are proposed, the percentage of townhouses is fully double that permitted in §250.2, and there is no commercial to serve the day to day needs of future residents, what is the County getting in exchange for double the density allowed under a PUD approval? This is a rhetorical question; however, it is on the table.

Note #3 also indicates that this proposal is submitted under the residential clustering provisions of §6.1 of the Subdivision Regulations. The intent of §6.1 is to permit greater flexibility for creative design, using the clustering of homes to save permanent open space, which would provide recreational opportunities close to home. Such clustering may be accomplished through allowing reductions in the respective minimum lot area and yard requirements.

It should be noted that §6.1.5 (a) (b) & (c) of the Subdivision Regulations require strict compliance, as follows:

a) Resubdivision shall not be permitted in cluster development so as to reduce lot areas below those permitted in the originally recorded Final Plat.

b) The development of land within the cluster is permitted only in accordance with the approved site development plan on file at the Office of Planning and Zoning.

c) The agreements concerning the ownership and maintenance of open space land shall be recorded simultaneously with the Final Plat.

This Sketch Plat/Special Exception Application has not shown estimated staging of construction, as required in §6.1.1 (e) of the Subdivision Regulations. The estimated staging of construction is also required in §256.1 (f) of the Zoning Ordinance. This should be provided.

This Sketch Plat/Special Exception Application proposes 92 lots on 23 acres (?), for a proposed density of 4/1. A boundary line survey must be done in conjunction with the preparation of the Preliminary Plat for density calculation purposes. The “Land Use Summary” is confusing because it indicates that there is no limit to the maximum number of permitted lots. If this refers to percentages of dwelling types, then that should be made clear, as should that fact that a maximum of 30% semi-detached or duplex and 20% townhouse or apartment units are permitted.
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. 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. A Jurisdictional Determination (JD) must be done prior to preliminary plat review by the Planning Commission.

§256.1 (a) requires the inclusion of elevations of each building type to be provided on the Sketch Plat/Special Exception Application. Where has that information been included?

The habitats of rare, threatened, and endangered species must be avoided. At least 30% common open space is required; 34.7% is proposed. Are any active recreational amenities planned? 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 C.O.S. sensitive areas thresholds must be calculated for inclusion on the Preliminary Plat. Any proposed common open space must be labeled and referred to as such.

§256.1 (e) & (f), respectively, require that “a Statement of expected County responsibilities” and a “Cost-revenue ratio of the proposed PUD for the County” be included with the Sketch Plat/Special Exception Application. They do not appear to have been included. If they applicant from this point proceeds to the Planning Commission, pursuant to §256.3, then the applicant does so with the understanding that the full TAC has not had the opportunity to review a Sketch Plat/Special Exception Application that includes all of its required component parts.

Note # 11 states that the open space shall be maintained by the County. In the absence of the required “Statement of expected County responsibilities” and the “Cost-revenue ratio of the proposed PUD for the County,” what justifies County maintenance, and what negotiations have taken place? Mr. Pugh stated that note #11 states by either the HOA or Cecil County.

30% landscaping of the development envelope is required. Sidewalks are recommended on at least one side of all internal roads, per §255.2.

The normal minimum SR zone lot size is 12,000 ft² and the setbacks are 30-10-40. For townhouses, minimum SR zone PUD lot size is 1,800 ft² and the setbacks are 20-15 (end units) -40. §254 of the Zoning Ordinance allows flexibility in setbacks, lot size, yard
requirements, etc. in PUDs. In addition, the applicant has invoked the residential clustering provisions of §6.1 of the Subdivision Regulations, which also allows for flexibility in setbacks, lot size, yard requirements, and the like.

However, §254.2 states that the “Planning Commission shall consider such factors as the proposed intensity of the project and the existing character of the neighborhood.” What evidence does the applicant have to support the consistency of this design with the existing community character? The townhouse clusters have been numbered, but not the individual lots. Why not? Those lot numbers must also be included.

Because of the proximity to the entrance off MD 274, the backing movements especially will have to be reviewed very carefully for townhouse cluster #8. From Townhouse cluster #1 to #7, there is no easy alternative access to the rear yards of those unnumbered units except through the house. Fee simple common open space access strips are recommended between each townhouse cluster.

Bufferyard Standard C is required, outside the right-of-way, along the road frontages of MD 274, Old Bay View, and Theodore Roads. Rows of street trees with 10’ planting easements are required, outside the right-of-way, along both sides of all internal roads. 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 Department of Natural Resources.

The FSD must be approved prior to Planning Commission review of the Sketch Plat/Special Exception Application. The PFPC must be approved prior to Planning Commission review of the Preliminary Plat. The FCP and Landscape Plan must be approved prior to Final Plat approval. 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.

The internal road names will need to be approved by the County 911 Emergency Center prior to Planning Commission review of the Preliminary Plat. Road names are required, per §4.0.13 (h) of the Cecil County Subdivision Regulations. A Traffic Impact Study (TIS) will be required. It must be complete prior to the TAC’s review of any Preliminary Plat. Fire hydrant locations must be selected in consultation with the Department of Public Works and the North east Fire Company. The number of parking spaces proposed is consistent with §’s 251.5 & 277. Even so, it is common practice to include some overflow parking spaces for townhouses. Conformity with the 20% limit on the number of townhouses would mitigate the need for overflow parking.

Access to common open space between and beside lots must be marked with concrete monuments. A Homeowners’ Association for maintenance of common open space must be established with $50 per recorded lot placed in escrow for improvements prior to recordation.
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 W3. The sewer component of the Master Water and Sewer Plan must be amended to include this site prior to the Planning Commission’s review of the Final Plat. The Record Plats shall also contain a statement, signed by the owner, to the effect that such facilities will be available to all lots/homes 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 was reminded of the Monday noon submission deadline for review by the Planning Commission this month.

Mr. Moore added that if a pumping station is needed, it must have a permit for construction from MDE. Mr. Pugh also stated that on the master water and sewer plan issue, a week or so ago in your office we pulled those documents and the water is W1 and not W3, further stating they will review that again. Mr. Di Giacomo stated that the water is not the issue, it is the sewer. Mr. Pugh stated that they believe it is also S1. Mr. Pugh stated that they will reverify. Mr. Di Giacomo stated that on the maps that he checked it was in the water service area, but not the sewer service area.


Robert Blomquist, RJ Engineering Corporation, and Paul Granger, Sr., owner, presented the summary of the project. The overall comment they wish to convey is that they want to keep the property as rural as possible. They have a proposal for a senior facility in the southeastern corner of the property and would be like a senior co-op facility there. They have kept it at 16 units as they are going with private sewer on everything they have and the 16 units would keep them below the 5000 gallons per day per square foot which would preclude the use of a large sewage disposal facility.

Mr. Woodhull, DPW, presented applicants two general memos regarding submittals. A SWM plan and a Mass and Final Grading plan must be approved by the CCDPW prior to submittal for Final Plat Approval. Has any consideration been given to accessing these lots from an internal street as opposed to having individual driveways? We have considered that and our preference is to have individual driveways if possible.

How do you intend to address SWM requirements for this development? Mr. Blomquist stated that most of the focus on SWM had been very preliminary, but there is an existing pond in the northwestern section of the property. We may improve that pond to be in conformance with quality and quantity requirements and may even enlarge it, but again that is preliminary. Any SWM facilities required should be located in common open space. If they are located on individual lots the maintenance and repair responsibilities will be borne by the owner of that specific lot. In that case the deed for the impacted lot must include language identifying these responsibilities. If the pond is going to be used for SWM, then a geotechnical analysis of the embankment is required, along with a Maryland professional engineer’s analysis of the pond and outfall structure condition and hydraulic
performance. The pond analysis must address any relevant MD 378 Pond Code criteria. The analysis must be submitted to the Department of Public Works in the form of an engineering report, signed and sealed by a Maryland licensed professional engineer. If the pond is to be maintained by the HOA, but not perform a stormwater function, the lot deed restrictions must note the same. If it remains the ownership of Lot 8, the deed should reference that.

Stopping sight distance measurements will be required for the proposed driveway entrance onto Kirks Mill Lane for Lot 8. It looks like site distance is achievable if the driveway is kept towards the south property line. The closer it is kept to there, it takes you away from the horizontal curve and certainly the site distance appears to be adequate going back towards 274. Our concern primarily is Kirk’s Mill Lane looking to the right as you are exiting Lot 8.

The following standard notes and requirements apply to this plat and project: The details of these notes and requirements are as follows:

9.1 The Final Plat Lot Grading Note and the Lot Grading Plan Construction Limits Note
9.3 Requirements for Utility relocations
9.4 Requirements for Stormwater Inspection and Maintenance Agreements

Notes and requirements identified for record:
1. The Final Plat must include the Lot Grading Plan standard note and 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 show hereon. Any expanded clearing and/or grading in the absence of an approved revised lot grading plan may be considered non-compliance with Chapter 251 of the Cecil County Code and either or both the developer and/or Builder may be subject to the enforcement of the penalty provisions therein.”
2. The downstream conveyance of storm water must be analyzed in accordance with Section 251-9 A. (5) of the county’s SWM Ordinance. If stormwater discharge is directed off of the site on to adjacent property it is the responsibility of the Developer to obtain appropriate easements from the affected property owners per Sections 251-13 and 251-15.D of the Cecil County SWM Ordinance.
3. Where determined necessary by the utility companies, the owner, the designer, or DPW, utility poles must be relocated at the Developer’s expense.
4. An Inspection & Maintenance Agreement is required for the private SWM facilities.
Mr. Brown, SCS, said the proposed project will require an erosion and sedimentation control plan be submitted to the SCS for review and approval. We suggest your engineer contact our office to agree on design concepts before commencing design. Soils maps and reports on soil limitations for development are provided. All pond designs need to be submitted for review to the SCS to determine the applicability to NRCS pond standard 378. Ponds meeting 378 thresholds will need to have the designs approved by the District.

Mr. Markwardt, CCBoE, said for Lots 3-7, we would be looking for some type of connectivity so students coming from those lots can gather at one central location rather than trying to hit every driveway. The same would be true for Lot 9 & 2. Mr. Markwardt asked if children will be allowed in the senior facility. Mr. Blomquist stated that generally no, they will not. Mr. Granger stated that this is a firm no. Lot 8 would be provided bus service on Kirk’s Mill Road and Lots 2-9 would be provided service on Biggs Highway. Mr. Markwardt asked what size homes were being considered on Lots 2-9. Mr. Blomquist responded approximately 3000 square foot homes. Mr. Markwardt asked if assuming approval by Planning and Zoning, when do you anticipate starting the project and what is the anticipated pricing on the homes. Mr. Blomquist responded within one year and approximately $300 to $400,000.

Mr. Cwiek, USACoE, asked if a wetland delineation had been performed on the site and Mr. Blomquist responded that it had not. Mr. Cwiek’s concern is there is a stream shown on the soil survey that flows through Lots 2-9, in that area. We just want to make sure that whatever you design for those lots, you are avoiding impacts to wetlands and streams. Mr. Blomquist asked if that was the stream that is between Lots 2 and 3 that flows to the pond. Mr. Cwiek stated that he was not exactly sure of the location, but it may go through the pond and maybe flows down. Mr. Granger stated that it is not an active stream, though, and the only running water there is in North East Creek. Mr. Cwiek asked that they check that and make sure there are not any wetlands, even if the stream is drier than what it used to be there still may be wetlands in that area. We just want to make sure impacts are avoided. Mr. Blomquist stated they would be looking at proper setbacks.

Mr. James Kyte stated that he had a note from Jeff Isaacs, North East Fire Chief stating that he would like to see some type of fire suppression tank put in, especially around the senior citizen home. Mr. Kyte asked if the driveway going into the senior citizen area would be 22’ wide and going around the cul-de-sac 26’? Mr. Blomquist replied that it will be at least 22’ wide and 26’ around the cul-de-sac. Mr. Kyte recommended that they check with Jeff Isaac and Mr. Kyte to see if they can put a fire suppression tank out there at 274 at the intersection, roughly 20,000 gallons would be appreciated.

Mr. King, SHA, stated that he does not like all the accesses onto 274 and further asked if there is another way to design this to limit the number. Mr. Blomquist stated that they will do whatever it takes. Mr. King asked if they can incorporate the 5 access points into one. There was general discussion and applicants stated they will work with SHA to achieve fewer points of access. Mr. King asked if they would stake out the access points so adequate site distances can be obtained. A permit will need to be obtained.
Mr. Moore read the comments of the Health Department. See attached.

Mr. Di Giacomo read the comments of MDE. The comments are consistent with the Health Department comments. For additional information, please contact Chris Carski, MDE at 410-537-3743.

Mr. Di Giacomo read the Citizens’ Representative’s comments. There were several calls on this project, all of which talked about wet areas and soil conditions. Mr. Gray called and is additionally concerned about drainage issues. He indicates that there has been some work done to cover up the tile used for drainage in the past. Mr. Gambil called and is concerned about traffic. He is also concerned about the wells and the wet nature of the land. Paula Jordan called and they are concerned about their 20’ driveway and also indicate that they own the two lots shown. Joyce Moscota called and stated that their name should be on the plat instead of Gray’s as they purchased the property from Gray.

Mr. Di Giacomo, OPZ, said that upon inspection, this proposal was found not to be in compliance with §3.8 of the Subdivision regulations regarding public notification signs. Subsequently is was. 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.

The zoning is NAR, which permits a maximum base density of 1 du/5 ac. Bonus density eligibility carries with it a permitted density of 1/3. This Concept Plat appears to propose a total of 24 dwellings on 9 lots on 96.36 acres, for a proposed density of 1/4.02.

However, there is some confusion, as the Density Table represents that 32 dwelling units are proposed. Where are the additional 8 dwelling units? Mr. Blomquist stated that they do not have them split off yet, but wish to keep them in reserve for later subdivision if possible. He further stated that he is aware they only show 24 on the plat, but they may split them off later. Mr. Di Giacomo stated that if they split them off later, then at that later time, they will be required to submit a new concept plat. Mr. Blomquist stated that he understood. “Senior Facility” is not defined by the Zoning Ordinance. “Nursing Care Facility is, and “Retirement Housing Complex” is. Does what is proposed conform to either of those definitions, or is it a 55 and older community? Mr. Blomquist stated that it will conform to one of those, it is 55 and older and in addition will be Nursing Care Facility or Retirement Housing Complex and that he needs to look at the definition of both to give a definitive answer.

There is additional confusion because the minimum 15% common open space mandated in §22.2.b (1) for bonus density eligibility has not been proposed. There is additional confusion because §47 limits the number of principal structures on lots, except for apartments and condominiums. If the dwelling units proposed on Lot 1 are intended as apartments, then the plats must adhere to the standards established in §6.3 of the Subdivision Regulations.
If those dwelling units are intended as condominiums, then the plats must adhere to §6.2, as well as established procedures, wherein a different review process than normal is applied. The TAC and the Planning Commission must review the Concept Plat/ Sketch Plat as a whole. If approved, then the applicant will submit a Preliminary Plat/Site Plan for the condominiums for TAC review and Planning Commission review and approval. After that point, assuming approval is issued, building permits can be issued. Once the proposed condominiums are built, then the developer will apply for “as built” Final Plat review by the Planning Commission. If approved, the condominium plats may then be recorded. If the condominiums are proposed to be located on private roads, then a Variance from the Board of Appeals will be required. As there is no §4.05.02 among the Subdivision Regulations, its citation by note is curious. A Special Exception will be required, per §82 or 92, depending on whether it meets either of those definitions. Mr. Di Giacomo further stated that they should check the definition in Section 2, but section 82 and 92 gives what needs to be done in either of those contingencies. A Special exception will be required per section 82 or 92 and must be obtained prior to the Planning Commission’s review of the Preliminary Plat.

What steps have been taken or are planned in that regard? Mr. Blomquist stated they have taken no steps as they wanted to hear TAC comments first.

Of the remaining proposed lots, 3 (37.5%) are panhandle lots, and all are intended to directly access State and County roads. No internal roads are proposed. These have been reasons for disapproval by the Planning Commission in the past. Mr. Blomquist stated that they will change this and it will make the State happy also. A boundary line survey must be done in conjunction with the preparation of the Preliminary Plat for density calculation purposes.

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. 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 USACoE and MDE for all non-tidal wetland and stream impacts prior to recordation. A JD must be done prior to preliminary plat review by the Planning Commission. The habitats of rare, threatened, and endangered species must be avoided.

This proposal does not satisfy the NAR zone’s common open space requirements for bonus density eligibility. At least 15% is required, per §22.2.b (1). It says that the Planning Commission may consider bonus density eligibility with 60% and under a number of conditions. The C.O.S. sensitive areas thresholds need not be calculated for inclusion on Preliminary Plats in the NAR zone.

No landscaping of the development envelope is required, except for proposed Lot 1. No sidewalks are recommended, except for proposed Lot 1. Bufferyard Standard C is required,
outside the right-of-way, along the road frontages of MD 274 and Kirks Mill Lane. Rows of street trees with 10’ planting easements are required, outside the right-of-way, along both sides of all internal roads. 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 FSD must be approved prior to Planning Commission review of the Concept Plat. The PFCP must be approved prior to Planning Commission review of the Preliminary Plat. The FCP and Landscape Plan must be approved prior to Planning Commission review of the Final Plat. 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.

Any internal road names will need to be approved by the County 911 Emergency Center prior to Planning Commission review of the Preliminary Plat. Access to common open space between lots must be marked with concrete monuments. Covenants prohibiting the subdivision of the large lot must be recorded and noted on the plat prior to recordation.

A Homeowners’ Association for maintenance of common open space must be established with $50 per recorded lot placed in escrow for improvements prior to recordation. Parenthetically you will need to figure out how the senior facility fits into the overall scheme of things and therefore what their relationship to the HOA is. You have already addressed how the water and sewer service will be provided for the proposed “senior facility”. The water and sewer services for proposed Lot 1 must be approved by MDE, DPW, and the Health Department prior to the Planning Commission’s review of the Final Plat or the Preliminary Plat/ Site Plan.

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. Even though no existing public systems would be extended, the Master Water and Sewer Plan must be amended to include proposed Lot 1 prior to the Planning Commission’s review of the Final Plat. The Record Plats shall also contain a statement, signed by the owner, to the effect that such facilities will be available to all apartments/condominiums offered for sale, rent or lease.

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 was reminded of the Monday noon submission deadline for review by the Planning Commission this month.

Mr. Di Giacomo stated that regarding the other eight units, they might want to put them on a Concept Plat and then they could always come back with a Preliminary Plat that with just 24 lots instead of 32. Mr. Di Giacomo stated that he cannot speak for the Planning Commission; it just seems that if they see the whole picture at Concept, subsequent submittals will make more sense,
even if they are for only parts of the whole. Mr. Blomquist stated there is no hidden agenda. Mr. Moore stated that as an additional comment, it definitely will be a large flow system if this is proposed as a Nursing Home. Mr. Moore also asked about the dwelling and Mr. Blomquist stated that they will be keeping Mrs. Gray’s house on Lot 2.


Doug Kopec, VP of CNA, presented a summary of the Concept Plat. There will be private well and septic service and a JD has not been completed. FSD approval has been received. There is an overhead utility on Dr. Jack Road and a utility easement will be necessary for Rowland Road, though applicant is not sure where the utility easement is. The description in the acreage will be adjusted after a report is received from the surveyor.

Mr. Moore read the comments of the Health Department. See attached.

Mr. Woodhull, DPW, stated a SWM plan, Street and storm drainage plan, and a Mass and Final Grading plan must be approved by the CCDPW prior to submittal for Final Plat Approval. Rowland Road handles significantly lower ADT’s than Doctor Jack Road. As such, the Department strongly recommends the applicant redesign Sashimi Court for a Rowland Road access, if adequate stopping sight distance exists along Rowland Road. Line of sight, intersection sight distance, and stopping sight distance must be addressed by the applicant’s engineer for all the proposed Doctor Jack Road access locations shown. A submittal addressing these items must be made to the Department prior to submittal of a preliminary plat for TAC review. Based upon field review by departmental staff, it appears significant improvements to Doctor Jack Road may be necessary to address sight distance requirements. Lot 14 is denied access to Doctor Jack Road and must be revised for access to Tilapia Court. Lot 13 and 8 are denied access to Doctor Jack Road. A denied access note must be placed on the final plat. A common access location is required for lots 2 & 3. Lots 2 & 3 must be denied access along the remainder of their frontage. Lot 1 will require a restricted access location for stopping sight distance – see public works for the proper location.

What is the anticipated concept for site stormwater management? Applicant responded they are looking at a facility close to the cul-de-sac at the southern most portion of the property. The exact location and width of the AT&T easement must be shown on the preliminary plat. Applicant must confirm AT&T easement conditions and the legal right to construct the private mini roads over the AT&T easement. DPW staff looked at the existing building and driveway and something does not look right according to the piece of property across the street and this needs to be verified.

The following standard notes and requirements apply to this plat and project: The details of these notes and requirements are as follows:

9.5 The Final Plat Lot Grading Note and the Lot Grading Plan Construction Limits Note
9.7 Compliance with Section 3.07.15 of the Cecil County Road Code
9.8 Requirements for Utility relocations
9.9 Requirements for Public Works Agreements
9.10 Requirements for Stormwater Inspection and Maintenance Agreements
9.11 Requirements for Private Mini Roads.

Notes and requirements identified for record:

1. The Final Plat must include the Lot Grading Plan standard note and the Lot Grading Plan must include the standard construction limits note.
   a. Final Plat: “A lot grading plan has been approved by the CDPW for the construction shown hereon. A site construction as built shall be submitted to the CDPW 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 CDPW.”
   b. Grading Plan: “No clearing or grading is permitted beyond the limits of disturbance show hereon. Any expanded clearing and/or grading in the absence of an approved revised lot grading plan may be considered non-compliance with Chapter 251 of the Cecil County Code and either or both the developer and/or Builder may be subject to the enforcement of the penalty provisions therein.”

2. The downstream conveyance of storm water must be analyzed in accordance with Section 251-9 A. (5) of the county’s SWM Ordinance. If stormwater discharge is directed off of the site on to adjacent property it is the responsibility of the Developer to obtain appropriate easements from the affected property owners per Sections 251-13 and 251-15.D of the Cecil County SWM Ordinance.

3. Section 3.07.15 of the Road Code directs that Doctor Jack Road must be upgraded to a Minor Collector Standard for a distance of 100’ either side of the proposed entrance. The design engineer must address the requirement for minimum acceleration, deceleration, and bypass lanes. Any right-of-way acquisition necessary shall be performed by the applicant and at the applicant’s expense.

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

5. A Public Works Agreement is required for the private mini road & storm drainage construction.

6. An Inspection & Maintenance Agreement is required for the private SWM facilities.

7. The private mini-road subdivision and plans must adhere to the provisions of Section 2.13 of the Road Code which addresses requirements for private roads. A statement clearly outlining the responsibilities of the homeowners in the maintenance of roads and storm drainage systems must be approved by the Planning Commission and placed on the final plat. Deed restrictions must be developed and recorded in accordance with Road Code Section 2.13.D. The internal Street grade leaving Doctor Jack Road may not exceed 5% within the limits of the intersection right-of-way. If mini-road profile grades exceed 5%, the mini-road travel way and cul-de-sac must be paved in accordance with Section 2.13.F of the Road Code. The mini-road entrance, within the county road right-of-way, must be paved in accordance with Section 2.13.F of the Road Code.

Mr. Brown, SCS, said the proposed project will require an erosion and sedimentation control plan be submitted to the SCS for review and approval. We suggest your engineer contact our office to agree on design concepts before commencing design. Soils maps and reports on soil limitations for
development are provided. All pond designs need to be submitted for review to the SCS to determine the applicability to NRCS pond standard 378. Ponds meeting 378 thresholds will need to have the designs approved by the District.

Mr. Markwardt, CCBoE, stated that they would be interested in seeing some type of walking path connectivity on Lots 1, 2 and 3 on Rowland Road so that students can gather at one address for pick up by bus. Bus service would be provided on the other two roadways going into Dr. Jack Road at the intersection of the private mini-roads and Dr. Jack Road. Mr. Markwardt asked what size homes they are anticipating building and do you have a price range. Mr. Kopec stated that they would be between 2000 and 3000 square foot, 4 bedroom and they do not have a price range. When would you anticipate starting the project? Mr. Kopec stated that they would start as soon as they have all the appropriate approvals.

Mr. Cwiek, USACoE, stated that according to the plans it appears applicants have avoided all impacts at least at this point. If modifications or utilities or outfalls do require impacts to the wetlands or the stream system, you know the process. Mr. Kopec acknowledged that he did.

Mr. Kyte stated that he received a letter from Wayne Tome, Port Deposit Fire Chief, and he has stated that he has no credible water source in the area and would like to see the developer put in a 20,000 gallon holding tank for fire suppression. Mr. Kyte stated that the cul-de-sacs need to be enlarged to 100’ in blacktop for turning around fire equipment. The drives are about 450’ back in to the cul-de-sac roughly and it is a private mini-road there and it appears to be 12’ and we would like to see it enlarged to 18’ wide for passage of fire equipment for fire suppression.

There was no comment from the SHA. Mr. Di Giacomo read MDE comments that a water appropriation and use permit will be required. Mr. Di Giacomo reported that the Citizens’ Representative received a call from Bruce Hemphil who is an attorney who represents Edward Wilson. Mr. Wilson indicates he has not sold his property and wants to know what is going on.

Mr. Di Giacomo stated that upon inspection, this proposal was found not to be in compliance with §3.8 of the Subdivision regulations regarding public notification signs. Subsequently it was in compliance. 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.

The zoning is NAR, which permits a maximum base density of 1 du/ 5 ac. Bonus density eligibility carries with it a permitted density of 1/3. This Concept Plat proposes 14 lots on 36.82 acres, for a proposed density of 1/2.57. 3 of the proposed lots apparently are intended as minor subdivision lots, which each must be a minimum of one acre in size. The minor subdivision lots must be identified so that their acreage can subtracted from the total to determine the number of lots permitted. Tax records indicate that this parcel is more than 39 acres. There is still minor subdivision potential for 3 lots and if you are able to invoke section 2.4.1 and place them on an interior road, they go in at zero density. Since the Health Department has already indicated that there is an issue with 1/3 density, this is something you may want to take a look at. If the Planning Commission approves bonus density and you can use all the acres, you may get another lot or two out of the plan. Assuming that the 36.82 acre figure is correct, and assuming that the minor subdivision lots consume only 3 acres,
then the remaining 33.82 acres could potentially yield 6 lots at base density and 11 lots at bonus density. A boundary line survey must be done in conjunction with the preparation of the Preliminary Plat for density calculation purposes.

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. 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 USACoE and MDE for all non-tidal wetland and stream impacts prior to recordation. A JD must be done prior to preliminary plat review by the Planning Commission. The habitats of rare, threatened, and endangered species must be avoided.

This proposal satisfies the open space bonus density eligibility requirements of the NAR zone. 60% overall, 18% common open space, and a large lot that is at least 10 acres in size are proposed. No C.O.S. sensitive areas thresholds are required to be calculated for inclusion on the Preliminary Plat. No landscaping of the development envelope is required in the NAR zone. No sidewalks are recommended. Bufferyard Standard C is required, outside the right-of-way, along the road frontages of Dr. Jack and Rowland Roads. Rows of street trees with 10’ planting easements are required, outside the right-of-way, along both sides of all internal roads. 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 FSD must be approved prior to Planning Commission review of the Concept Plat. The PFCP must be approved prior to Planning Commission review of the Preliminary Plat. The FCP and Landscape Plan must be approved prior to Planning Commission review of the Final Plat. 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.

Proposed 4 and 11 may exceed the 3:1 length to width ratio established in §7.4.2. §4.0.13 (j) mandates lot dimensions on Concept Plats. The internal road names will need to be approved by the County 911 Emergency Center prior to Planning Commission review of the Preliminary Plat. Mr. Di Giacomo stated that he did get those back and they may already be approved.

Access to common open space between lots must be marked with concrete monuments. Covenants prohibiting the subdivision of the large lot must be recorded and noted on the plat prior to recordation. A Homeowners’ Association for maintenance of common open space must be established with $50 per recorded lot placed in escrow for improvements prior to recordation. Mini-road Maintenance Associations for maintenance of the mini roads must be established prior to recordation, with the owners of all lots accessing the mini-roads becoming members.
Has any consideration been given to a looped County road accessed by all lots, instead of 2 unconnected mini-roads with 4 lots directly accessing County roads? Applicant responded that there are streams right through the middle of the site and we are trying to avoid crossing that. It is also a cost consideration, but mainly it is the environmental restrictions. Mr. Di Giacomo again stated that if a redesign invoking §2.4.1 could seriously mitigate that cost impediment.

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. This is included in Note #23. All agreements regarding the AT&T easement must be finalized prior to Final Plat review by the Planning Commission. The applicant was reminded of the Monday noon submission deadline for review by the Planning Commission this month.


Tim Whittie, MRA, representing the owner/developer Steve Lauriello, Land Associates, LLC, presented a summary of the project. This project is for Phase II, Preliminary Plat for the approval of the remaining lots which required wet season perks for the additional analysis for the design of sand mounds and/or standard systems based on the soils. The additional perk tests resulted in positive tests only for lots 17, 29 and 32. Lots 18, 19 and 20 failed completely. Lot 29 will utilize a conventional septic system. Lots 17 and 32 will utilize a sand mound system. We have separated Lots 18, 19 and 20, but we will probably combine all those lots into one lot and use the mound system that is in Lot 17. All other permits and requirements have been met.

Mr. Moore read the comments of the Health Department. See attached. Mr. Woodhull, DPW, said Lot 29 must be denied access to Blue Ball Village Road West along its entire frontage. The easement between Lots 16 & 17 must be identified on the final plat as ‘30’ Public D. & U. Easement.

All other departmental requirements have been meet for this development. New intersection/entrance signage will be required along New Bridge Road.

The following standard notes and requirements apply to this plat and project: The details of these notes and requirements are as follows:

7.1 The Final Plat Lot Grading and the Lot Grading Plan Construction Limits Note.
7.2 Driveway pavement note

Notes and requirements identified for record:
1. The Final Plat must include the Lot Grading Plan standard note and 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 show 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. All driveways must be paved at least to the right of way. The driveway paving must be complete for all lots at the time when the surface course for the internal roads is installed. This requirement includes any vacant but platted lots. Any driveway exceeding 5% up-gradient-slope form the roadway must be paved to the crest. If the development is phased these requirements will apply to each phase when 80% of the lots are built-out. All of these requirements must be reflected on the Lot Grading Plan.

All other department requirements have been met for this development

Mr. Brown, SCS, said the proposed project will require an erosion and sedimentation control plan be submitted to the SCS for review and approval. We suggest your engineer contact our office to agree on design concepts before commencing design. Soils maps and reports on soil limitations for development are provided. All pond designs need to be submitted for review to the SCS to determine the applicability to NRCS pond standard 378. Ponds meeting 378 thresholds will need to have the designs approved by the District. Plans submitted to SCS may not be larger than 24” x 36.

Bob Markwardt, Cecil County Board of Education, had no comments.

Phil Cwiek, USACoE, reported it appears there are no wetlands or streams and if so, no authorization from the Department of the Army is required.

Mr. Kyte, Fire Chief’s Association had no comments. Mr. King, SHA, had no comments.

Tony Di Giacomo read MDE comments. A water appropriation use permit has already been issued for this project. The number is CE2004G011. No comments were received by the Citizen Representative.

Mr. Di Giacomo said this project 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 website, notice is hereby given the jpg file submissions can only be 11 inches, maximum, in any direction. Adherence to that requirement will enable the County to better serve the public.

The zoning is NAR. The Concept Plat (31 lots on 94.2 acres, for a proposed density of 1/3.039, plus 4 minor subdivision lots) received bonus density approval on 7/21/03, conditioned on:
   1) A boundary line survey being complete prior to the TAC’s review of the Preliminary Plat;
   2) A JD being completed prior to the Planning Commission’s review of the Preliminary Plat;
   3) All proposed lots other than 34 & 35 having access off the internal roads;
   4) The proposed Blackborne Drive entrance aligning directly with Blue Ball Village Drive;
5) A TIS with signal warrant analysis for the Blue Ball Road/MD 273 intersection being complete prior to the TAC review of the Preliminary Plat;
6) Lot 34’s Bufferyard C requirement along Blue Ball Road and the street tree requirement along Blackborne Drive being waived in favor of a rear Bufferyard B and a row of pines along the side lot lines;
7) A setback modification being granted for the existing building on proposed Lot 34;
8) The Bufferyard C requirement along MD 273 being waived and a Bufferyard C being provided between the BG zone and the NAR zone; and
9) Dry hydrants or a drafting tank being discussed with the Rising Sun Fire Company and a report being made to the Planning Commission with the Preliminary Plat.

The Phase 1 Preliminary Plat was approved on 6/21/04, conditioned on:
1) Health Dept. requirements being met;
2) DPW requirements being met;
3) The TIS recommendations being agreed to by the County and SHA;
4) The FCP and Landscape Plan being approved prior to Final Plat review;
5) The FRAs being depicted on the plat, and the details of the FCP, Landscape Plan, and Final Plat matching up;
6) The inclusion of a 30,000 gallon drafting tank in the final design; and
7) Pedestrian access being designed into the plat from the residential to the commercial portion of the property.

The Phase 1 Final Plat was approved on 4/18/05, conditioned on:
1) Health Dept. requirements being met;
2) DPW requirements being met;
3) The Landscape Agreement 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) Covenants prohibiting the subdivision of the large lot being recorded and noted on the plat prior to recordation;
6) A Homeowners’ Association for maintenance of common open space being established with $50 per recorded lot placed in escrow for improvements prior to recordation;
7) The contiguous operating farms notice being included on the Record Plat;
8) The Record Plat showing the location of the 30,000 gallon drafting tank; and
9) The connecting pedestrian path being shown on the Record Plat.

§4.0.9 provides that Concept Plats shall be valid to two years. Thus, the Concept Plat validity that began on 7/21/03 was set to expire on 7/21/05. §4.0.9 further provides that approval of any Preliminary Plat (Phase 1 was approved on 6/21/04) shall extend the Concept validity for one year, which, in this case, was 6/21/05. §4.0.9 states, “If a Preliminary Plat is not approved during the period, then the developer may request an extension in accordance with Section 4.0.10.” No extension was sought; therefore, the Concept Plat has expired. The applicant may submit the Concept Plat for re-approval at the
same time as this Preliminary Plat is submitted for review by the Planning Commission. No purpose would be served having the TAC again review the previously approved Concept Plat.

This Phase II Preliminary Plat is generally consistent with the approved, but expired, Concept Plat, as well as other Preliminary and Final Plats. Proposed Lots 17 and 18 are essentially only one buildable lot. Why is this one buildable lot depicted as two proposed lots? You have answered my question previously about 17, 18, 19 and 20.

Proposed Lots 19 and 20 are shown to be reserved by owner. If they are proposed to be developed at a future date, then those proposed lots should be shown as Phase III. In addition, the applicant is reminded to keep track of the lapse dates of all applicable Concept and Preliminary Plat approvals so as not to procedurally jeopardize the viability of a Phase III. The boundary line survey has been done. The future development of the BG-zoned remaining lands must proceed through the site plan process, per §’s 290 or 291, and be consistent with §32 and all other applicable sections of the Zoning Ordinance, and it must provide pedestrian access to Phase 1. The issuance of any building permit(s) will be contingent upon site plan approval.

Because the TIS erroneously reported that stated “the key intersections and road section will continue to operate at satisfactory levels of service under future conditions,” a follow-up recommendation was received for an additional northbound lane on Blue Ball Road. One NB lane would be a dedicated left turn lane and the remaining lane would be for through and right turn traffic.

No steep slopes have been depicted. Permits are required from the USACoE and MDE for all non-tidal wetland and stream impacts prior to recordation. Per the Planning Commission’s policy, established on 3/20/95 and revised on 1/16/96, so long as the wetlands are in the common open space or the forest retention area, a JD need not be done.

Access to common open space between lots must be marked with concrete monuments. No landscaping of the development envelope is required in the NAR zone. The contiguous operating farms notice has not been included on the plat. That must be corrected prior to recordation. Rows of street trees are with 10’ planting easements required, outside the right-of-way, along both sides of all internal roads. Where feasible, the natural vegetative equivalent may be used to satisfy the bufferyard and street tree requirements. The FSD, PFCP, FCP and Landscape Plan have now been approved. 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. The metes and bounds description of the FRA must be shown on the record plat.

The road names have been approved. The owners of these lots must become members of the Homeowners’ Association for maintenance of common open space that was established, with $50 per recorded lot placed in escrow for improvements prior to recordation. The applicant was reminded of the Monday noon submission deadline for review by the Planning Commission this month.

Megan Virts, MRA, appeared on behalf of Lincus Land, LLC and provided an overview of the project. This is the proposed development of the remaining lands of Lincus Land, LLC. This plan proposes dividing the remaining lands into four lots. Lot 1 is an existing lot that was developed as part of Owens Landing Marina. This lot has parking, a boat access ramp and an existing building that houses the office for the Marina. This lot will remain as it is. Lot 2 is proposed as a residential development of 18 condominium units with the required parking on the lot. There is some surface parking and also a garage level underneath the condominiums. These condominiums will be known as Riverview Condominiums. Lot 3 is proposed as part of Owens Landing Marina and includes a proposed 453 boat slips and parking required for the boat slips. There will also be a 2nd boat access ramp, a proposed restaurant and marina facility that would have showers, rest rooms, lockers, etc. for the users of the marina. Lot 4 which is zoned Town Center, Mixed Use, would be a commercial layout for retail space with all the required parking on that lot. There would be approximately 9000 square feet of retail space and would be known as Riverview Commercial. The developer has agreed to provide public seating along the Heritage Trail that follows Roundhouse Drive in areas that may have views to the Susquehanna River.

Mark Woodhull, DPW, said it is the DPW understanding that the water and sanitary sewer and all the roads will belong to the town of Perryville and will not be County. A SWM plan and a Final Grading plan must be approved by the CCDPW prior to submittal for Final Plat Approval by the Town. This is based on the fact that we are contracted by the town of Perryville to do their SWM.

The following standard notes and requirements apply to this plat and project: The details of these notes and requirements are as follows:

9.1 The Final Plat Lot Grading Note and the Lot Grading Plan Construction Limits Note
9.3 Requirements for Stormwater Inspection and Maintenance Agreements

Notes and requirements identified for record:

1. The Final Plat must include the Lot Grading Plan standard note and the Lot Grading Plan must include the standard construction limits note.
   a. Final Plat: “A lot grading plan has been approved by the CCDPW for the construction shown hereon. A site construction as built shall be submitted to the CCDPW prior to use and/or occupancy of any of the sites shown hereon. Any change to the Forest Retention, Forestation, and/or Reforestation will require a consistency review, of the SWM approval, with CCDPW.”
   b. Grading Plan: “No clearing or grading is permitted beyond the limits of disturbance shown hereon. Any expanded clearing and/or grading in the absence of an approved revised lot grading plan may be considered non-compliance with Chapter 251 of the Cecil County Code and either
or both the developer and/or Builder may be subject to the enforcement of the penalty provisions therein.”

2. The downstream conveyance of storm water must be analyzed in accordance with Section 251-9 A. (5) of the county’s SWM Ordinance. If stormwater discharge is directed off of the site on to adjacent property it is the responsibility of the Developer to obtain appropriate easements from the affected property owners per Sections 251-13 and 251-15.D of the Cecil County SWM Ordinance.  

3. An Inspection & Maintenance Agreement is required for the private SWM facilities.

Mr. Brown, SCS commented that the proposed project will require an erosion and sedimentation control plan be submitted to the SCS for review and approval. We suggest your engineer contact our office to agree on design concepts before commencing design. Soils maps and reports on soil limitations for development are provided. All pond designs need to be submitted for review to the SCS to determine the applicability to NRCS pond standard 378. Ponds meeting 378 thresholds will need to have the designs approved by the District. Plans submitted to SCS may not be larger than 24” x 36.

Mr. Markwardt, CCBoE, asked if there were 18 condominiums being added and further stated that bus service for any students in that area would be within walking distance of existing bus stops. Mr. Markwardt asked for the size of condos anticipated and the price range. Ms. Virts stated the size will be approximately 1600 square feet and the price range is unknown. Ms. Virts stated that the project will be started immediately upon approvals.

Phil Cwiek, USACoE, noted a proposed bulkhead and asked if there is an existing bulkhead that will need to be replaced. Ms. Virts stated that she is not totally certain. Department of the Army authorization will be required for any of the work within the waterway, the piers, the bulkhead and it also requires approval from MDE. Two other issues, Rogers Tavern may be on the Historical Register and the CoE review will also include coordination with Maryland Historical Trust. There is a pretty dense bed of submerged aquatic vegetation that will need comments from the National Marine Fishery Service.

James Kyte recommended that they check with the local fire company for proper hydrant placement and water line size.

Mr. King, SHA, had no comment. Mr. Moore read the comments of the Health Department. See attached. No comments were received from the Citizens’ Representative.

MDE comments were reported by Mr. Di Giacomo. If public water is available, a water appropriation permit is not required.

No comments have been received from the Critical Area Commission on this project.

Chris Rogers, URS, representing the Town of Perryville, stated that the project has not yet been reviewed by the Town Planning Commission.
Mr. Di Giacomo said this project is proposed for the Town of Perryville. The Cecil County TAC, as a courtesy to the towns in the County, occasionally reviews site plans and subdivision proposals within the towns’ corporate limits. Inasmuch as this proposal is a combination of a subdivision and site plans, it is suggested (Town regulations permitting) that as the project moves through the Town’s process, one subdivision plat and separate detailed site plans be presented for review. Given the level of complexity of the proposal, that approach will likely prove advantageous.

Town Zoning is R-3, R-M, and T-C, and IDA for the Critical Area portion. It is recommended that the zoning district/critical area boundaries be clearly delineated on the plats and site plans. The title block indicates that this is a Preliminary Site Plan. Has a Concept Plat already been reviewed? Ms. Virts believes it has been reviewed. (If not, then it should be verified that the review and approval process can begin with a Preliminary Site Plan.)

It is recommended that Lot 1 be labeled on the site plan and the schematic drawing. Since proposed Lot 3 would be situated between Lots 1 and 4, and since both Lots 1 and 4 will have curb and gutter, what is the rationale for Lot 3’s not having curb and gutter? Ms. Virts responded that this is to allow for flow over that parking lot area as they may do some gravel or ecostone that would allow for infiltration. If necessary, they can tie into the storm drain in Owen’s Landing Condos.

It is recommended that it be determined the proposed condominium and the restaurant-marina locations are outside the fall zones of the BGE towers and lines. Has any consideration been given to creating additional bicycle or pedestrian access in addition to the proposed 6’ walkway? What arrangements have been made, or yet need to be made, in order for the proposed 6’ walkway to connect to the property to the north? Why isn’t the proposed 6’ walkway shown to also connect with Owens Landing, to the south? Ms. Virts states this is unknown.

It is recommended that sidewalks be given favorable consideration along and through all parking lots. It is recommended that the developer work with the Town on appropriate directional signage at the Owens Landing and new condominium entrances, consistent with MUTCD guidelines. From an emergency response perspective, it may be desirable to name the access roads to the boat ramps. It is recommended that the proposed use and density be verified as being consistent with the Town’s Zoning Ordinance for the R-3, R-M, and T-C zones. Will any zoning changes be required? Ms. Virts states that she does not think any changes will be necessary. It should be confirmed that the setbacks, lot sizes, and lot widths are consistent with the Town’s Zoning Ordinance for the R-3, R-M, and T-C zones. It is recommended that the plat be checked to ensure that all requirements for Preliminary Plats, as set forth in the Town’s Zoning Ordinance and Subdivision Regulations, have been satisfied.

A 25’ buffer is recommended around any non-tidal wetlands. Permits are required from the (US Army) Corps of Engineers and MDE for any non-tidal wetland impacts or stream crossings prior to recording. The habitats of any rare, threatened, and endangered species
should be avoided. It should be confirmed that any landscaping proposed is consistent with the landscaping requirements of the Town’s Zoning Ordinance and Subdivision Regulations, especially with respect to street trees and any required bufferyards.

It is recommended that no street trees be planted within 20 feet of sewer laterals and cleanouts. It is recommended that the Landscape Plan include adequate vegetative buffering of the proposed condominiums from the adjacent acres of parking lot. It is recommended that the Landscape Plan be approved prior to final subdivision approval and/or site plan approval. It is also recommended that a Landscape Agreement be executed prior to recordation. Cecil County and the Town of Perryville have not signed an “Assigning Obligations Under the Forest Conservation Act” agreement. However, reviews of FSD’s and FCP’s are performed as a courtesy to the Town. In this case, it appears that some of the project is located within the Chesapeake Bay Critical Area IDA overlay zone.

It should be confirmed that the project is consistent with all requirements of the Critical Area Program. A note should appear on the plat to the effect that the portion of the project located within the Chesapeake Bay Critical Area is exempt from the Forest Conservation Regulations, per §3.2B. It is recommended that an environmental assessment be submitted to the Critical Area circuit rider for Perryville. It is further recommended that the Planning Commission not approve the Preliminary Plat until after the environmental assessment has been approved.

It is strongly recommended that a Traffic Impact Study (TIS) be completed prior to the approval of the Preliminary Site Plan. Attention should be paid to potential vehicle/bicyclist/pedestrian conflicts on local streets and emergency access/evacuation issues.

Has any consideration been given to rendering a more TOD design, with improved pedestrian connectivity to the Perryville station? It should be confirmed that the number of parking spaces falls within the minimum and maximum established by the Town’s Zoning Ordinance and Subdivision Regulations. It should be confirmed how many ADA parking spaces are required. It should be confirmed that all aspects of the proposed site designs and layouts are consistent with the Town’s Subdivision Regulations and Public Works street code. It is recommended that the access to the existing and proposed boat ramps be designed to minimize vehicle/pedestrian conflicts. What would prevent people from cutting through Owens Landing from the parking lots to the piers and boat slips? This could become a real concern for the people now residing in Owens Landing.

MUTCD-recommended signage/striping should be utilized to ensure pedestrian safety at all crossing points, especially between the retail area and the restaurant/marina across Old River Road and Roadhouse Drive. Is Roadhouse Drive new or is it a new name for Roundhouse Drive? Ms. Virts stated that this should be Roundhouse Drive.

The small peninsula at the site of the proposed boat ramp will impede access to nearby boat slips, as designed. A dedicated boat ramp for the municipal pier has not been shown. If municipal pier access is proposed via the proposed boat ramp on proposed Lot 3, then that
site plan should make a determination of the adequacy of boat ramp access for this entire site prior to its approval. Emergency access must be considered with respect to the roadway geometrics of the unnamed access road. It should be confirmed that the proposed pier/boat slip design is consistent with all Town and Critical Area regulations.

It should be confirmed that all proposed building heights do not exceed the maximum height established in the Town’s Zoning Ordinance and Subdivision Regulations. In additions, can 3 levels of condominiums and lower level parking be achieved within the height restrictions? Fire hydrant/standpipe locations should be consistent with the Town’s Zoning Ordinance and Subdivision Regulations, and/or comments provided by the Perryville Volunteer Fire Company.

Water allocation should be confirmed by the Town of Perryville prior to final approval. Sewer allocation should be confirmed by the Town of Perryville’s Department of Public Works prior to final approval.

It is recommended that a Homeowners’ Association for maintenance of any common open space must be established with whatever sum required by the Town be placed in escrow for improvements prior to recordation. It is recommended that the Final and Record Plats 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. For the new condominiums, it is recommended that the Final and Record Plats also contain a statement, signed by the owner, to the effect that such facilities will be available to all condominiums offered for sale. It is recommended that any recreational amenities be included in the Public Works Agreement with the Town. It is recommended that the site designs be consistent with the Town’s policies regarding possible bus stops/shelters and/or bicycle racks. It is also recommended that any necessary variance or special exception numbers be shown on the plat. In that regard, the proposed restaurant/marina is partially within the 100 year floodplain.

Will there be any open space areas proposed or required? Ms. Virts stated that the area around the condos will be open space. Will any stormwater management facilities be required and where would they be located? There is an existing SWM facility in the area of the restaurant and that will probably need to be redesigned to work with that and to accommodate the additional flow to the facility. It is recommended that detailed lighting plans for the Lots 3 & 4 site plans be approved by the Town, with particular attention being paid to pedestrian/bicyclist/vehicular safety and potential conflicts.

For proposed Lot 4, has any consideration been given to moving the shops up to the sidewalks and putting the parking in the rear? That could produce a more pedestrian-friendly and attractive setting with a stronger sense of place particularly given its proximity to Rogers Tavern. Sense of place is especially important in the Roger’s Tavern area. Careful consideration should be given to potential adverse impacts associated with the access to the access easement proposed across Lot 3 to the municipal pier.
It is recommended that the condominium review and approval process, if different from the Town’s subdivision review and approval process, be strictly adhered to. It is recommended that documentation that the CONDO INSTRUMENTS for these condominiums be accepted by the Maryland Secretary of State be received by the Town prior to recordation. It is recommended that all condominium owners be required to become members of the condominium association.

Mr. Woodhull added that if the existing wet pond is intended to serve a stormwater management function, then a geotechnical analysis of the embankment is required, along with a Maryland professional engineer’s analysis of the pond and outfall structure condition and hydraulic performance. The pond analysis must address any relevant MD 378 Pond Code criteria. The analysis must be submitted to the Department of Public Works in the form of an engineering report, signed and sealed by a Maryland licensed professional engineer. If the pond is to be maintained by the HOA, but not perform a stormwater function, the lot deed restrictions must note the same.

Ms. Virts stated that they are on the agenda for the Planning Commission at the Town of Perryville for Oct. 17, 2005. Mr. Di Giacomo asked if this is for the whole package, with site plans and subdivisions? Ms. Virts stated she understands what Mr. Di Giacomo is stating and that it might not be as overwhelming to the Planning Commission if it were broken out in different Plats.


Jim Lambdin and Art Leonard of Lambdin Development Company and Tim Whittie of Morris and Ritchie Associates appeared to provide a summary of the project. Mr. Lambdin stated the proposal is for the town of Charlestown. They have been working on the annexation process for one year. Mr. Lambdin stated that they were before TAC a year ago with the Concept Plan. The Town Commissioners did, in fact, grant approval for annexation on August 23, 2005. Subsequent to that, a referendum was put forth that calls the annexation action to be put to a vote of the town residents. That vote is scheduled for Oct. 24, 2005. In the meantime, the town has reviewed the plan before you and at the Oct. 4, 2005 town Planning and Zoning meeting, we did receive approval of the plan. That approval was conditioned on not only the annexation vote happening, but also conditioned upon the items that are in a URS letter dated Oct. 3, 2005 from the town’s engineer that outlines several comments. I believe this was provided to TAC. Since the project will be in the Town, they will be tying into the Town’s existing water and sewer systems and utilizing existing town roads. Lots 77 and 78 belong to Mrs. Poe and her son. We have created lots around those structures and they will continue to live in those dwellings and will continue to enjoy the use of access of the existing Cool Springs Road out onto MD Rt. 40. The only other use of that private road will be in the event of an emergency situation for fire and EMS and the Charlestown Fire Chief has approved that use. A TIS was prepared which concluded there are no off site road improvements needed for the project and the road configuration is adequate.
Mark Woodhull, DPW, said we understand that the issue of annexation will not be determined until the referendum vote is taken on October 24, 2005. All our comments are based on annexation of this site by the Town of Charlestown. If that does not occur, a revised concept plat would be required for any development on this property. Density of the proposed development is obviously tied to the availability of public water. The County has no ability to provide water to this site. Therefore without annexation private wells will be required to meet this need necessitating a reduction to the proposed density. Without annexation the following comments are moot. If this site is annexed by the Town of Charlestown, the streets, sanitary sewer mains along with the water mains will belong to the Town. The CCDPW recommends that the roads, sanitary sewer and water distribution system be designed to meet or exceed the County’s standards. We also recommend that the Town request that the serving fire company review fire hydrant spacing and locations. The water lines must be reflected on the sanitary sewer plans and as-builts.

We request that the Town withhold Final Plat approval until the Department has approved the SWM plan and the Mass and Final Grading plan. The condition of Peddlers Run and its capability to handle existing flows is of concern to the CCDPW as well as the Town Of Charlestown. In particular MD Route 7 and adjacent properties located at the highway cross culvert have experienced extreme flooding. Therefore, the downstream analysis associated with Section 251-9 A. (5) of the county’s SWM Ordinance will be of great importance and must address the MD Route 7 crossing as well as the MD Route 267 crossing.

In consideration of the Town’s jurisdiction over flood zone issues involved with this development we recommend that the Town require a flood zone analysis identifying any specific concerns to the applicant as well as this Department. All SWM facilities must be located completely outside of any stream or wetlands buffers.

Regardless of whether this development is annexed by the Town of Charlestown or not this Department will require a TIS. This number of dwellings would be expected to generate approximately 2160 trip ends per day (per the ITE Trip Generation Manual) impacting county roads (particularly, Wells Camp Road and Red Toad Road). The proposed routing will more than likely have an adverse impact on Wells Camp Road and Red Toad Road as traffic flows to and from MD Route 40. Therefore, the developer should anticipate off-site improvements to these two roads. Inspiration Road and Clemency Drive are not considered, singularly, acceptable collector streets for subdivision access if no other site access is available. The CCDPW recommends that the Town require that the road design address upgrades to the existing section of Louisa Lane Extended, Clemency Drive, and Revelation Drive to support this additional traffic loading (approx. 2160 ADT). We also recommend that Cool Springs Road from Banff Street to Louisa Lane Extended be designed to a Minor Collector Road standard (R-7).

How does Lot 78 access Cool Springs Road? Lot 77 should not be allowed to access Cool Springs Road off of the temporary tee-turnaround proposed. You have answered this question. The CCDPW recommends that the Town require the applicant to satisfactorily address these concerns. If connectivity to the proposed Charlestown Crossing subdivision
is not achievable. The CCDPW recommends that the Town require that the stub road either be eliminated or at a minimum be terminated as a cul-de-sac (Road Code Standard R-14). If the Town of Charlestown requires sidewalks, the CCDPW recommends that the Final Plats should include a note indicating that sidewalks maintenance will be the responsibility of the adjacent property owner. The CCDPW recommends that the Town require an engineering study of the existing sewer system in the Town to address capacity of the existing pump stations and conveyance systems to adequately handle the additional flows generated by this development. We request that a copy of that survey report be sent to the CCDPW. We recommend that the Town require that all cleanouts and water meter vaults must be designed to be outside of all paved or concrete areas on each lot. The sanitary sewer connections for this development will be subject to County connection fees. The Department recommends that the Town require PWAs for the sanitary sewer lines, water lines and internal streets and stormdrains.

The following standard notes and requirements apply to this plat and project: The details of these notes and requirements are as follows:

7.1. The Final Plat Lot Grading Note and the Lot Grading Plan Construction Limits Note.


7.3. Requirements for Stormwater Inspection and Maintenance Agreements.

Notes and requirements identified for record:

1. The Final Plat must include the Lot Grading Plan standard note and 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 show 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.”

The downstream conveyance of storm water must be analyzed in accordance with Section 251-9.A. (5) of the county’s SWM Ordinance. If stormwater discharge is directed off of the site on to adjacent property it is the responsibility of the Developer to obtain appropriate easements from the affected property owners per Sections 251-13 and 251-15.D of the Cecil County SWM Ordinance. An Inspection & Maintenance Agreement is required for the private SWM facilities.

Mr. Brown, SCS, said the proposed project will require an erosion and sedimentation control plan be submitted to the SCS for review and approval. We suggest your engineer contact our
office to agree on design concepts before commencing design. Soils maps and reports on soil limitations for development are provided. All pond designs need to be submitted for review to the SCS to determine the applicability to NRCS pond standard 378. Ponds meeting 378 thresholds will need to have the designs approved by the District. Plans submitted to SCS may not be larger than 24” x 36.

Mr. Markwardt, CCBoE, asked if the project would be put in in phases? Mr. Lambdin responded that it will probably be one or two phases, but it will be a steady flow of houses coming on stream. Mr. Markwardt stated that bus service will wind up coming in at such time as the roads are accepted by the Town of Charlestown and they assume responsibility for them and their care. We will come in as long as there is a loop road and we have a way to get out. Our hope would be that Phase 1 would include getting to the rear of the development. We would endeavor to keep bus transportation on Cool Springs Road itself as much as possible and bring the students to those points. Mr. Markwardt asked what size homes are anticipated. Mr. Lambdin responded that he does not know exactly but they will be upwards to 3000 square feet and will be priced out at an average of $400,000. Mr. Lambdin stated that the project would begin within two years of receiving approvals.

Mr. Cwiek, USACoE, stated that there is one area that will require a permit. For the permit, you will need to address how you have tried to minimize impact to waters of the United States, such as considering bridging or culverts or other alternatives.

Mr. Kyte stated that Mr. Di Giacomo will read the letter from Fire Chief Ron Daniels. Mr. Stanley Hearn stated that there is an error in the letter from Ron Daniels. It states all cul-de-sacs in paragraph two in the next to the last sentence… all cul-de-sac roadways must maintain a minimum of 24’ of drive containment; also the overall turning radius. The section after the semi-colon should be deleted.

Mr. King stated that SHA will need to see how the water will be handled in this area because of Route 7. Mr. King asked when the TIS was done. Mr. Lamden stated the first one was done in January and then it was revised upwards for the increase in the number of lots in June. Both of those were submitted to town, county and state. Mr. King stated that he does not recall receiving any reports. Mr. Hearne stated that the town had received a copy of the TIS.

Joe Moore read the comments of the Health Department. See attachment. Mr. Di Giacomo read the comments of MDE. Water appropriation and use permit will be required if public water is not available. Mr. Di Giacomo also read a letter from the Charlestown Fire Company. See Attached. Mr. Di Giacomo reported that the Citizens’ Representative received communication from Karen Murray and she expressed concerns about sediment ponds and whether those are included in the open space calculation. She is also concerned about the adequacy of the cul-de-sacs to accommodate EMS and school vehicles. She is concerned about barriers and buffers at property lines adjoining property owners, how the private road is intended to be used and if there is permission from the owners. She wonders what the secondary access to the subdivision will be and is the developer willing to provide a barrier to prevent any use of this road which is a private road rather than an adjoining subdivision and will that be done at the request of the Fire Company.
Chris Rogers, URS Corporation, spoke for the Town of Charlestown and stated that at the Planning Commission meeting of 10/4/2005, there was a lot of discussion with the applicant about the potential to tie in to Charlestown Crossing, both roadways and water lines and possibly trails. We know that Charlestown Crossing has preliminary approval and we will be approaching the county planning office to seek guidance and assistance to see what can be done to tie these two developments in. Mr. Di Giacomo stated that for the record, that is an issue that we raised. It was also an issue that the members of the Planning Commission raised both at the Sketch Plat/Special Exception application which was done in lieu of a regular Concept Plat since it is a PUD, and again at the Preliminary Plat stage and we were told at that time that because of environmental and other constraints, that this was not going to happen. Mr. Lambdin stated that he wants the record to show his desire to achieve the roadway connectivity. Mr. Rogers further stated that the town is in the process of receiving approval from MDE for their own SWM ordinance which has the requirement for an extreme flood volume. The developer has agreed to that even though the ordinance may not be adopted by the town prior to them seeking Final Plat approval. Applicant stated that they were under the impression that the sewer connections would be in the town system and as a result, any fees would be going to the town. Mr. Woodhull stated that the fees that the County would charge would be to retire the debt on the Seneca Point sanitary treatment center treatment plant, which is the county’s and as such those connection fees would be charged. Mr. Hearne stated that this was the first he had heard about this and will need to talk to the County Commissioner since Mr. Lambdin will be charged twice for the service.

Mr. Di Giacomo said this subdivision is proposed in to be the Town of Charlestown, and the Cecil County TAC, as a courtesy to the towns in the County, occasionally reviews subdivision proposals within the towns’ corporate limits. Unless and until annexation into the Town of Charlestown is actually achieved, these comments shall be considered moot. This project was reviewed by the TAC in November 2004 under County codes and regulations.

That Concept Plat was never subsequently approved by the Cecil County Planning Commission. In addition, since the parcel has not yet been annexed, there has been no opportunity for a Concept Plat to have been reviewed by the Charlestown Planning Commission, either. Mr. Lambdin stated that the Charlestown Planning Commission has reviewed and approved the Concept Plat, prior to annexation. It is strongly recommended that it be confirmed that the Town’s Subdivision Regulations allow for basically starting review of a project of this magnitude at the Preliminary Plat level. One concern is that a Traffic Impact Study (TIS) will be required, and, ordinarily, TIS’s are required to be completed prior to the TAC’s review of the Preliminary Plat. Since the TAC is reviewing the Preliminary Plat today, this important recommendation has been rendered moot. The current zoning is SR; the proposed zoning is R-1 & R-2.

Misspellings of the words “Charlestown,” “Lambdin,” and “Louisa” have been corrected since the previous review. It is recommended that the proposed density be verified as being consistent with the Town’s Zoning Ordinance for R-1 & R-. The plat appears to confuse minimum lot size with density. It should be confirmed that the setbacks, lot sizes, and lot widths are consistent with the Town’s Zoning Ordinance for the R-1 & R-2 zones. A 25’ buffer
is recommended around any non-tidal wetlands present. Permits are required from the USACoE and MDE for all non-tidal wetland impacts or stream crossings prior to recordation.

Note # 13 indicates that the JD has been completed. Areas of steep slopes are depicted in common open space, roadway rights-of-way, and portions of a number of proposed lots. It is recommended that dwellings or impervious surfaces shall not occur on slopes with a grade of 25% or more covering a contiguous area of 10,000 ft² or more. On slopes between 15 and 25%, good engineering practices should be used to ensure sediment and erosion control and slope stabilization before, during and after disturbance activities.

It should be confirmed that the street geometrics are consistent with the Town’s Zoning Ordinance and Subdivision and Public Works codes and regulations. It should be confirmed that this Preliminary Plat meets all of the technical requirements set forth in the Town’s Zoning Ordinance and Subdivision Regulations.

The Town of Charlestown and Cecil County have signed an “Assigning obligations under the Forest Conservation Act.” Any tree removal within a public right-of-way requires approval from the Maryland Department of Natural Resources. The FSD must be approved prior to Planning Commission review of the Concept Plat. However, an FSD has not yet been submitted. It is recommended that a Concept Plat not be approved until the FSD has been approved. Mr. Lamden stated that the FSD has been done. The PFPC must be approved prior to Planning Commission review of the Preliminary Plat. However, a PFPC has not yet been submitted. It is recommended that a Preliminary Plat not be approved until the PFPC has been approved. The FCP must be approved prior to Planning Commission review of the Final Plat. It is recommended that deed restrictions for the long-term protection of the Forest Retention/Afforestation Areas 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.

It is recommended that the plat be checked to ensure that all requirements for Preliminary Plats, as set forth in the Town’s Zoning Ordinance and Subdivision Regulations, have been satisfied. The habitats of any rare, threatened, and endangered species should be avoided. It should be confirmed that any landscaping proposed is consistent with the landscaping requirements of the Town’s Zoning Ordinance and Subdivision Regulations, especially with respect to street trees and any required bufferyards. It is recommended that the Landscape Plan include a bufferyard to buffer adjacent M1-zoned properties. It is recommended that no street trees be planted within 20 feet of sewer laterals and cleanouts. It is recommended that the Landscape Plan be approved prior to final subdivision approval. It is recommended that a Landscape Agreement be executed prior to recordation.

Sidewalks are recommended. It should be confirmed that all aspects of the proposed site design and layout are consistent with the Town’s Subdivision Regulations and Public Works street code. It should be confirmed that the number of parking spaces proposed falls with the minimum and maximum established by the Town’s Zoning Ordinance and Subdivision Regulations. It should be confirmed that all proposed building heights do not exceed the maximum height established in the Town’s Zoning Ordinance and Subdivision Regulations.
Proposed street names were approved by the County 911 Emergency Center. Consideration should be given to soliciting review and comment on the subdivision layout by the Charlestown Volunteer Fire Company. Mr. Lambdin stated that this has been done. Stub roads are depicted to the adjacent Charlestown Crossing and Markus properties. No stub to this property is shown on the approved Charlestown Crossing Preliminary Plat. What steps have been taken to ensure that this design is achievable? If none, then it is recommended that a Concept Plat that is based on an achievable layout be submitted for review and possible approval. Mr. Lambdin stated that this is not within their control and they would like to build it as designed and with the influence of Mr. Di Giacomo, try to get them to tie into it. A TIS is required. It should have been completed prior to this Preliminary Plat review. Mr. Di Giacomo stated he will double check on the TIS.

Any fire hydrant/standpipe locations should be shown on the Preliminary Plat and be consistent with the Town’s Zoning Ordinance and Subdivision Regulations and/or recommendations by the Charlestown Volunteer Fire Company. This property is classified as W-2 and S-2 in the Master Water and Sewer Plan. Water allocation should be confirmed prior to final approval. Sewer allocation should be confirmed prior to final approval.

It is recommended that a Homeowners’ Association for maintenance of common open space must be established with whatever sum required by the Town be placed in escrow for improvements prior to recordation. It is recommended that access to common open space between and beside lots must be marked with concrete monuments. It is recommended that the Final and Record Plats 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. It is recommended that the Final and Record Plats also contain a statement, signed by the owner, to the effect that such facilities will be available to all lots/homes offered for sale. It is recommended that any recreational amenities be included in the Public Works Agreement with the Town.

Mr. Di Giacomo called a lunch break with the TAC to reconvene at 1:30 P.M. The meeting was reconvened at 1:30 P.M.

8. **The Tradition – Lots 5-57, Concept Plat, MD Rte. 310 and MD Rte 342, McCrone, Inc., Second Election District.**

Don Sutton, McCrone, Inc. and John Price, owner’s representative, appeared for the project. Mr. Sutton presented an overview of the project. Mr. Sutton stated that there are two larger parcels, lots 52 and 53, which will have a joint access off 342 and will be used as farmettes in that area and will be in keeping with the horse culture area. Lot 57 is a large lot that will stay in a horse farm. As you can see with the add ons, A C, we have attempted to keep some of the paddocks in the area. There are two road names we missed in our submittal.

Mark Woodhull read the comments of DPW. A SWM plan, Road & Storm Drain plan, and a Mass and Final Grading plan must be approved by the CCDPW prior to submittal for Final Plat Approval. A SHA access permit is required. Any Road Code Variances sought must be requested prior to submittal for Preliminary Plat approval. The design for the two mid-block turn-arounds does not appear to meet the mid-block turn-around standard and will require a road
code variance. The private mini-road horizontal geometry does not meet road code criteria and is not approvable as shown. If you check with DPW, we can give you the Federal Highway standards and guidelines for this type design.

Show private stormwater management and stormwater management outfall easements across common open space on preliminary and final plats. If the proposed use of lot 57 and the common open space non-forested area is agriculture, the applicant is reminded that per the 2000 Maryland Stormwater Design Manual, onsite areas are part to the subdivision and must be modeled in their proposed conditions for determination of site Overbank Flood Protection Volume requirements. For areas not intended to be converted to meadow, this may translate to stormwater management requirements for active farming operations proposed on lot 57 or the common open space. The consulting engineer should thoroughly discuss this item with the applicant and the Department of Public Works prior to preparing any site stormwater management designs.

If MDE-regulated areas of contaminated soils are located onsite, identify their location on the plat. If they are located within the proposed HOA-maintained common open space areas, then they must be shown and disclosed to all future lot owner’s who will become part of the HOA. Internal lot driveways on lots with dual frontage must access the more minor of the two frontage roadways.

The following standard notes and requirements apply to this plat and project: The details of these notes and requirements are as follows:

7.1 The Final Plat Lot Grading and the Lot Grading Plan Construction Limits Note.
7.3 Requirements for Utility relocations.
7.4 Requirements for Public Works Agreements.
7.5 Requirements for Stormwater Inspection and Maintenance Agreements.
7.6 Requirements for County Roads.
7.7 Requirements for Driveways.
7.8 Requirements for Private Mini Roads.

Notes and requirements identified for record:
3. The Final Plat must include the Lot Grading Plan standard note and the Lot Grading Plan must include the standard construction limits note.
   c. 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.”
   d. 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
4. The downstream conveyance of storm water must be analyzed in accordance with Section 251-9 A. (5) of the county’s SWM Ordinance. If stormwater discharge is directed off of the site on to adjacent property it is the responsibility of the Developer to obtain appropriate easements from the affected property owners per Sections 251-13 and 251-15.D of the Cecil County SWM Ordinance.

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

6. A Public Works Agreement is required for the streets & storm drainage construction.

7. An Inspection & Maintenance Agreement is required for the private SWM facilities.

8. The street R.O.W. entrance tapers must be offset 25’ from the R.O.W. point of intersection and be straight lines, per 7.2.12.E.3 of the Subdivision Regulations.

9. All driveways must be paved at least to the right of way. The driveway paving must be complete for all lots at the time when the surface course for the internal roads is installed. This requirement includes any vacant but platted lots. Any driveway exceeding 5% up-gradient-slope form the roadway must be paved to the crest. If the development is phased these requirements will apply to each phase when 80% of the lots are built-out. All of these requirements must be reflected on the Lot Grading Plan.

10. The private mini-road subdivision and plans must adhere to the provisions of Section 2.13 of the Road Code which addresses requirements for private roads. A statement clearly outlining the responsibilities of the homeowners in the maintenance of roads and storm drainage systems must be approved by the Planning Commission and placed on the final plat. Deed restrictions must be developed and recorded in accordance with Road Code Section 2.13.D. The internal Street grade leaving Cayots Corner Road may not exceed 5% within the limits of the intersection right-of-way. If mini-road profile grades exceed 5%, the mini-road travel way and cul-de-sac must be paved in accordance with Section 2.13.F of the Road Code. The mini-road entrance, within the county road right-of-way, must be paved in accordance with SHA criteria.

Mr. Brown, SCS, said the proposed project will require an erosion and sedimentation control plan be submitted to the SCS for review and approval. We suggest your engineer contact our office to agree on design concepts before commencing design. Soils maps and reports on soil limitations for development are provided. All pond designs need to be submitted for review to the SCS to determine the applicability to NRCS pond standard 378. Ponds meeting 378 thresholds will need to have the designs approved by the District.

Bob Markwardt, Board of Education, stated that it would not be their intent to have transportation enter the development. Bus service would be provided at both entrances to Cayots Corner Road. He requested the size and price of the proposed homes. Applicant responded that the sizes will be in the 4000+ square footage range and the values would be higher than $500,000. Applicants anticipate starting the project within two years.
Mr. Cwiek, USACoE, stated that on page 3 of the plan, he noticed that John Roop had performed a pre-app meeting at the site and did John do a JD. Mr. Sutton responded that he had done the preliminary work but we have not received a letter on the JD yet. Our environmentalist is working on that to see what can be done to finish it up. There are some wetlands on lots 19 and 20 in the wooded area that will be remaining undisturbed. If the swales are jurisdictional, you will need to apply for authorization and we would need to see avoidance and minimization of impacts to those areas.

Mr. Kyte asked if there was a 60’ right of way on Heritage Drive and the road going back out and further questioned if the blacktop will be at least 26’ wide on that road. Don Sutton stated he believes it is 32’. The Fire Chief of Chesapeake City would like to have a drafting tank put at the entrance closest to 342 and a 30,000 gallon tank would be recommended due to the size of the houses.

Mr. King, SHA, stated that a TIS needs to be submitted for review and to see what impacts this will have on the surrounding SHA roads and other roadways. You must obtain a permit for access onto 310 in accordance with the Maryland Highway Access Manual as well as the Rules and Regulations of the Administration. One common access onto 342 to serve Lots 52 and 53, access will be issued by the District Office for that access point only. The westernmost road must meet the 750’ spacing criteria from St. Augustine’s Road.

Mr. Moore read the comments from the Health Department. Mr. Moore asked where the contaminated area is located. Mr. Sutton stated it is on parcel 26 and the contamination is PCBs. There was an outdoor riding area there and it was sprayed to keep the dust down. This is an area that will not be disturbed. It has been covered per requirements of MDE. See attached for remainder of Health Department comments. An added comment is that Mr. Moore will check with MDE regarding when the clean up would have to be done and what effect that would have on this subdivision.

Mr. Di Giacomo read MDE comments. Water appropriation and use permit will be required an act to protest public notice will be required. No comments were presented to the Citizens’ Representative.

Mr. Di Giacomo said this project 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 website, notice is hereby given the jpg file submissions can only be 11 inches, maximum, in any direction. Adherence to that requirement will enable the County to better serve the public.

The zoning is SAR, which permits a maximum base density of 1 du/ 8 ac. This Concept Plat proposes 53 lots on 427.3 acres, for a proposed bonus density of 1/8.06. Bonus density is not being sought. Parcels 5 and 27 are currently in MALPF districts. MALPF termination documentation must be recorded prior to the Planning Commission’s review of the Final Plat. A boundary line survey must be done in conjunction with the preparation of the Preliminary Plat for density calculation purposes. 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. 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 USACoE and MDE for all non-tidal wetland and stream impacts prior to recordation. A JD must be done prior to preliminary plat review by the Planning Commission. The habitats of rare, threatened, and endangered species must be avoided. No landscaping of the development envelope is required in the SAR zone. No sidewalks are recommended in the SAR zone.

15% common open space is required; 25.97% is proposed. Bufferyard Standard C is required, outside the right-of-way, along the road frontages of St. Augustine and Cayots Corner Roads. What is the rationale for the modified Bufferyard A, as depicted (none on 52 & 53)? Rows of street trees with 10’ planting easements are required, outside the right-of-way, along both sides of all internal roads. 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 FSD has been approved. The PFCP must be approved prior to Planning Commission review of the Preliminary Plat. The FCP and Landscape Plan must be approved prior to Planning Commission review of the Final Plat. 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. The metes and bounds description of the FRA must be shown on the record plat.

What is the rationale for proposing Lot 52 & 53 to directly access St. Augustine Road? We thought it would be good for them not to have to go through the development with their horse trailers and that it would be better for them to access MD 342 directly. The road names Eagle Terrace and Heritage Drive have been approved. The other road and mini road were unnamed. The internal road names will need to be approved by the County 911 Emergency Center prior to Planning Commission review of the Preliminary Plat. Road names are required on Concept Plats, per §4.0.13 (h) of the Cecil County Subdivision Regulations. New names have to be approved and we need to see a complete set and they need to be on the Preliminary Plat prior to the TAC review of the Preliminary Plat. A TIS will be required. It must be completed prior to the TAC’s review of the Preliminary Plat.

Access to common open space between and beside lots must be marked with concrete monuments. A Homeowners’ Association for maintenance of common open space must be established with $50 per recorded lot placed in escrow for improvements prior to recordation. 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. 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. Proposed Lots 2, 3, & 4 must be approved via the Minor Subdivision process prior to this proposal’s Final Plat review by the Planning Commission. Given the wording of Note # 2, 100’ BRLs need to be shown from Cayats Corner Road and St. Augustine Road. The applicant was reminded of the Monday noon submission deadline for review by the Planning Commission this month.

Don Sutton, McCrone, Inc. appeared and presented a summary of the project. The property is now comprised of two separate parcels and through the use of minor subdivision and the major subdivision, we have arrived at the number of lots you see here. We have already met with SHA regarding access in that area. There is a proposal for an addition of land to lot 10 and that will be completed at the time of final plat.

Mark Woodhull, DPW, stated a SWM plan, Street & Storm Drain plan, and a Mass & Final Grading plan are required and must be approved by the CCDPW prior to Final Plat Approval. The internal Street grade leaving Maryland Route 274 may not exceed 5% within the limits of the intersection right-of-way. If mini-road profile grades exceed 5%, the mini-road travel way and cul-de-sac must be paved in accordance with Section 2.13.F of the Road Code. Any Road Code Variances sought must be requested prior to submittal for Preliminary Plat approval. If the 25’ wide access strip is intended to convey runoff by open ditch line and serve as an access road, expand to 35’ or convey runoff via a culvert. This is between Lots 4 & 5. Specific attention must be paid to the SWM facility discharge directed onto the Lands of Gruber. In particular any SWM conveyance easements required must be obtained by the applicant. The following standard notes and requirements apply to this plat and project: The details of these notes and requirements are as follows:

7.1 The Final Plat Lot Grading, Sidewalk Maintenance, and Lot Grading Plan Construction Limits Notes.
7.3 Requirements for Public Works Agreements.
7.4 Requirements for Stormwater Inspection and Maintenance Agreements.
7.5 Requirements for Private Mini Road

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

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

2. The downstream conveyance of storm water must be analyzed in accordance with Section 251-9 A. (5) of the county’s SWM Ordinance. If stormwater discharge is directed off of the site on to adjacent property it is the responsibility of the Developer to obtain appropriate easements from the affected property owners per Sections 251-13 and 251-15.D of the Cecil County SWM Ordinance.

3. A Public Works Agreement is required for the streets & storm drainage and public water system constructions.

4. An Inspection & Maintenance Agreement is required for the private SWM facilities.

5. The private mini-road subdivision and plans must adhere to the provisions of Section 2.13 of the Road Code which addresses requirements for private roads. A statement clearly outlining the responsibilities of the homeowners in the maintenance of roads and storm drainage systems must be approved by the Planning Commission and placed on the final plat. Deed restrictions must be developed and recorded in accordance with Road Code Section 2.13.D. The internal Street grade leaving Irishtown Road may not exceed 5% within the limits of the intersection right-of-way. If mini-road profile grades exceed 5%, the mini-road travel way and cul-de-sac must be paved in accordance with Section 2.13.F of the Road Code. The mini-road entrance, within the county road right-of-way, must be paved in accordance with Section 2.13.F of the Road Code

Mr. Brown, SCS, said the proposed project will require an erosion and sedimentation control plan be submitted to the SCS for review and approval. We suggest your engineer contact our office to agree on design concepts before commencing design. Soils maps and reports on soil limitations for development are provided. All pond designs need to be submitted for review to the SCS to determine the applicability to NRCS pond standard 378. Ponds meeting 378 thresholds will need to have the designs approved by the District.

Mr. Markwardt, CCBoE, stated that bus service will be provided at the corner of Stone House Court and MD 222. Mr. Sutton stated that they are projecting the $400 to $600,000 price range, probably 3000 square foot size and will begin within one to two years of approvals.

Mr. Cwiek, USACoE, stated that it does not appear there are any wetlands or waters on the property and Department of the Army authorization is not needed for this proposal.
Mr. Kyte stated that he had a discussion with Mr. Ewing, Fire Chief of Rising Sun and he would like to see a 20,000 gallon draft tank put at the entrance of the road. On the mini-road, he would like to see 18’ of roadway going in and at least 100’ cul-de-sac so we can get back out.

Mr. King stated that access would be within the Rules and Regulations of SHA. Mr. Moore read the comments of the Health Department. See Attached. Mr. Di Giacomo read MDE comments. A water appropriations and use permit will not be required for 8 lots. There were no comments or questions reported to the Citizens’ Representative.

Mr. Di Giacomo commented that 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.

The zoning is NAR, which permits a base density of 1 du/ 5 ac. This Concept Plat invokes the provisions of §2.4.1 of the Subdivision Regulations to include 4 minor subdivision lots, the reconfiguration of Parcel 248 as proposed Lot 1, and 3 major subdivision lots on 21.36 acres, for a proposed density of 1/7.12. Bonus density isn’t an issue. A boundary line survey must be done in conjunction with the preparation of the Preliminary Plat for density calculation purposes. Mr. Sutton stated that this has been done.

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. 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 USACoE and MDE for all non-tidal wetland and stream impacts prior to recordation. A JD must be done prior to preliminary plat review by the Planning Commission. Mr. Sutton requested that this requirement be removed as there are not wetlands on the property. Mr. Cwiek, COE, concurred with this decision. The habitats of rare, threatened, and endangered species must be avoided. No common open space is required for fewer than 10 lots; however, .7 acres has been proposed on which to locate stormwater management facilities. No landscaping of the development envelope is required in the NAR zone, and sidewalks are not recommended.

Proposed Lots 1 and 7 must be denied direct access onto US 222. Bufferyard Standard C is required, outside the right-of-way, along the road frontages of US 222. Rows of street trees with 10’ planting easements are required, outside the right-of-way, along both sides of all internal roads. 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 FSD must be approved prior to Planning Commission review of the Concept Plat. The PFCP must be approved prior to Planning Commission review of the Preliminary Plat. The FCP and Landscape Plan must be approved prior to Planning Commission review of the Final Plat. 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.

The road name “Stone House Court” has been approved. Access to common open space between lots must be marked with concrete monuments. A Homeowners’ Association for maintenance of common open space must be established with $50 per recorded lot placed in escrow for improvements prior to recordation. 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 farm notice has been provided on the plat, but no agricultural buffers have been depicted. Where will the Bufferyards A be shown? Mr. Sutton responded that it will not be necessary as it is all wooded area. The add-on hook must include a directional arrow. The applicant was reminded of the Monday noon submission deadline for review by the Planning Commission this month.

Mr. Sutton stated it was his understanding that JDs will be more problematic to receive; however, they still need to be obtained. Mr. Di Giacomo confirmed that requirement. Mr. Sutton also stated that they will be seeking a waiver for Bufferyard C requirement.


Mike Pugh, Ron Meyers of Eastern State and Mike Burcham of McCrone, Inc. appeared for applicants. Mike Pugh presented an overview of the project. The lot sizes are based on the ultimate inclusion of this property into the Meadowview Water and Wastewater system. Bringing water and sewer to the property will necessitate an amendment to the Master Sewer and Water Plan. We are aware of this and wanted to first process the Concept Plat to get some notion of the order of magnitude so that as we enter those discussions with the DPW and the County we will have a finite idea of what we are talking about. The single access will be discussed and before we formulated the plan that is here today, we spent a considerable amount of time assessing alternatives to that. The Big Elk Creek is to the east of the property, I95 is to the south, there are a number of already subdivided properties which preclude the ability to loop this back onto Elk Mill Road and we even looked at the possibility of extending from the end of Elk Mills Way west toward Rte. 213 with a result that brought us out somewhere between the railroad tracks and I95 in a totally unacceptable alignment. We have done due diligence on the issue of trying to find ways to circulate other than on the property, but what we have come to as a result of that analysis is a plan which at least meets the spirit of what some of the concerns of ultimately the Planning Commission will be. What we are proposing is that Mill Pond Lane, from the entrance on MD Rte 277 be a divided highway built to the County road standard for a divided highway. Once it reaches Weave Mill Way, it becomes a circle with a number of access ways through there. As it leaves Weave Mill Way, it comes back into a divided condition all
along to the end at Hoagland Way where it picks up multiple points of circulation. The intention is that in all cases, two means of access to any point in the subdivision will be afforded, either by a circulation pattern or the connection to a dual lane standard under the road code. We believe that this gives the sufficient protection for the EMS issues and other concerns that have been previously raised. Mr. Woodhull, DPW, stated a SWM plan, Public Water Distribution and Sewer Collection System plan, Road & Storm Drain plan, and a Mass and Final Grading plan must be approved by the DPW prior to submittal for Final Plat Approval. An SHA access permit is required for the MD Rte 277 entrance.

This parcel is not located within Cecil County Master Water & Sewer Plan (MWSP) Public Water & Sewer Service Districts. The Developer must obtain an amendment to the Cecil County MWSP before submitting any final plat for planning commission approval. The Developer is responsible to have the serving fire company review fire hydrant spacing and locations prior to final engineering drawings submittal. No public sewer capacity exists at this time within the Meadowview WWTP. Upgrades to the plant are being completed at the current time. The ability of the existing water distribution system, together with the proposed service extensions, to provide adequate fire flow and pressure must be demonstrated through an update to the Engineering Report of Meadow View – Highlands Water System Analysis prepared by George, Miles, & Buhr, LLC and dated October 2004. The Developer must engage a Maryland licensed professional engineer, at the Developer’s cost, to upgrade the water system model. Regardless of the required MWSP amendment, if the Developer proceeds with engineering submittals to the Department of Public Works, before submitting and receiving approval for the water distribution system design and water allocation, and the sewer collection & pumping system, and sewer allocation, the Developer does so at their own risk. The applicant is responsible to submit an engineer’s preliminary layout for the subdivision public water & sewer, including any pumping or booster stations, to the Department of Public Works at least thirty (30) days prior to TAC review of a preliminary plat.

Any Road Code Variances sought must be requested prior to submittal for Preliminary Plat approval. Hoagland Lane and the southwest portion of Baldwin Mill Way are to be minor collector roads. The court off Elk Mills Way West will require a Road Code variance, or must be reconfigured for approvable horizontal geometry. The Department does not agree that the Mill Pond Lane/Weave Mill Way intersection geometry shown, in combination with the Weave Mill Green intersections proximity, will provide proper lane control and intersection geometry for some 2480 ADT. Applicant’s engineer is responsible to provide a schematic of the intended lane delineations and controls (signage, turn lanes, dividers, etc.) and make any necessary revisions to this concept plat prior to submitting for planning commission review. A small roundabout may be necessary, including elimination of Weave Mill Green.

Show any private stormwater management and stormwater management outfall easements across common open space on preliminary and final plats. The following standard notes and requirements apply to this plat and project: The details of these notes and requirements are as follows:

7.1 The Final Plat Lot Grading, Sidewalk Maintenance, and Lot Grading Plan Construction Limits Notes.
7.3 Requirements for Utility relocations.
7.4 Requirements for Public Works Agreements.
7.5 Requirements for Stormwater Inspection and Maintenance Agreements.
7.6 Requirements for County Roads.
7.7 Requirements for Driveways.
7.8 Requirements for Sewer Service Cleanouts – Location.
7.9 Requirements for Final Plat - Public Water & 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. Final Plat: “Sidewalk maintenance will be required of the adjacent property owner, as required by the Cecil County Road Code.”
   c. Grading Plan: “No clearing or grading is permitted beyond the limits of disturbance shown hereon. Any expanded clearing and/or grading in the absence of an approved revised lot grading plan may be considered non-compliance with Chapter 251 of the Cecil County Code and either or both the developer and/or Builder may be subject to the enforcement of the penalty provisions therein.”
2. The downstream conveyance of storm water must be analyzed in accordance with Section 251-9.A. (5) of the county’s SWM Ordinance. If stormwater discharge is directed off of the site on to adjacent property it is the responsibility of the Developer to obtain appropriate easements from the affected property owners per Sections 251-13 and 251-15.D of the Cecil County SWM Ordinance.
   a. Where determined necessary by the utility companies, the owner, the designer, or DPW, utility poles must be relocated at the Developer’s expense.
   b. A Public Works Agreement is required for the streets & storm drainage and public water & sewer system constructions.
   c. An Inspection & Maintenance Agreement is required for the private SWM facilities.
   d. The street R.O.W. entrance tapers must be offset 25’ from the R.O.W. point of intersection and be straight lines, per 7.2.12.E.3 of the Subdivision Regulations. The internal street grade leaving Elk Mills Road may not exceed 5% within the limits of the intersection right-of-way.
e. All driveways must be paved at least to the right of way. The driveway paving must be complete for all lots at the time when the surface course for the internal roads is installed. This requirement includes any vacant but platted lots. Any driveway exceeding 5% up-gradient-slope form the roadway must be paved to the crest. If the development is phased these requirements will apply to each phase when 80% of the lots are built-out. All of these requirements must be reflected on the Lot Grading Plan.

f. All sewer service cleanouts must be designed to be outside of all paved or concrete areas on each lot and this must be shown on the utility plans.

g. Developer must request and obtain a public water and sewer allocation from the Department of Public Works before submitting a final plat to the Cecil County Planning Commission for approval.

Mr. Woodhull stated that applicants should be well prepared to speak with the Planning Commission regarding single access. Mr. Pugh asked if the DPW has a position on the question of single access. Mr. Woodhull stated that they would prefer to see dual access to a project of this size also. Mr. Pugh stated that what is presented meets the concern as far as DPW is concerned. Mr. Woodhull stated that the circulation system works towards alleviating some of the problems; however, it has been a position of the DPW for some time now that we prefer to see redundancy in access out to the county roads if at all possible. Mr. Di Giacomo stated that this is also consistent with Subdivision Regulations. Mr. Pugh stated that he understands this, but stated that they have done some analysis of the options. Mr. Woodhull stated that that is something that they will take into consideration, but at this point, our position is that we would prefer to see a second access. We will certainly take into consideration any analysis that you want to provide and if you want to discuss that further with the department, we will certainly be willing to discuss that with you.

Chris Brown, SCS, said the proposed project will require an erosion and sedimentation control plan be submitted to the SCS for review and approval. We suggest your engineer contact our office to agree on design concepts before commencing design. Soils maps and reports on soil limitations for development are provided. All pond designs need to be submitted for review to SCS to determine the applicability to NRCS pond standard 378. Ponds meeting 378 thresholds will need to have the designs approved by the District.

Mr. Markwardt, CCBoE, asked if the project would be developed in phases. Mr. Pugh stated that it would. Mr. Markwardt stated that if the project starts at Weave Mill Way, there is a problem with the county not accepting the roads until 80% of the project is complete and that creates a problem with us accessing the development. Mr. Woodhull suggested that an alternative might be the posting of a monetary surety to cover the repair of any finished road because of construction traffic going over it for later sections in lieu of waiting for 80% of the entire subdivision to be built out. Mr. Markwardt stated that his only concern is that the roads be maintained and they will have access to get the buses in due to the number of students involved. Mr. Pugh stated that they will look at the phasing issues as they get to the Preliminary Plat. Mr. Markwardt asked for the size of the homes. Mr. Pugh stated that they anticipate 2500 to 3000 square feet. He further stated they would
anticipate starting the project in two to three years after receiving approval with completion being probably 15 years out.

Mr. Cwiek, USACoE, stated that a Department of the Army authorization will be required for the four or five stream crossings and any other impacts proposed to wetlands or other waters of the U.S. What we will be looking for is a demonstration from you as to how you have tried to avoid and minimize impacts. Mr. Pugh stated that he has heard mention the problem with the JDs in the future. Mr. Cwiek stated that JDs have been designated by the CoE headquarters Washington office to be a lower priority project. The time frame to finalize a JD is about 6-9 months. In 1997 an appeals process was implemented and an applicant can go to our New York office to appeal a decision that the CoE makes. This has caused the COE to do a very thorough review and to compile a thorough file on the aspects of the project prior to issuing a JD. For a formal JD it is 6-9 months. Pre-applications can accomplish the same thing as a formal JD through that process with a formal letter with stamped plans from us. The third option is the application process where we verify the JD through that process. The application process is the top priority of CoE.

Mr. Kyte, Fire Chiefs’ Representative, asked if the water supply will just be from one end off 277 or if it would be connected back in the project. Mr. Burcham responded that it will be an internal loop. Mr. Kyte stated that a 12” main should go at least all the way to the back to provide the volume necessary for fire suppression. Mr. Burcham stated that the non-dual lane sections of roadway will be a 60’ right of way with 36’ paved. The local fire company would like to be involved regarding fire hydrant placement with nothing lower than 10” for feed to the water main.

Mr. King, SHA, stated that a TIS will be necessary for impacts to the surrounding roads. A permit will be necessary for accel and decal and a left turn storage lane because of limited right of way. We will need to review the TIS prior to giving you correct lengths on the left turn storage lanes into the development. Additional right of way will be needed to be dedicated to SHA since everything will be shifted to your side. Storm drain plans and comps must be submitted for review and approval by the hydraulic division. You will need a permit from my office for access.

Mr. Moore read the comments of the Health Department. See attached. Mr. Di Giacomo read MDE comments. If Meadowview is able to provide water service a water appropriation and use permit will not be required.

Mr. Di Giacomo stated there were two questions received by the Citizens’ Representative. One from Deborah Sadelmeyer who wanted to locate the property as it connects to them and one from Frances Sherman who just wanted to know what was going on. Doug Curiait thinks the land should be purchased by the State and connected to the Fair Hill Reserve to make a corridor for wildlife through the county. He also has concerns about the increase this project will cause with silt and fertilizer into the bay and he wants the Parks department to look into this possibility. He also thinks the County should take a page out of the Delaware book in keeping streams free of development.
Mr. Di Giacomo stated that 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.

The zoning is SR, which permits a maximum base density of 1 du/ 1 ac. With community facilities, a density of 2/1 is permitted. This Concept Plat proposes 248 lots on 237.5 acres, for a proposed density of 1.04/1. A boundary line survey must be done in conjunction with the preparation of the Preliminary Plat for density calculation purposes. A note indicates that the median lot size is 12,000ft². However, that is the required minimum lot size – which must be adhered to. Proposed lot 61, for example, falls below the minimum.

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. 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 USACoE and MDE for all non-tidal wetland and stream impacts prior to recordation. A JD must be done prior to Preliminary Plat review by the Planning Commission.

The habitats of rare, threatened, and endangered species must be avoided. 15% common open space is required; 57% 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 C.O.S. sensitive areas thresholds must again be calculated for inclusion on the Preliminary Plat.

20% landscaping of the development envelope is required in the SR zone. Sidewalks are recommended on at least one side of all internal roads. Bufferyard Standard C is required, outside the right-of-way, along the road frontages on Elk Mills Road. Rows of street trees with 10’ planting easements are required, outside the right-of-way, along both sides of all internal roads. 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 Department of Natural Resources.

The FSD must be approved prior to Planning Commission review of the Concept Plat. The PFPC must be approved prior to Planning Commission review of the Preliminary Plat. The FCP and Landscape Plan must be approved prior to Planning Commission review of the Final Plat. 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.

The internal road names will need to be approved by the County 911 Emergency Center prior to Planning Commission review of the Preliminary Plat. Mr. Di Giacomo stated this may have already been accomplished. A TIS is required to be completed prior to the TAC’s review of the Preliminary Plat. 248 lots with only one entrance raises design and emergency service response questions. Mr. Di Giacomo stated that the feasibility of other access points has already been addressed in previous discussion.

Access to common open space between lots must be marked with concrete monuments. A Homeowners’ Association for maintenance of common open space must be established with $50 per recorded lot placed in escrow for improvements prior to recordation. The Master Water & Sewer Plan must be amended prior to Final Plat review to include this property. 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/homes 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 was reminded of the Monday noon submission deadline for review by the Planning Commission this month.

Mr. Woodhull added that DPW’s typical geotechnical analysis will be required for the stream or wetlands crossing and regarding the construction traffic issue. With what appears to be the inability to get a construction entrance in here, we will need to look at the surety of the repair of roads after all the construction is built out.

John Mascari, KCI Technologies and Jeff Seemans, Land Resource Manager and Registered Landscape Architect, with Persimmon Partners provided an overview of the project. This project completes the existing subdivision and consists of 25 town home lots and 2 single family lots. The plan has been modified since the Concept Plat to address different comments that were presented by TAC and Planning Commission. We have modified some of the road widths in the circular area at the end of Persimmon Lane. We have also requested a road code variance to allow the radius that is shown. We met with Tony Di Giacomo to discuss the road crossing over the creek and the need to keep that area of disturbance very narrow to minimize those non-tidal wetlands impacts. At Mr. Di Giacomo’s suggestion, we combined the roadway and pedestrian path and show it as 27’ wide, however, DPW did not feel it feasible to combine the road and pedestrian lane at this location as it is not consistent throughout all of Persimmon Lane. We still want to work that
out with DPW. Fire hydrants are not shown on this plan, however, they will be placed as
agreed to with the DPW and the Fire Company. Parking is not permitted on the streets. Off
street parking is proposed and we have increased the off street parking to 10 as requested by
DPW. The JD has been issued for this project including this section.

Mr. Woodhull commented that a SWM plan, Road & Storm Drain plan, Water distribution
and sewer collection system plan, and a Mass and Final Grading plan must be approved by
the CCDPW prior to submittal for Final Plat Approval. The developer is responsible to
have the serving fire company review fire hydrant spacing and locations prior to final
engineering drawings submittal. No public sewer capacity exists at this time within the
Meadowview WWTP. Upgrades to the plant are being completed at the current time.
Sewer service laterals for all new town homes proposed must connect to a new sewer main
in the proposed subdivision street. The Developer must upgrade SPS controller panel as
part of the sanitary sewer improvements for Sections 4 and 5, contact the DPW Water &
Wastewater Division for details. The Developer must repair I&I problem at gravity sewer
input to SPS wet well as a condition of sewer allocation.

Pre-design geotechnical evaluation and borings along the proposed road perennial stream
and wetlands crossings is required, along with specific remedial recommendations for
subsurface drainage and street sub grade placement. Additionally, the stream crossing
structure must be approved as part of the road system approval, which must meet County
Road Code criteria, passing the 25 year storm without overtopping. A re-mapping of the
100- year flood plain onsite and a hydraulic analysis of the new stream crossing must be
submitted by the applicant’s engineer as part of the crossing design.

The ability of the existing water distribution system, together with the proposed service
extensions, to provide adequate fire flow and pressure must be demonstrated through an
update to the Engineering Report of Meadow View – Highlands Water System Analysis
prepared by George, Miles, & Buhr, LLC and dated October 2004. The Developer must
engage a Maryland licensed professional engineer, at the Developer’s cost, to upgrade the
water system model. Public utility connection fees and a benefit assessment for the
Meadowview system upgrades will be applicable to each building permit sought, and on an
ELU basis.

The Road Code Variances sought by the applicant in the 9-12-05 request have been partially
approved as described in the Department’s 9-23-05 response. In particular the requested
Persimmon Lane cross section is not approvable with a pedestrian lane adjacency. As was
mentioned, it was because of lack of consistency throughout. Certainly you can restate your
case and speak with the senior engineer and see how that works out.

Show the private stormwater management and stormwater management outfall easements
across the common open space on the final plat(s). Utility Easements less than 20’ in width
are typically not acceptable to the Department for new subdivision work. Normally the
width varies with the depth of pipe and I only see the size diameter of the pipe, but the
deeper you go the more lay back on the end. It is a variable width, but never less than 20’.
The C.O.S. stormdrain system shown is for private stormwater management purposes and
shall be shown in a private stormwater drainage easement outside of the public water easement. Public Stormdrainage easements must be separated from private stormwater management and access easements.

The following standard notes and requirements apply to this plat and project: The details of these notes and requirements are as follows:

9.1 The Final Plat Lot Grading, Sidewalk Maintenance, and Lot Grading Plan Construction Limits Notes.
9.3 Compliance with Section 3.07.15 of the Cecil County Road Code.
9.4 Requirements for Utility relocations.
9.5 Requirements for Public Works Agreements.
9.6 Requirements for Stormwater Inspection and Maintenance Agreements.
9.7 Requirements for County Roads.
9.8 Requirements for Driveways.
9.9 Requirements for Final Plat - Public Water and Sewer Allocation.
9.10 Town home Parking Areas & H.O.A. Maintenance Easement Notes.
9.11 Requirements for Sewer Service Cleanouts – Location.

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. Final Plat: “Sidewalk maintenance will be required of the adjacent property owner, as required by the Cecil County Road Code.”
   c. Grading Plan: “No clearing or grading is permitted beyond the limits of disturbance show hereon. Any expanded clearing and/or grading in the absence of an approved revised lot grading plan may be considered non-compliance with Chapter 251 of the Cecil County Code and either or both the developer and/or Builder may be subject to the enforcement of the penalty provisions therein.”
2. The downstream conveyance of storm water must be analyzed in accordance with Section 251-9.A. (5) of the county’s SWM Ordinance. If stormwater discharge is directed off of the site on to adjacent property it is the responsibility of the Developer to obtain appropriate easements from the affected property owners per Sections 251-13 and 251-15.D of the Cecil County SWM Ordinance.
3. Section 3.07.15 of the Road Code requires that Persimmon Lane be upgraded to a Collector Road standard for 100’ either side of the proposed entrance.
4. Where determined necessary by the utility companies, the owner, the designer, or DPW, utility poles must be relocated at the Developer’s expense.

5. A Public Works Agreement is required for the streets & storm drainage and public water and sewer system constructions.

6. An Inspection & Maintenance Agreement is required for the private SWM facilities.

7. The street R.O.W. entrance tapers must be offset 25’ from the R.O.W. point of intersection and be straight lines, per 7.2.12.E.3 of the Subdivision Regulations. The internal street grade leaving Persimmon Lane may not exceed 5% within the limits of the intersection right-of-way.

8. All driveways must be paved at least to the right of way. The driveway paving must be complete for all lots at the time when the surface course for the internal roads is installed. This requirement includes any vacant but platted lots. Any driveway exceeding 5% up-gradient-slope form the roadway must be paved to the crest. If the development is phased these requirements will apply to each phase when 80% of the lots are built-out. All of these requirements must be reflected on the Lot Grading Plan.

9. Developer must request and obtain a public water and sewer allocation from the Department of Public Works before submitting a final plat to the Cecil County Planning Commission for approval.

10. All parking areas are to be paved and are to be maintained by the HOA unless otherwise noted. Identify parking easements as private easements for HOA maintenance of the parking areas. This must be shown clearly on the final plat. Identify permanent maintenance easements in accordance with footnote one of standard detail R-5 of the Cecil County Road Code.

11. All sewer service cleanouts must be designed to be outside of all paved or concrete areas on each lot and this must be shown on the utility plans.

Mr. Brown, SCS, said the proposed project will require an erosion and sedimentation control plan be submitted to SCS for review and approval. We suggest your engineer contact our office to agree on design concepts before commencing design. Soils maps and reports on soil limitations for development are provided. All pond designs need to be submitted for review to SCS to determine the applicability to NRCS pond standard 378. Ponds meeting 378 thresholds will need to have the designs approved by the District.

Mr. Cwiek stated that the Department of the Army authorization will be required for the road crossing and any other proposed impacts to waters of the United States. We would be looking for you to show that you have minimized impact to the maximum extent. If the road width needs to go back to 32’ due to County requirements, just state that in the application as the reason it is that width.

Mr. Kyte, Fire Chiefs’ Association, stated that DPW had described what needed to be done with fire hydrants. Also, you will need to work with the local Fire Company. Mr. Di Giacomo stated that we have not heard from Singerly Fire Company on this project or the Baldwin Mills project.

There was no comment from the SHA.
Mr. Di Giacomo asked on behalf of the Board of Education, when are the homes anticipated to be completed. Applicant stated that they are unable to answer as they do not know how long it will take to get through the approval process. Mr. Di Giacomo asked for size and price of the homes. Applicant stated that Mike Davitt is the builder and applicant cannot answer that without him being present.

Mr. Di Giacomo read MDE comments. If public water is available, a water appropriation permit will not be required. Mr. Di Giacomo read the comments of the Health Department. See attached.

Mr. Di Giacomo stated that the Citizens’ Representative received comment from Rich Heverley, President of the Homeowners Association and from Sharon Miller who agrees with all the comments of Mr. Heverley. Mr. Heverley’s comments are as follows. The existing roads are not wide enough because of double parking, the EMG vehicle cannot get passed the double parked cars, especially on Button Bush and White Tail drives. The development has central mailboxes and with people double parking, the mail carrier cannot deliver mail. The snow plows cannot get through because of double parked cars. There is no area for children to play except for those parents who have put out basketball stands which have caused several children to be hit. The County banded the basketball stands, but did not enforce this. The whole project needs a recreation area of the children. Also, Persimmon Lane needs a traffic light at Fletchwood Road. There have already been many accidents and adding to the project with possibly 70 more cars, it is going to get worse. Mr. Heverley said that the residents would like no parking on one side of the streets. Mr. Heverley asked if he could elaborate on some of the comments. Mr. Di Giacomo advised him that he could not and suggested that he wait until after the TAC meeting and meet with the representatives of Persimmon Creek along with DPW and Mr. Di Giacomo. There are no direct public comments received at TAC meetings. Mr. Seemans asked if he could respond to the comments read by Mr. Di Giacomo and was advised by Mr. Di Giacomo that procedurally he can respond. Mr. Seemans stated that the comment about the lack of recreation for children may be true for this project, however, it is not true in terms of the Persimmon Creek Project as a whole. There is a recreation area in the center of the project in full visibility of Persimmon Lane. There is playground equipment that we installed previously. A swing set was installed previously and a roof gazebo. There is a paved walkway to it and there is substantial evergreen trees planted as a buffer which was all part of the playground development. Tens of thousands of dollars were spent on that and for the record that area does exist and is under the control and maintenance of the HOA.

Mr. Di Giacomo commented that this project remains in compliance with § 3.8 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.

The zoning is RM, which permits a base density of 2 du/ 1 ac., or 6/1 with community facilities, or 12/1 for townhouses. The first Persimmon Creek Concept Plat was approved on 12/18/90. The last Record Plat from previous sections was signed on 5/6/99. The
Section 4 – Section 5 Concept Plat

Concept Plat was approved at a density of 2.32/1 on 4/20/05, conditioned on:

1) The JD being completed prior to Preliminary Plat review by the Planning Commission;
2) The boundary line survey being complete prior to Preliminary Plat review by the TAC;
3) A sidewalk along the Fletchwood Road frontage being included in the final design;
4) All stream buffers being depicted on the Preliminary Plat prior to TAC review;

This Section 4 Preliminary Plat is generally consistent with the approved Section 4 – Section 5 Concept Plat. The boundary line survey has been completed, per Note # 1. The 100-year floodplain boundary has been depicted. 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. Slopes greater than 25% must be shown on the preliminary plat; none are shown. Mr. Mascari pointed out that they are shown on the plat in shaded areas.

Where are the building envelopes, utility tie-ins, stream buffers, and BRL’s for proposed Lots 202 & 203? The buffers are shown on those lots. The building envelopes are not. They are shown on the Preliminary Forest Conservation Plan. Mr. Di Giacomo pointed out a stream that does not show a buffer. Mr. Mascari stated that they will show the buffer and if it is within the Forest Retention area it will be expanded to 50’. A 25’ buffer is required around all non-tidal wetlands and intermittent streams present. The buffer must be shown around all intermittent streams present. Permits are required from the USACoE and MDE for all non-tidal wetland and stream impacts prior to recordation. The required JD has been completed.

20% of the gross site area is required to be common open space, 69.37% is proposed in this section. Common open space must be identified and referred to as common open space. The common open space sensitive areas calculation has been included. Maintenance of the common overflow parking areas will be the responsibility of the Homeowners’ Association. Per §176.2.a, Note # 11 indicates that none of the overflow parking area has been used to achieve the minimum required common open space.

25% landscaping of the development envelope is required in the RM zone. A 25’ peripheral bufferyard is required. Rows of street trees with 10’ planting easements are required, outside the right-of-way, along both sides of all internal roads. 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.

The FSD was approved on 3/29/05, and the PFCP on 9/15/05. The FCP and Landscape Plan must be approved prior to Planning Commission review of the Final Plat. 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. The metes and bounds description of the FRA must be shown on the record plat.
The road name Caribou Court has been approved. Access to common open space between lots must be marked with concrete monuments. The owners of these lots must become members of the Homeowners’ Association for maintenance of common open space, with $50 per recorded lot placed in escrow for improvements prior to recordation.

The Master Water and Sewer Plan shows this site as S-1 and W-1. 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 the buyers of all lots/homes offered for sale. Verification of water and sewer allocation must be received for each phase and/or section prior to the Planning Commission’s review its Final Plat.

The fire hydrant final locations should be selected in consultation with the Department of Public Works and the Singerly Volunteer Fire Company. Access easements have been included around the townhouses. Fee simple common open space is always preferable. The applicant was reminded of the Monday noon submission deadline for review by the Planning Commission this month. The meeting was adjourned at 3:30 P.M.

Respectfully submitted,

KATHLEEN O’CONNELL
Cecil County Technical Advisory Committee (TAC)
November 2, 2005, 9 a.m., Minutes

Present: Tony Di Giacomo (CCP&Z), Fred Orr (CCDPW), Joe Moore (DEH), James Kyte (FA), Cynthia Latham (MDE), Kathleen O’Connell (CCP&Z).

Absent: Chris Brown (SCS), Philip Cwiek (USACoE), Bob Markwardt (CCBoE), Daniel Graham (Citizen’s Representative), Butch King (SHA).

Mr. Di Giacomo called the meeting to order at 9:10 a.m.

1. Kirk’s Mill Manor, Lots 1-9, Concept Plat, Kirk’s Mill Lane & MD Rte. 274, RJ Engineering, Ninth Election District.

Robert Blomquist, RJ Engineering presented summary of project. Based on comments of the first TAC meeting, the layout of the project has been changed and applicants have come back to TAC for review of the changes. We have scaled this project back a bit and have situated the senior facility based on perk data previously received from the Health Department comments. Over all they will construct a sewer facility in the southwestern corner of the project to handle most or all of the sewer for this project. The project has been scaled back and the Senior Facility is located in a different and better area and we would like to get your comments.

Fred Orr read comments of DPW. A SWM plan, Street and storm drainage plan, and a Mass and Final Grading plan must be approved by the CCDPW prior to submittal for Final Plat Approval. The private mini-road is un-named. The private mini-road right-of-way scales at width of 26’+/- and is not approvable as shown. The private mini road length exceeds 1200’ and requires an intermediate pull-off. The private mini road and lot 1 require SHA access permits. Line of sight, intersection sight distance, and stopping sight distance must be addressed by the applicant’s engineer for all the proposed Kirk’s Mill Road access locations. Mark the locations in the field by staking or flagging. A ‘common’ or shared access may be required for the lots 2 & 7 driveways. A submittal addressing these items and showing the available stopping sight distances must be made to the Department prior to submittal of a preliminary plat for TAC review. Lots 3 & 4 are to be denied access to Maryland Route 274. A denied access note must be placed on the final plat.

What is the anticipated concept for site stormwater management? Applicant responded large lot credit. Mr. Orr indicated that large lot credits may not specifically apply to the housing complex.

If the pond on lot 7 is intended to be maintained as a private pond, not for purposes of stormwater management, by the lot 7 property owner, then the lot 7 deed restrictions should note the same.
The exact location and width of the lot 1 force main and septic disposal area easement must be shown on the preliminary plat. The easement must also be shown across the private mini road right of way, and the force main placed in a steel sleeve, with location markers, where it crosses under the mini-road.

The following standard notes and requirements apply to this plat and project: The details of these notes and requirements are as follows:

8.1 The Final Plat Lot Grading Note and the Lot Grading Plan Construction Limits Note
8.3 Requirements for Utility relocations
8.4 Requirements for Public Works Agreements
8.5 Requirements for Stormwater Inspection and Maintenance Agreements
8.6 Requirements for Private Mini Roads.

Notes and requirements not read, but identified for record:

1. The Final Plat must include the Lot Grading Plan standard note and 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 show hereon. Any expanded clearing and/or grading in the absence of an approved revised lot grading plan may be considered non-compliance with Chapter 251 of the Cecil County Code and either or both the developer and/or Builder may be subject to the enforcement of the penalty provisions therein.”

2. The downstream conveyance of storm water must be analyzed in accordance with Section 251-9 A. (5) of the county’s SWM Ordinance. If stormwater discharge is directed off of the site on to adjacent property it is the responsibility of the Developer to obtain appropriate easements from the affected property owners per Sections 251-13 and 251-15.D of the Cecil County SWM Ordinance.

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

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

6. The private mini-road subdivision and plans must adhere to the provisions of Section 2.13 of the Road Code which addresses requirements for private roads. A statement clearly outlining the responsibilities of the homeowners in the maintenance of roads and storm drainage systems must be approved by the Planning Commission and placed on the final plat. Deed restrictions must be developed and recorded in accordance with Road Code Section 2.13.D. The internal Street grade leaving Biggs Highway (MD Rte 274) may not exceed 5% within the limits of the intersection right-of-way. If mini-road profile grades exceed 5%, the mini-road travel way and cul-de-sac must be paved in accordance with Section 2.13.F of the Road Code.

James Kyte, (FA), asked if they are looking at the possibility of putting a 30,000 gallon fire suppression tank at the entrance to Lot 1 of the housing development. Applicant responded that this is still under consideration. Mr. Kyte also asked if the mini road will be 12 ft wide. Applicant responded yes. Mr. Kyte stated that the only issue he can see is that the road is 100’ and the cul-de-sac is only a 75’ cul-de-sac and it is hard to back fire trucks there. Mr. Kyte stated that he would like cul-de-sac to be 100’ and with the mini road being that long, they would like to get the width to 18’ because passing on a 12’ road with fire trucks is impossible. Regarding the parking area at the retirement section, do you think 2 parking places per dwelling will be sufficient or can one-half dozen more be put in the inner circle just for visitors? Applicant responded that they can do that.

Cynthia Latham, (MDE), stated that the larger lots 2-9 do not need an appropriation permit, but lot 1 will need an appropriation permit.

Joe Moore, (DEH), stated that they would not approve sanitary sewer line going from Lot 1 across Lot 3 and over to Lot 4. That will need to be revised. The sewage area for lot one must be on lot one unless you are thinking of a shared facility for the whole project. Mr. Moore stated that he thinks if you want a shared facility, you need a minimum of 15 or more lots for shared facility. Applicant asked if Lot #1 would count for 10 of them. Mr. Moore stated that it would not. As presented, there are only 4 lots. Tony Di Giacomo questioned if this requirement is by lot or dwelling and further indicated that this is something we will have to check. Mr. Moore continued and read the comments of the Health Department. See attached.

Mr. Blomquist had questions for Mr. Moore seeking clarity on the comment about the overall approach was to pump sewer to the sewer disposal area for lots that do not have approvable perk areas for sewage disposal and what I thought I heard you say is that this is not allowed. Mr. Moore responded that it is not allowed unless it can comply with the regulations of a shared facility. It would be a large flow sewer system and would then require approval from MDE and CC Health Department. The sewer plans would have to be approved by DPW and other regulations. Mr. Blomquist would I been interfacing with DPW to design the shared facility. Moore responded that they would be initially interfacing with MDE and CC Health as far as the percolation tests in the area. Reference the sewage disposal area, it would be owned by a civic association. Fred Orr stated there is a threshold for shared facilities in the subdivision regulations and he
suggest to applicant that prior to coming back to TAC or Planning Commission, they verify that they meet those thresholds with what you are proposing. Mr. Blomquist stated that this is a key question because if it does not meet the threshold, our whole approach must change. Mr. Orr stated that DPW gets involved in the engineering and mechanical side. Mr. Orr suggests that if they can in fact by code you can do shared facilities for this project that you contact Health Department and MDE about the testing procedures that will be required for the septic disposal field. First and foremost, determine where you have a suitable area and what your design approach will be, then you are talking about a preliminary plat and engineering with DPW review of the mechanicals which would be the pump station, the distribution vents, rates, etc. DPW has not developed departmental policy on engineering under the new shared facility regulatory requirements.

Mr. Di Giacomo stated that there is nothing on the plan that shows the applicant is proposing a shared facility.

Applicant was presented comments from Corp of Engineers, Cecil County Public Schools and the Soil Conservation Service. See attached. No comments for this project were received from the State Highway Administration or the Citizen’s Representative.

Tony Di Giacomo read Planning and Zoning comments. This proposal is 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.

The zoning is NAR, which permits a maximum base density of 1 du/5 ac. Bonus density eligibility carries with it a permitted density of 1/3. This Concept Plat proposes a total of 19 dwelling units on 9 lots on 96.36 acres, for a proposed density of 1/5.07.

The Concept Plat submitted for the October TAC review proposed as many as 32 dwellings on 9 lots on 96.36 acres, for a proposed density of 1/3.01. This plat also differs from that reviewed at the October TAC meeting in terms of the proposed layout.

A retirement housing complex is depicted on proposed Lot 1, consisting of 11 dwelling units. §12 defines retirement housing complex as follows: “A group of buildings or a development designed and operated as an entity which provides housing services and other incidental services which are typically used on a daily basis, to persons who are retired. A retirement housing complex may provide medical care to residents.”

§82 stipulates that a retirement housing complex may be permitted as a Special Exception in the NAR zone, so long as the permitted density is not exceeded, the minimum area shall be one and one half acres, and there shall be adequate off-street parking. The parking spaces required would be as stipulated in §277.

No information has been provided as to the extent of either “other incidental services” or “medical care” that are envisioned. Also, as the October TAC review of the previous proposal revealed that 24 retirement units were envisioned, and as 11 units seems inadequate to support those ancillary services, are any additional retirement units
contemplated for the future? If so, then bonus density approval would be required; how would it (60% open space) be achieved?

The retirement housing complex building scales at 6,000 ft.$^2$. That’s only 545 ft.$^2$ per dwelling unit, assuming no space for either “other incidental services” or “medical care.” Is that space adequate? Mr. Blomquist stated it is consistent with other such facilities.

While it is recognized that this a Concept Plat, nevertheless, §4.0.13 (m) stipulates that in the case of multi-family projects, the approximate location of buildings, the total number of units in each building, and the total number of off-street parking spaces and the space to unit ratio shall be shown. The current layout places parking between the entrance road and the building; from an emergency service response perspective, this is not an acceptable design.

The new, proposed layout includes an unnamed private mini-road for access to proposed lots 4-6 & 8-9, and 2 panhandle lots directly accessing Kirks Mill Lane. Proposed Lot 3 appears to have a driveway accessing MD 274. Pursuant to §7.4.5, this proposed lot must access MD 274 via the unnamed mini-road. This design still includes 3 panhandle lots, so the design is inconsistent with §7.2.12.F.5.

§7.2.12.E.4 requires 750’ of separation between intersections on SHA roads. The proposed entrance on MD 274 is only 500’ from the Kirks Mill Lane intersection. In addition, §7.2.12.E.1 stipulates that “in no case shall any intersection of less than 75 degrees be considered.” As drawn, the entrance to the retirement housing complex intersects with MD 274 at an angle of only 68° and must be changed.

In addition, §7.2.12.E.4 requires an offset separation of at least 125’ from the entrance of the proposed Stoney Acres (has Concept Plat approval) on the opposite side of MD 274. Has the 125’ offset been achieved from both the unnamed mini-road entrance and the Lot 1 entrance? Mr. Blomquist stated he has not checked that and Mr. Di Giacomo stated that this needs to be checked.

The deed reference is incorrect and must be changed (s/b WLB 1753/301).

§47 of the Zoning Ordinance and §7.4.2 of the Subdivision Regulations limit the number of principal structures on lots, except for apartments and condominiums. If the dwelling units proposed on Lot 1 are intended as apartments, then the plats must adhere to the standards established in §6.3 of the Subdivision Regulations.

If the 11 retirement dwelling units are intended as condominiums, then the plats must adhere to §6.2, as well as established procedures, wherein a different review process than normal is applied. The TAC and the Planning Commission must review the Concept Plat/ Sketch Plat as a whole. If approved, then the applicant will submit a Preliminary Plat/Site Plan for the condominiums for TAC review and Planning Commission review and approval. After that point, building permits can be issued. Once the proposed condominiums are built, then the developer will apply for “as built” Final Plat review by
the Planning Commission. If approved, the condominium plats may then be recorded. If the condominiums are proposed to be located on private roads, then a Variance from the Board of Appeals will be required. If that is the case, you may want to put that with the variance per Section 82. As noted on the plat, a Special Exception will be required, per §82. It must be obtained prior to the Planning Commission’s review of the Preliminary Plat. What steps have been taken or are planned in that regard? Mr. Blomquist asked for clarification that when they go to planning commission with concept plat, would we need to show not only this plan with comments addressed from TAC, but in addition to that we would need to show a concept sketch of each of the dwelling units for the eleven dwelling units on the senior facility? Mr. Di Giacomo explained that they would need to show multi-family details on the plat, consistent with §4.0.13 (m).

A boundary line survey must be done in conjunction with the preparation of the Preliminary Plat for density calculation purposes. Proposed Lots 2 and 7 appear to be roughly the same size. However, the Area Table indicates that 2 is over 4 acres larger than 7. There is a similar discrepancy between lots 3 and 4. In addition, the Area Table shows no road acreage. These items must be corrected on any plat submitted for review by the Planning Commission.

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. 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. A Jurisdictional Determination (JD) must be done prior to preliminary plat review by the Planning Commission. The habitats of rare, threatened, and endangered species must be avoided.

No landscaping of the development envelope is required, except for proposed Lot 1. No sidewalks are recommended, except for proposed Lot 1. If not proposed as condominiums, then any Preliminary Plat must contain Site Plan-level detail, consistent with §291 for the retirement housing complex. Bufferyard Standard C is required, outside the right-of-way, along the road frontages of MD 274 and Kirks Mill Lane. Rows of street trees with 10’ planting easements are required, outside the right-of-way, along both sides of all internal roads. 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) must be approved prior to Planning Commission review of the Concept Plat. The Preliminary Forest Conservation Plan (PFCP) must be
approved prior to Planning Commission review of the Preliminary Plat. The final Forest Conservation Plan (FCP) and Landscape Plan must be approved prior to Planning Commission review of the Final Plat. 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.

Internal road names will need to be approved by the County 911 Emergency Center prior to Planning Commission’s review of the Preliminary Plat. Road names are required on Concept Plats, per §4.0.13 (h) of the Cecil County Subdivision Regulations. Access to any common open space between lots must be marked with concrete monuments. A Mini-Road Maintenance Association must be established for maintenance of the proposed, unnamed mini-road prior to recordation. All lot owners accessing the mini-road must become members.

The water and sewer services for proposed Lot 1 must be approved by MDE, DPW, and the Health Department prior to the Planning Commission’s review of the Final Plat or if they are condominiums, the Preliminary Plat/ Site Plan.

Mr. Di Giacomo stated that he will not read the following comment regarding the sewer line as it has been covered previously (What precedent is there for the proposal to extend a sewer pumping easement across proposed Lots 3, 4 and the mini-road, as well as locating Lot 1’s sewage disposal area on proposed Lot 4?).

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.

Although this would not extend exiting public water and sewer system services, technically, the Master Water and Sewer Plan must be amended to include proposed Lot 1 prior to the Planning Commission’s review of the Final Plat. The Record Plats shall also contain a statement, signed by the owner, to the effect that such facilities will be available to all apartments/condominiums 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 was reminded of the Monday noon submission deadline for review by the Planning Commission this month.

Mr. Moore added that he suggests that once they have found the threshold for a shared facility, the applicant stop in at the Health Department and go over things.
Applicant stated that in reference to the comment on the size of lots, does it matter what size or should it just be they need to be drawn correctly? Mr. Di Giacomo stated that the data in the area table should be accurate.

2. The Villages at Herron Lake, Concept Plat, Blue Ball Road & Zeitler Road, Taylor Wiseman & Taylor, Third Election District.

Mike Pugh representing the applicant, in this case Bob McAnally from Taylor Wiseman and Taylor and David Meiskin appeared and presented an overview and summary of the project. Several months ago, the property before you here this morning appeared in conjunction with a rezoning application to convert the zoning of the property from DR to RM which was successful and today we are here with the beginning of a process to develop Herron Lakes project under the RM zoning. It is essentially a mixed user facility with a number of amenities and variables included. Our intent is to provide on site water and sewer facilities and the project is a mixture of condominiums and single family dwellings. This plan does not show that clearly which is which. We will be able to detail that for you as we go forward.

Mr. Orr stated that before he began his comments he wants to ask a question. If there is interconnection potential for the M2 area on the southern portion of the property, across the branch at Laurel Run or a branch of the Little Elk Creek ultimately, we need to understand if you intend to connect Sussex Drive across that perennial stream because that changes if the intent is to develop this M2 into a light industrial capacity, that changes the sectional requirements for the pavement widths and the pavement construction for Sussex Drive and the entirety of Zeitler Road out to Blue Ball at a minimum. Mr. Pugh responded that it is difficult with absolute knowledge to know what the correct answer to that is. It obviously is contiguous to other industrial to the south whereby connection comes from that direction. I would also say that you will obviously see there are a number of secondary access points that are proposed in the future to the west of the property. Mr. Pugh further stated that the future development of the M2 is somewhat distant and is not the primary focus here and I would need to clarify this with my client, but I would suspect that we would be willing to say that the phasing of that project would await a secondary access or is it your intention that we develop it out of the initial entry way? Mr. Orr stated that if there is a serious potential to access industrial from the primary entrance on Blue Ball Road, then the department requirements for Sussex Drive and Zeitler Road construction will be geared toward commercial and industrial rather than residential. Mr. Orr further stated that by the time you go to the Planning Commission, you need to say with certainty whether or not this Sussex Drive cul-de-sac that is here now would be changed for a crossing. Applicant stated that that area to be developed, there would have to be another access point to Zeitler Road, for example, Nottingham as the last thing we want is truck traffic going through this residential area.

Mr. Orr then read the comments of DPW. A SWM plan, Road & Storm Drain plan, Sanitary Water and Sewer System plan, and a Mass and Final Grading plan must be approved by the CCDPW prior to submittal for Final Plat Approval.
This project is located within a ‘W-3’ public water and ‘S-3’ public sewer service district in the Cecil County Master Water and Sewer Plan (MWSP). An amendment to the Cecil County MWSP may be required if the project timing results in the submittal of a final plat for planning commission approval before the ‘W-3’ or ‘S-3’ timelines occur. Regardless of the MWSP amendment, if the Developer proceeds with engineering submittals of street and drainage systems infrastructure to the Department of Public Works, before submitting and receiving approval for the water & sewer system design, the Developer does so at their own risk. The Developer shall submit a water distribution plan and fire hydrant spacing and locations to the serving fire company for review.

Who is proposed to own and operate the water and sewer system in this development?
Mr. Pugh responded that at this time they would say it will be private. Identify the proposed WTP and WWTP locations on this concept. The water distribution system including fire hydrant locations shall be designed to meet or exceed the County’s standards. The applicant is responsible for securing review of the hydrant locations by the serving fire company. The water lines must be reflected on the sanitary sewer plans and as-builts. All easements for the water lines must be reflected on the final plat.

The Developer is responsible to complete a preliminary public water and sewer system layout and submit the same to the Department of Public Works with their preliminary plat submittal to TAC. This is also applicable if proposing private system. Numerous public road system geometric deficiencies are present on this concept. The applicant’s professional engineer is required to produce a concept plan road system layout that complies with the Cecil County Road Code. The layout shown is not acceptable and not approvable. The concept is, therefore, not approvable by DPW. If permissible zoning for town homes does not exist to the north of parcel 6, Cambridge Drive should be revised to be a collector road without direct driveway or parking access. The concept shows a private road serving this area. Mr. Pugh stated that he understands Mr. Orr saying that the main spine through Cambridge Drive would need to be a public road in terms of the connecting access. Mr. Orr further stated that if the zoning to the north is not consistent with town homes, then the town home frontage collector road should be revised to be a collector road without the town home frontage. It should be a collector road only and the collector road purpose in the code is not to provide frontage to adjacent residential lots, but to collect the surrounding roadway network system. Mr. Pugh asked if they can have internal connection for parking purposes off of the main road. Applicant stated that they can eliminate future connections if that is what DPW wants them to do. Mr. Orr stated that we need shown what the intent is for the interconnection to the North and what the zoning uses are and the development potential for the area. Applicant responded that the zone to the north SAR and it is feasible that the SAR not be developed with town homes. We will have to discuss that further.

Subdivision interconnection to Marley Road is required based upon this concept. With this requirement, it is anticipated that the applicant will be required to improve the Marley Road intersections with Deaver and Nottingham Roads. The Deaver Road intersection may require substantial re-alignment to create a Deaver Road stop and intersection condition.
Any Road Code Variances sought must be requested prior to submittal for Preliminary Plat approval. New Private Roads that do not meet Road Code criteria are not permitted by code.

The applicant is required to supply a Protocol 2 Road Condition Survey of Zeitler Road and Marley Road. The extent of the survey shall be for the entirety of Zeitler Road, and for Marley Road from the site to Pulaski Highway. Zeitler Road and Marley Road must be shown by the survey to meet Major Collector Road standard R-8, or the applicant must reconstruct Zeitler Road and Marley Road to this standard. The Department does not consider offsite road access as adequate under 2.7.1 of the subdivision regulations without this requirement being met. This survey information is required prior to submittal for TAC review of preliminary plat. In regards to required offsite road improvements, the applicant/developer is responsible for all right-of-way acquisition and any costs associated with the same.

The connector from Zeitler Road to the Commercial Retail Space show in parcel 8, should be a commercial/industrial connector road with no direct residential access. The interconnection to what is shown as a private residential town home roadway presents usage conflicts not in keeping with effective transportation engineering practice. Zeitler Road requires intermediate turn-arounds per code. But you should have discussions with DPW and PZ regarding turnaround requirements. Mr. Orr stated that he does not know for sure that there was anticipation that there would be turn-around provided every 1200 feet on major collector or boulevard type streets. Round-abouts or turnarounds should be discussed with PZ.

Pre-design geo-technical evaluations and borings are required along the proposed road alignments that cross perennial streams and non-tidal wetlands. Specific recommendations for subsurface drainage and street subgrade placement are required in the area of these crossings. New stream crossings must be approved as part of the overall road system design approval, and a remapping of the 100-year flood plain and a crossing hydraulic analysis are required. The applicant is responsible to have their engineer prepare and submit these designs and analyses. Observation… from concept you are proposing a crossing over Laurel Run gets clogged and does not pass 100 year flood. Applicants responded it is their plan is to replace that.

A TIS is recommended and must address the following intersections: MD Rte 545 & Zeitler Road, MD Rte 545 & MD Rte 279, Zeitler Road and Marley Road, Marley Road and Deaver Road, Marley Road and Nottingham Road, and Marley Road and Pulaski Highway.

The applicant is responsible to have a Maryland Registered Professional Engineer update the Elk Creek and Laurel Run 100-year flood zone mapping. Zeitler Road and the Zeitler Road bridge must be shown to be above the 100-year flood elevation in their proposed form and if improvements are required to meet this requirement, the applicant/developer is responsible for the engineering, right-of-way acquisition, and costs associated with the same. Cannot say today that the County bridge on Zeitler Road is out of the flood plan.
Show all private stormwater management and stormwater management outfall easements across the common open space on the final plat(s). Public stormdrainage easements must be separated from private stormwater management and access easements. Correct the spelling errors on this submittal. All lots must access the least major available road frontage.

Where are the town home lots shown on this submittal? Where are the town home section public road rights-of-way? Mr. Orr stated he believes these questions have been resolved, however, wants to note for the record that the lot locations relevant to the 40 unit town homes lots are not shown on the plan. Break out and show common open space areas for town home sections. The future condominium road interconnection is problematic in that the condo association will own the road network in this area and the road is not proposed as public. What is the development potential on the Huebner property? Private road systems for town home lots are not permitted by code. Applicant stated that SR would be a function of the acreage and with Cambridge; connection would need to be there for that property owner so the question is whether to make that public/private and just be a driveway. Mr. Orr asked if there was potential to keep this as a private drive, depending on their requirements. Mr. Orr affirmed that applicant should have a discussion with DPW and the Planning office to determine how you want this to be handled. Mr. Orr stated that he can only give comments based on what is proposed today.

The following standard notes and requirements apply to this plat and project: The details of these notes and requirements are as follows:

19.1 The Final Plat Lot Grading, Sidewalk Maintenance, and Lot Grading Plan Construction Limits Notes.
19.3 Requirements for Utility relocations.
19.4 Requirements for Public Works Agreements.
19.5 Requirements for Stormwater Inspection and Maintenance Agreements.
19.6 Requirements for County Roads.
19.7 Requirements for Driveways.
19.8 Requirements for Final Plat - Public Water and Sewer Allocation.
19.9 Requirements for Sewer Service Cleanouts – Location.
19.10 Requirements for Stopping Sight Distance Measurements.
19.11 Town home Parking Areas & H.O.A. Maintenance Easement Notes.

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

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

2. The downstream conveyance of storm water must be analyzed in accordance
with Section 251-9 A. (5) of the county’s SWM Ordinance. If stormwater
discharge is directed off of the site on to adjacent property it is the
responsibility of the Developer to obtain appropriate easements from the
affected property owners per Sections 251-13 and 251-15.D of the Cecil
County SWM Ordinance.

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

4. A Public Works Agreement is required for the streets & storm drainage and
public water and sewer system constructions.

5. An Inspection & Maintenance Agreement is required for the private SWM
facilities.

6. The street R.O.W. entrance tapers must be offset 25’ from the R.O.W. point of
intersection and be straight lines, per 7.2.12.E.3 of the Subdivision
Regulations. The internal street grade leaving Theodore Road may not
exceed 5% within the limits of the intersection right-of-way.

7. All driveways must be paved at least to the right of way. The driveway
paving must be complete for all lots at the time when the surface course for
the internal roads is installed. This requirement includes any vacant but
platted lots. Any driveway exceeding 5% up-gradient-slope form the roadway
must be paved to the crest. If the development is phased these requirements
will apply to each phase when 80% of the lots are built-out. All of these
requirements must be reflected on the Lot Grading Plan.

8. Developer must request and obtain a public sewer allocation from the
Department of Public Works and a public water allocation from the Town of
North East before submitting a final plat to the Cecil County Planning
Commission for approval.
9. All sewer service cleanouts must be designed to be outside of all paved or concrete areas on each lot and this must be shown on the utility plans.

10. Applicant must provide stopping sight distance measurements for the Marley Road access to DPW prior to preliminary plat submittal. Mark the proposed Marley Road entrance location in the field by a survey stake or paint.

11. All parking areas are to be paved and are to be maintained by the HOA unless otherwise noted. Identify parking easements as private easements for HOA maintenance of the parking areas. This must be shown clearly on the final plat. Identify permanent maintenance easements in accordance with footnote one of standard detail R-5 of the Cecil County Road Code.

James Kyte (FA) stated that DPW had covered much of what he intended to cover. He further stated that a second entrance is very necessary for the fire company. The cul-de-sacs need to be at least 100’ blacktop for turn around at the end of each of them. You have a couple of road names that end in Lane, however they connect. A lane to Mr. Kyte is a dead end rather than a circle, which could be confusing to the fire company. You will have 32’ blacktop all the way through the main corridor coming in and that road is approximately a mile and one-half from one side to the other. In parcel 4, you have 22’ wide streets and will there be off street parking to accommodate three vehicles each in the driveway? With 22’ wide streets and on street parking, you cannot get a fire truck through. On behalf of the Elkton fire department, I have not talked to Chief, but they will want to know at preliminary your hydrant placement. Will your water system be a tower? Applicant responded they will do whatever is required. Mr. Kyte stated that this appears to be approximately a 1500 living space area. Applicant responded that this is 1465 living spaces with the commercial component and recreational component.

Cynthia Latham (MDE) stated that they received a water appropriation and use permit application and it did not have a good map from applicant. The map used came from the TAC committee so some of comments based on things necessary for me to see for the water appropriation permit. Ms. Latham read her comments. See attached

Joe Moore read comments of the Health Department. See attached.

Mr. Kyte asked if the applicant will need to build two bridges? Applicant responded that perhaps they will need three and possibly four. Mr. Kyte wanted to be sure they can accommodate fire truck weights of 35 tons, 70,000 pounds.

Mr. Di Giacomo stated that no comments were received from SHA, however, when we do, I am confident they will say a TIS is required.

Mr. Di Giacomo relayed the comments from Daniel Graham, Citizens’ Representative. There is a concern about the width of the driveways and also there is heavy equipment on the property and concern about when that might be cleaned up.

Applicants were presented DOE, BOE and Soil Conservation comments. See attached.

Mr. Di Giacomo read the Planning and Zoning comments. Upon inspection, this proposal was found not to be in compliance with §3.8 of the Subdivision regulations regarding public notification signs. TWT was contacted by phone on 10/21/05. A
subsequent field inspection on 10/26/05 that the required signage had been installed on Blue Ball and Marley Roads, but none on Zeitler. Applicant responded that there is one on Zeitler. Mr. Di Giacomo stated that apparently the one on Blue Ball has been defaced. Applicant asked if it needs to be replaced and what do we do if this continues? Mr. Di Giacomo stated that hopefully it will not happen again, but some reasonable accommodations will be made.

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.

The zoning is BG, M2 and RM. The rezoning case number (#2005-11) that changed this property from SR to BG, M2 & RM must be referenced on the Plat. A C2 zone is depicted across Blue Ball Road from Phase 1 Parcel 8 and Phase 10 Parcel 9. There is no C2 zone. The correct zoning classification is DR.

This plat consists of 9 “parcels” and 10 “phases.” Phase 9 apparently would be the common open space and community center. It is recommended that the parcel and phase numbers be made synonymous with one another prior to any submission to the Planning Commission. Is there any reason why this is parcel 6 in phase 3? Applicant responded that they can make the numbers change to be consistent with one another.

The commercial development proposed must be approved by major site plan approval, per §32 and §291. The area shown on the plat as BG (8.0 acres) is not consistent with the BG-proposed area (8.2 acres) shown on the rezoning application. That discrepancy must be rectified.

Likewise, there is an even more significant discrepancy for the M2 area between what is shown on the plat and what was shown on the rezoning application. This is most easily evidenced by the fact that the plat depicts two Map 26 Parcels 46. The easternmost Parcel 46 is actually part of this property and is now zoned M2, not SR. This is inconsistent with Concept Plat requirements per §4.0.13 (b); it must be corrected prior to any submission to the Planning Commission. Its correction may result in acreage adjustments.

The part of the M2 area that is correctly identified as part of this property is shaded. Although there is no legend to explain it, the shading appears to be associated with areas of common open space. It must be determined if that area is really proposed as common open space and, if so, if it is part of the 200 acres proposed. If something of an industrial nature is proposed on the M2 lands, then, per §36.2.a, it must be approved in accordance with §291. From the dual perspectives of 1) not creating any landlocked M2 parcels and of 2) possible future impacts on any residential development, how would the M2 area be accessed? We have covered this adequately in this review.

The RM zone permits a maximum base density of 2 du/ 1 ac, or 6/1 with community facilities; 12/1 for townhouses and 16/1 for apartments. This Concept Plat proposes 1,465 dwelling units on 374 acres, for a proposed density of 3.92/1.
Under “LAND USE SUMMARY,” the maximum permitted units figure must be corrected. The acreage would be based on those acres actually zoned RM; 4/1 is not a permitted density in the RM zone; and, with community facilities, the density really would be a function of the structure type – as previously stated.

Assuming the acreages to be correct, on average, the proposed density appears within permissible limits. Phase 2 Parcel 7 and Phase 4 Parcel 2 are slightly over the permitted 16/1 density. A boundary line survey must be done in conjunction with the preparation of the Preliminary Plat for density calculation purposes, to determine the exact acreages, and to determine exactly what land are within the property boundary. The zoning district boundaries must appear on any plat submitted for review by the Planning Commission. They must be consistent with what has been approved.

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. 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’.

Several proposed structures are depicted near the 100-year floodplain boundary. Building 1 in Phase 2 Parcel 7 is shown situated partially within the 100-year floodplain boundary. Per §241.2.d (1), that building site cannot be approved. A determination must be made as to the accuracy of the 100-year floodplain boundary as it is depicted or may be depicted in the future. Applicant stated that they are conducting a flood study on the entire property and asked if for concept they can leave it as it is and address that once the flood study is complete by preliminary. Mr. Di Giacomo stated that if it is approved at the concept level, that does not guarantee subsequent approvals. Applicant stated he will put a note on the plan to that effect.

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. A Jurisdictional Determination (JD) must be done prior to preliminary plat review by the Planning Commission. The habitats of rare, threatened, and endangered species must be avoided.

This proposal appears to satisfy the common open space requirements of the RM zone. 15% common open space is required for the single family home portion phases; 20% is required for all others. Contrary to the “LAND USE SUMMARY,” 200 acres is more than just (15% read) 50% of the residential acreage. 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 C.O.S. sensitive areas thresholds must be calculated for
inclusion on the Preliminary Plat. Note # 15 indicates that common open space will comply with §177. Proposed common open space must be consistent with all applicable provisions, including §176.

25% landscaping of the development envelope is required in the RM zone. Per Note # 8, sidewalks are proposed on both sides of streets, except where bike trails would be substituted on one side. In that regard, are there any plans for a more direct bike/ped connection between the condos proposed for Phase 2 Parcel 7 and the rest of the project? Applicant... at this point nothing proposed... wetlands and stream crossing... TD as designed it is isolated... Applicant... yes except for access onto Blue Ball Road Otherwise, the Phase 2 Parcel 7 condos would be rather isolated.

Note # 9 states that this submission is invoking the provisions of §6.1 regarding “residential cluster development.” The intent of §6.1 is to permit greater flexibility for creative design, using the clustering of homes to save permanent open space, which would provide recreational opportunities close to home. Such clustering may be accomplished through allowing reductions in the respective minimum lot area and yard requirements. Note # 10 cites the requirements of §6.1.5 (a) (b) & (c).

This Concept Plat must show estimated staging of construction, as required in §6.1.1 (e). If the Phases represent a sequenced Schedule of Construction, then that requirement has been satisfied. If not, then it must be included on any plat submitted for review by the Planning Commission. The plat also indicates that Phase 2 Parcel 7 and Phase 4 Parcel 2 are proposed as condominiums. If they are proposed on private roads, then a variance will be required and the delineation of the boundary between the County road and private roads must be shown on the Preliminary Plat.

There are several questions relating to the proposed condominiums arising from discrepancies on the plat. First, the rendering indicates that the Phase 4 Parcel 2 will have 2.4 parking spaces per dwelling unit, while the “LAND USE SUMMARY” indicates “2 spaces minimum.” Second, if the Phase 4 Parcel 2 condos will have 2.4 parking spaces per dwelling unit and a total of 1328, as stated, then that would indicate a total of 553 condos, not 540. Third, since the “2 spaces minimum” and a total of “1648” condo parking spaces are indicated in the “LAND USE SUMMARY,” the resulting 824 dwelling units is inconsistent with the combined 700 shown for Phase 2 Parcel 7 and Phase 4 Parcel 2. Fourth, it appears that the open space around the condominium structures is intended as condo commons areas, rather than as common open space. Is that correct? Applicant responded that it is correct. To address parking spaces we did rounding and will make it exact. Fifth, the plat shows a “future [roadway] connection” from Phase 4 Parcel 2 to the adjacent Lands of Huebner. If the possible future road on the Lands of Huebner is a County road, and if the proposed Zeitler Road is also a County road, then the DPW will need to determine if the connecting, private condominium roads are adequate to handle the traffic, per specifications of the Road Code. It must also be determined that the condominium documents permit that through traffic.

The portions of this project that are condominium projects must adhere to §6.2, as well as established procedures, including a different review process than the normal subdivision
process to be applied to the single family portions. The TAC and the Planning Commission must review the Concept Plat/Sketch Plat as a whole. If approved, then the applicant will submit a Preliminary Plat/Site Plan for the condominiums for TAC review and Planning Commission review and approval – after which building permits can be issued. Once the proposed townhouse condominiums are built, then the developer will apply for “as built” Final Plat review by the Planning Commission. If approved, then condominium plats may be recorded.

In March 1991, the Planning Commission established a condominium approval process. This process was predicated upon the approved Concept Plat, and then established the use of a combined Preliminary Plat/Site Plan with actual construction drawings. Thus, the Preliminary Plat is also a site plan which the Planning Commission may approve at that same time, conditioned on no building permits being issued until:

1) Health Department requirements are met;
2) DPW requirements are met;
3) Any water/sewer requirements are met; and
4) Any SHA/DPW road/TIS requirements are met.

Generally, the condominium approval process that was established has worked as follows: From the approved Preliminary Plat/Site Plan, building permits are then issued. Next, the units are built, and then the Final Condominium Plats come back to the Planning Commission for approval, “as built.” The Final Condominium Plats are used to record the actual footprints of the units and the actual building plans as constructed.

The condos and all other phases must comply with the provisions of §277 regarding parking spaces. The Preliminary Plat/Site Plan and “as built” Final Plat will be carefully checked for consistency with §277. No building permits or certificates of occupancy can be issued without consistency with §277. For all other proposed Phases or Parcels, no building permits shall be issued prior to Recordation of final Site Plan approval.

Apartment (condo) buildings shall be set back at least 20’ from all parking areas and internal roads. No apartment (condo) building can be constructed closer to any property line of the development tract than a distance equal to the height of the building.

§4.0.13 (j) requires that Concept Plat contain the “layout of all proposed and existing lots with appropriate dimensions and minimum area.” Since none have been shown in any of the proposed townhouse Phases/Parcels, and since the Subdivision Regulations define “Condominium” as a form of ownership rather than as a structure type, are the townhouses also proposed as condos? Applicant responded that they will be fee simple.

§4.0.13 (m) 2 requires that for multi-family projects the total number of units in each building shall be specified. That required level of specificity must be part of any Concept Plat submitted for review by the Planning Commission. This Concept Plat lacks the layout details relating to any overflow parking areas and means of rear yard access to the townhouses.

The minimum distance between townhouse structures shall be 60’ if the townhouse structures are face to face. No townhouse structure shall be closer than 20’ to any interior
roadway or closer than 15’ to any off-street parking area – excluding garages built into an individual townhouse unit. Bufferyard Standard C is required, outside the right-of-way, along the road frontages of Blue Ball and Marley Roads. Rows of street trees with 10’ planting easements are required, outside the right-of-way, along both sides of all internal roads, including Zeitler Road. 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 Department of Natural Resources.

The Forest Stand Delineation (FSD) must be approved prior to Planning Commission review of the Concept Plat. The Preliminary Forest Conservation Plan (PFCP) must be approved prior to Planning Commission review of the Preliminary Plat. The final Forest Conservation Plan (FCP) and Landscape Plan must be approved prior to Planning Commission review of the Final Plat. 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.

For those Phases/Parcels where lot lines have been provided, all proposed lots appear to be consistent with the 3:1 length to width ratio established in §7.4.2. The internal road names will need to be approved by the County 911 Emergency Center prior to Planning Commission review of the Preliminary Plat. We got some approvals from them and we will get back to you on those. The entrances to proposed Cornwall Terrace and Buckingham Drive do not appear to have adequate separation, per §7.2.12 (e) (4). A Traffic Impact Study (TIS) will be required. 1,465 dwellings with only one access point onto Blue Ball Road raises serious emergency service response issues. While future points of connectivity are proposed to adjacent properties, it still must be determined when or if they could be achieved or if they would lead out County roads – or function as dead-ends. Why hasn’t through connectivity to Marley Road been proposed? Applicant stated that there now will be connectivity to Marley Road.

Access to common open space between lots must be marked with concrete monuments. All common open space must be labeled and referenced as “common open space.” The proposed Phase 9 Community Center must be approved as a major site plan consistent with §291. What is the justification of waiting to implement the Community Center until after all 1,465 dwelling units have approved or constructed? Would moving the Community Center up to Phase 5 be a reasonable compromise? Applicant responded that this would be a reasonable compromise.

A Homeowners’ Association (HOA) for maintenance of common open space must be established with $50 per recorded lot placed in escrow for improvements prior to recordation. All fee-simple lot owners must be members. A Condominium Association must be established prior to recordation. In addition, if the condo owners are to have access to the common open space and the proposed Community Center, then the condo
owners must also be members of the HOA, with $50 per recorded condo unit being placed in escrow for improvements prior to recordation.

Note # 6 indicates that public water service will be provided by an on-site water treatment plant. The plant and all associated facilities must be approved as a major site plan per §291, prior to Final Plat review by the Planning Commission, except for Phases 2 and 4. For those phases, the site plan must be approved prior to the Planning Commission’s review of the respective Preliminary Plat/Site Plans. If it is community sewage system, it must be consistent with all provisions of §175 of the Zoning Ordinance. Why have the sites of the on-site water treatment plant all associated facilities not been shown on this Concept Plat, per §4.0.13 (k)? Applicant responded that this was an oversight.

Note # 7 indicates that public sewer service will be provided by on-site facilities. The on-site sewer facilities must be approved as a major site plan per §291, prior to Final Plat review by the Planning Commission, except for Phases 2 and 4. For those phases, the site plan must be approved prior to the Planning Commission’s review of the respective Preliminary Plat/Site Plans. In addition, if it is a community sewerage system, it must be consistent with all provisions of §175 of the Zoning Ordinance. Note # 8 indicates that a 25’ peripheral bufferyard is required. In addition, per §187.2, additional bufferyards may be required between the RM and BG and M2 zoning districts within the development tract, and buffering landscaping may be required as Landscape Plan components of the respective Site Plans for the water and sewer facilities. Note # 11 states that all alleys will be owned and maintained by the HOA. No alleys been depicted.

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 W3 and S3. 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.

Verification of the capability of the proposed water system to serve all proposed lots must be received from MDE prior to Final Plat review by the Planning Commission for Phases 1, 3, and 5-8. Said verification must precede the Planning Commission’s review of the Preliminary Plat/Site Plans for Phases 2 and 4, and Site Plan approvals for Phases 9 & 10.

Documentation of all approvals for the water and sewer system and the operator required by the Public Service Commission, and/or Health Department, and/or MDE must be submitted prior to Final Plat review for Phases 1, 3, and 5-8. It must precede the Planning Commission’s review of the Preliminary Plat/Site Plans for Phases 2 and 4, and Site Plan approvals for Phases 9 & 10.

The identity of the waste water treatment plant must be included on the Final and Record Plats for Phases 1, 3, and 5-8. It must be included on the Preliminary Plat/Site Plans for Phases 2 and 4, and respective Site Plans for Phases 9 & 10. As previously stated, if it is a community sewerage system, it must be consistent with all provisions of §175.
The name of the water company providing the water must also be included on the Final and Record Plats for Phases 1, 3, and 5-8. It must be included on the Preliminary Plat/Site Plans for Phases 2 and 4, and respective Site Plans for Phases 9 & 10.

Fire hydrant locations must be selected in consultation with the Department of Public Works and the Singerly Fire Company. Mr. Meiskin has indicated there will be connectivity to Marley Road and that is the boundary of the North East fire company and I am going to recommend that North East and Singerly Fire Company agree on hydrant locations. As they are attractive hazards, serious consideration should be given to the installation of protective fencing around the numerous stormwater management facilities.

Confirmation must be received from the Conowingo Power or successor entities prior to Final Plat review that all proposed roads (only Zeitler Rd. shown at present) as well as any sanitary sewer lines, water lines, and any required stormwater conveyance devices will not have any adverse impacts on the utilities within the utility corridor easement.

All required documents from Conowingo Power or successor entities granting permission or agreeing to utility corridor impacts must be received prior to Final Plat review of Phases 5-8, or Preliminary Plat/Site Plan review for Phase 4. All documents requiring recordation must be recorded prior to the recordation of the Record Plat.

The Preliminary Plat must document that all proposed structure locations are outside the fall zone of the Conowingo Power electric transmission lines and towers.

Signs on Zeitler Road indicate that at least part of the property is an EPA Superfund Site. What is the nature of contamination, and what mitigation/remediation measures will be required? Applicant responded that EPA and MDE are coordinating doing the clean up. As we speak they are beginning the clean up and it is approximately a 9 month process. The site will go through the MDE voluntary clean up process. Mr. Di Giacomo asked if the process of determination will be done prior to PC seeing Final Plat. Applicant replied that it will be through the determination process.

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 was reminded of the Monday noon submission deadline for review by the Planning Commission this month. However, given the magnitude of the revisions needed, it may be in the applicant’s best interest for the TAC to review a revised Concept Plat prior to its submission for review by the Planning Commission.


Mike Pugh presented an overview of the project. We were here last month and present this property in a different application wherein we were suggesting an attempt at a PUD
development of approximately 90 units. Based on comments and identifying factors in the field in the interim time, we have subsequently retreated from that idea and decided instead that the better application in this case would be for the submission of a clustered single family 47 unit development plan. We have also in response to the comments of SHA last month; we were told we could have no access to 274, so we have changed to an entrance onto Theodore Road. We will talk some more about the dual lane road in a bit, but as a part of the application for the 47 units, we have also included emergency access through the back end of the property or the NE corner of the property to the intersection at Old Bayview Road and that location is for emergency purposes only and is also the existing entrance location for the existing AT&T ROW easement which runs along the border of the property. We are simply trying to use that existing point of entry as a backstop against this single access now coming off Theodore Road. The project is public water from the Town of North East and county sewer.

Fred Orr read comments of DPW. A SWM plan, Road & Storm Drain plan, sanitary sewer collection and pumping system plan, and a Mass and Final Grading plan must be approved by the CCDPW prior to submittal for Final Plat Approval. Closed section street design is required – see section 2.07 of the Road Code. The 66’ wide right-of-way dimension is not correct. It is the Department’s understanding that the Town of North East will own the water distribution system in this development. Have you requested a water allocation from the Town of North East? Mr. Pugh replied that they have not at this time. The CCDPW recommends that the water distribution system including fire hydrant locations be designed to meet or exceed the County’s standards. We also recommend that the Town request that the serving fire company review fire hydrant spacing and locations. The water lines must be reflected on the sanitary sewer plans and as-builts. All easements for the water lines must be reflected on the final plat.

The Developer is responsible to complete a public gravity sewer capacity analysis. The limits of this analysis shall begin at the site discharge location and cover the downstream collection system to the Interstate 95 Stony Run Interceptor crossing. There are some studies done, a recent one done for the hotel, Serina Inc. by McCrone, that has been submitted to the department so it is a part of public record. Basically, you just need to update those studies. Will a sanitary sewer pumping station be necessary for this site? If so, what location do you propose? Applicant responded that it will be along Meadowcreek Drive on the lower end of the site and it will depend when we get the final topography and the boundary and the wetland locations, but generally it will be somewhere along Kettle Creek Drive and could be adjacent to Lot 22. Mr. Orr stated that will ask that it be kept out of the perennial stream buffer and it should have fee simple access and would require a fee simple dedication along with the ROW. We would not want it in the backyard of lot 22, but in that general area. One observation is that lots 17 & 37 have wetlands and wetland buffers and we wonder how feasible these building lots without a permit to disturb the wetland buffer.

Lot 1 is denied access to Theodore Road and to Kettle Creek Drive except for 30’ of frontage adjacent to lot 2. Lot 6 & 22 are denied access to Kettle Creek Drive. Lots 2 & 3 shall have restricted access locations, to be determined by final project engineering. Mr. Pugh stated that they are actually reviewing whether median will be required in this application. We may be going back to a simple collector road without the medians. In
view of the relatively modest number of lots, we are not sure if the divided road is necessary. Fred Orr stated that if you propose a monumental entrance to PC, then present Monumental entrance. In terms of the boulevard street, it should be determined by final engineering. I see the monumental entrance and the boulevard as two separate things. The boulevard is really the design element for DPW approval of the roadway. The monumental entrance you are proposing at the Planning Commission as part of the entrance improvements and the ability to get traffic in and out of the subdivision better is different thing and you should decide before going to PC whether or not you will propose that divider.

Any Road Code Variances sought must be requested prior to submittal for Preliminary Plat approval. The Kettle Creek Drive Loop centerline geometry shown does not meet Road Code criteria for clear line of sight and is not approvable. The Applicant is, for the second time, instructed to revise this layout and resubmit a concept to TAC that more reasonably addresses the Road Code Section 3.04 requirements. Line of site located within the line of site geography.

The applicant is required to supply a Protocol 2 Road Condition Survey of Theodore Road. The extent of the survey is to include Theodore Road, from Maryland Route 274 to the site’s southwest boundary corner. This subject portion of Theodore Road must be shown by the survey to meet Minor Collector Road standard R-7, or the applicant must propose and gain Department of Public Works’ approval of an initial roads improvement proposal prior to submitting for preliminary plat review by TAC. Without this information, the offsite road access has not been proven adequate under 2.7.1 of the subdivision regulations.

Show all private stormwater management and stormwater management outfall easements across the common open space on the final plat(s). If the existing wet pond is intended to serve a stormwater management function, then a geotechnical analysis of the embankment is required, along with a Maryland professional engineer’s analysis of the pond and outfall structure condition and hydraulic performance. The pond analysis must address any relevant MD 378 Pond Code criteria. The analysis must be submitted to the Department of Public Works in the form of an engineering report, signed and sealed by a Maryland licensed professional engineer. If the pond is to be maintained by the HOA, but not perform a stormwater function, the lot deed restrictions must note the same. Public Storm drainage easements must be separated from private stormwater management and access easements. Regarding the emergency access that is shown going from Old Bay View Road from the loop on Kettle Creek Drive, who will own and maintain that access. Applicant responded it will be the homeowners association.

Who is proposed to maintain the emergency access and how do you propose to make this access functional for only emergencies and not daily traffic? Has the emergency access width and location been agreed upon by the serving fire company and EMS? We have not had those discussions. The access at Old Bayview Road must be offset 75’ from We have not the intersection and is not approvable as shown. At this point, we don’t have this with ATT. Mr. Orr stated that he does not visibly see an access there, not to say in
final form it will not be considered. Applicant asked if at preliminary they will have a boundary survey and will correct the location.

Pre-design geo-technical evaluations and borings are required along the proposed road alignments that cross perennial streams and non-tidal wetlands. Specific recommendations for subsurface drainage and street sub grade placement are required in the area of these crossings. New stream crossings must be approved as part of the overall road system design approval, and a remapping of the 100-year flood plain and a crossing hydraulic analysis are required. Not aware if the 100 year flood plain affects this parcel. The applicant is responsible to have their engineer prepare and submit these designs and analyses. Provide location of AT&T facilities in the easement and prior to Preliminary Plat submittal to TAC, you will need to show correspondence from AT&T that a roadway can be built across those easements and confirm there are no restrictions to prevent a public road from Kettle Creek drive being built over the easement. We need you to qualify what the utilities are within the easement because if there is an expectation that those utilities will be dug up, moved or relocated in the near future, it may be appropriate to relocate them now to the edge or behind the curve line so that have of this county road is not removed or otherwise reconstructed in 5 to 10 years.

The following standard notes and requirements apply to this plat and project: The details of these notes and requirements are as follows:

14.1 The Final Plat Lot Grading, Sidewalk Maintenance, and Lot Grading Plan Construction Limits Notes.
14.3 Compliance with Section 3.07.15 of the Cecil County Road Code.
14.4 Requirements for Utility relocations.
14.5 Requirements for Public Works Agreements.
14.6 Requirements for Stormwater Inspection and Maintenance Agreements.
14.7 Requirements for County Roads.
14.8 Requirements for Driveways.
14.9 Requirements for Final Plat - Public Water and Sewer Allocation.
14.10 Requirements for Sewer Service Cleanouts – Location.
14.11 Requirements for Stopping Sight Distance Measurements.

Notes and requirements identified for record.

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.
d. 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.”

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

f. Grading Plan: “No clearing or grading is permitted beyond the limits of disturbance show 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.”

1. The downstream conveyance of storm water must be analyzed in accordance with Section 251-9 A. (5) of the county’s SWM Ordinance. If stormwater discharge is directed off of the site on to adjacent property it is the responsibility of the Developer to obtain appropriate easements from the affected property owners per Sections 251-13 and 251-15.D of the Cecil County SWM Ordinance.

2. Section 3.07.15 of the Road Code requires that Theodore Road be upgraded to a Collector Road, Cecil County Road Code Standard R-7 for 100’ either side of the proposed entrance. The design engineer must address the requirement for minimum acceleration, deceleration, and bypass lanes. Any right-of-way acquisition necessary shall be performed by the applicant and at the applicant’s expense.

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

4. A Public Works Agreement is required for the streets & storm drainage and public water and sewer system constructions.

5. An Inspection & Maintenance Agreement is required for the private SWM facilities.

6. The street R.O.W. entrance tapers must be offset 25’ from the R.O.W. point of intersection and be straight lines, per 7.2.12.E.3 of the Subdivision Regulations. The internal street grade leaving Theodore Road may not exceed 5% within the limits of the intersection right-of-way.

7. All driveways must be paved at least to the right of way. The driveway paving must be complete for all lots at the time when the surface course for the internal roads is installed. This requirement includes any vacant but platted lots. Any driveway exceeding 5% up-gradient-slope form the roadway must be paved to the crest. If the development is phased these requirements will apply to each phase when 80% of the lots are built-out. All of these requirements must be reflected on the Lot Grading Plan.
8. Developer must request and obtain a public sewer allocation from the Department of Public Works and a public water allocation from the Town of North East before submitting a final plat to the Cecil County Planning Commission for approval.

9. All sewer service cleanouts must be designed to be outside of all paved or concrete areas on each lot and this must be shown on the utility plans.

10. Applicant must provide stopping sight distance measurements for the Theodore Road access to DPW prior to preliminary plat submittal. Mark the proposed Theodore Road entrance location in the field by a survey stake or paint.

James Kyte (FA) stated that as DPW noted prior, local fire companies need to be consulted. Will there be no on street parking? Applicant responded that there will be no on street parking. Mr. Kyte again affirmed the issues with 22’ wide streets and on street parking. The on street parking always provides a problem and wonders who will police it. Mr. Kyte stated he likes the second access proposed.

Mr. Orr asked reference the 12’ wide emergency access road, are there design elements to prevent this access being used by residents? Applicants stated that they have in the past used break away chains or fixed chains or landscaping at either end. With landscaping you would have to use the proper material so as not to hurt the trucks. Mr. Kyte suggested do not enter signs from the inside and if they get caught going out they need a big ticket. Mr. Kyte asked if they planned to leave it gravel and applicant responded that they planned to leave it gravel or even reinforced turf with landscaping on each side to delineate where it is.

Cynthia Latham stated that with public water available, no water appropriation is required.

Joe Moore read comments of Health Department. See attached.

Mr. Di Giacomo stated that no comments were received from SHA. Applicants were provided with comments of COE, Soil and Board of Education. See attached.

Mr. Di Giacomo read Planning and Zoning comments. Upon inspection, this proposal was found to not be in full compliance with §3.8 of the Subdivision regulations regarding public notification signs. The Old Bayview Road frontage did not have its required sign. The Theodore Road and MD 274 frontages did. 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.

The zoning is SR, which permits a base density of 1 du/1 ac, 2/1 with community facilities. Note #6 indicates that public water and sewer will be provided.
Note # 3 indicates that this proposal is submitted as a residential cluster development, although §6.1 is not referenced. Notes 8 & 15 do reference §6.1 in that regard. Note # 8 also references §6.5, which deals with site development plans for multi-family dwellings and that should be deleted. Since no townhouse or apartment structures are being proposed, why has §6.3 been referenced?

The intent of §6.1 is to permit greater flexibility for creative design, using the clustering of homes to save permanent open space, which would provide recreational opportunities close to home. Such clustering may be accomplished through allowing reductions in the respective minimum lot area and yard requirements. What you need to focus on is what recreational opportunities would result and what open space would be saved that would otherwise not be the case if §6.1 were not invoked.

Note # 15 cites the provisions of §6.1.5 (a) (b) & (c). The estimated staging of construction, as required in §6.1.1 (e) has been shown on the plat.

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

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. 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’. It appears that the stream buffers will have to be expanded. 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. A Jurisdictional Determination (JD) must be done prior to preliminary plat review by the Planning Commission.

At least 15% common open space is required; 34% is proposed. Are any active recreational amenities planned? Mr. Pugh responded there are not at this time. 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 C.O.S. sensitive areas thresholds must be calculated for inclusion on the Preliminary Plat. Any proposed common open space must be labeled and referred to as such. 20% landscaping of the development envelope is required. Sidewalks are recommended on at least one side of all internal roads.

The normal minimum SR zone lot size is 12,000 ft² and the setbacks are 30-10-40. §6.1’s clustering provisions allows flexibility in setbacks, lot size, yard requirements, etc.
Bufferyard Standard C is required, outside the right-of-way, along the road frontages of MD 274, Old Bay View, and Theodore Roads. Rows of street trees with 10’ planting easements are required, outside the right-of-way, along both sides of all internal roads. 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 Department of Natural Resources.

The Forest Stand Delineation (FSD) must be approved prior to Planning Commission’s review of the Concept Plat. The Preliminary Forest Conservation Plan (PFCP) must be approved prior to Planning Commission review of the Preliminary Plat. The final Forest Conservation Plan (FCP) and Landscape Plan must be approved prior to Planning Commission review of the Final Plat. 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.

The internal road names will need to be approved by the County 911 Emergency Center prior to Planning Commission review of the Preliminary Plat. Some came in late yesterday and we will get the information to you. Although adjacent Parcel 70 does have some limited road frontage, the possibility of providing stub access off the proposed Kettle Creek Drive should be considered. Mr. Di Giacomo asked if that opportunity had been explored. Mr. Pugh responded that they are reviewing the impact of the AT&T ROW and its usability as a stub to the adjoining property. In fact, they are looking at the whole issue of whether or not there is any way to compress to remain out of the AT&T ROW for that drive itself. We are still investigating.

A Traffic Impact Study (TIS) may be required. If so, then it must be completed prior to the TAC’s review of any Preliminary Plat. Fire hydrant locations must be selected in consultation with the Department of Public Works and the Northeast Fire Company.

Access to common open space between and beside lots must be marked with concrete monuments. A Homeowners’ Association for maintenance of common open space must be established with $50 per recorded lot placed in escrow for improvements prior to recordation.

Mr. Di Giacomo stated to Mr. Moore, that P&Z’s review of the map shows The Master Water and Sewer Plan classifies this site as W1 and S1, but the map is confusing. 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/homes offered for sale.

Documentation of all necessary easement agreements with AT&T will be required prior to the Planning Commission’s review of any Final Plat. All documents requiring
recordation must be recorded prior to the recordation of the Record Plat. 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 was reminded of the Monday noon submission deadline for review by the Planning Commission this month.

4. Wilson Property – Lots 1-14, Concept Plat, Rowland Road & Dr. Jack Road, CNA, Inc., Seventh Election District

Doug Kopec, CNA presented a summary of the revised plan. The project has been before TAC previously. It is zoned NAR and is 36.82 acres. We have taken into consideration the comments of the TAC group previously and implemented those comments on this revised plan. We have six lots permitted with a bonus density which allows 11 lots for a total maximum density of 17 lots. What we are proposing is 4 lots for Parcel 23 with bonus density of 11 lots with 60% open space giving us 15 lots. We have significant environmental constraints on the property. Wetlands have been delineated and COE has met us onsite and field verified the wetland limits. We do not have JD in hand; however, it may have been received. We submitted an FSD and I believe it has been approved. The idea of the layout is to avoid environmental conflicts. We have also tried to avoid the hydric soils area and we will need perk test on site and may need to adjust lot sizes based on the results of the perk tests. The boundaries have been completed. There is an overhead utility line up near Dr. Jack Road. That line will need to be relocated. There is also an AT&T easement or some sort of AT&T line that cuts through the site. We are still trying to determine what it is and where it is. Again, this is an approximate location and it will be determined as we get into the actual topography and probably contacting AT&T and looking at some of the deed work. We have tried to lay out the roads and lots around the AT&T line, but there may be some adjustment as we get into the final design of this. We have adjusted to one cul-de-sac and a private mini-road with access off Dr. Jack Road. We have eliminated the access off of Rolling Road and are only showing two lots on Rolling Road now which will allow us enough area to provide an adequate septic reserve area.

Fred Orr read DPW comments. A SWM plan, Street and storm drainage plan, and a Mass and Final Grading plan must be approved by the CCDPW prior to submittal for Final Plat Approval. Line of sight, intersection sight distance, and stopping sight distance must be addressed by the applicant’s engineer for all the proposed Doctor Jack Road and Rowland Road access locations shown. A submittal addressing these items must be made to the Department prior to submittal of a preliminary plat for TAC review. Normally this is done as a mark up of this drawing. Based upon field review by departmental staff, it appears significant improvements to Doctor Jack Road may be necessary to address sight distance requirements. To be determined by final measurements.

Lots 1, 12 & 13 are denied access to Doctor Jack Road. Lot 10 is denied access to Tilapia Court. A denied access note must be placed on the final plat.
A common access location may be required for lots 14 & 15. to be determined by site distance measurements.

Correct the drafting errors associated with the county and private road rights-of way. The Tilapia Court horizontal curve radius is too small, revise prior to proceeding to planning commission. Is Tilapia Court proposed with open section, or curbed street? Applicant responded that they do not know yet and they will look at that as part of the water quality and stormwater management criteria. Mr. Orr stated that based on the frontages, it appears it could be.

The exact location and width of the AT&T easement must be shown on the preliminary plat. Applicant must confirm AT&T easement conditions and the legal right to construct the private mini road and county road over the AT&T easement.

The following standard notes and requirements apply to this plat and project: The details of these notes and requirements are as follows:

1.1 The Final Plat Lot Grading Note and the Lot Grading Plan Construction Limits Note.
1.3 Compliance with Section 3.07.15 of the Cecil County Road Code.
1.4 Requirements for Utility relocations.
1.5 Requirements for Public Works Agreements.
1.6 Requirements for Stormwater Inspection and Maintenance Agreements
1.7 Requirements for County Roads.
1.8 Requirements for Driveways.
1.9 Requirements for Private Mini Roads.

Notes and requirements identified for record:

1. The Final Plat must include the Lot Grading Plan standard note and the Lot Grading Plan must include the standard construction limits note.

   c. 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.”

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

2. The downstream conveyance of storm water must be analyzed in accordance with Section 251-9 A. (5) of the county’s SWM Ordinance. If stormwater
discharge is directed off of the site on to adjacent property it is the responsibility of the Developer to obtain appropriate easements from the affected property owners per Sections 251-13 and 251-15.D of the Cecil County SWM Ordinance.

3. Section 3.07.15 of the Road Code directs that Doctor Jack Road must be upgraded to a Minor Collector Standard for a distance of 100’ either side of the proposed entrance. The design engineer must address the requirement for minimum acceleration, deceleration, and bypass lanes. Any right-of-way acquisition necessary shall be performed by the applicant and at the applicant’s expense.

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

5. A Public Works Agreement is required for the private mini road & storm drainage construction. A Public Works Agreement is required for the county streets & storm drainage constructions.

6. An Inspection & Maintenance Agreement is required for the private SWM facilities.

7. The street R.O.W. entrance tapers must be offset 25’ from the R.O.W. point of intersection and be straight lines, per 7.2.12.E.3 of the Subdivision Regulations. The internal street grade leaving Dr. Jack Road may not exceed 5% within the limits of the intersection right-of-way.

8. For County Roads, all driveways must be paved at least to the right of way. The driveway paving must be complete for all lots at the time when the surface course for the internal roads is installed. This requirement includes any vacant but platted lots. Any driveway exceeding 5% up-gradient-slope form the roadway must be paved to the crest. If the development is phased these requirements will apply to each phase when 80% of the lots are built-out. All of these requirements must be reflected on the Lot Grading Plan.

9. The private mini-road subdivision and plans must adhere to the provisions of Section 2.13 of the Road Code which addresses requirements for private roads. A statement clearly outlining the responsibilities of the homeowners in the maintenance of roads and storm drainage systems must be approved by the Planning Commission and placed on the final plat. Deed restrictions must be developed and recorded in accordance with Road Code Section 2.13.D. The internal Street grade leaving Tilapia Court may not exceed 5% within the limits of the intersection right-of-way. If mini-road profile grades exceed 5%, the mini-road travel way and cul-de-sac must be paved in accordance with Section 2.13.F of the Road Code. The mini-road entrance, within the county road right-of-way, must be paved in accordance with Section 2.13.F of the Road Code.

James Kyte (FA) stated he has had a discussion with Wayne Tome, Port Deposit Fire Department and he would like to see a fire suppression tank at the entrance. We are attempting to put a standard on fire suppression tanks. If homes are >3000 sf, we would
like to see at least a 20,000 gallon tank. If the square footage is above that, we would like to see a 30,000 gallon tank. The other stipulation we are coming up with is if the homes are less than 100’ apart, we want to stay with a 30,000 gallon tank, regardless of the square footage. The mini-road is only 12’ wide and we would like it to be 18’. The cul-de-sac is only a 75’ cul-de-sac on the mini-road and we would like to see road enlarged to 100’ if possible. Mr. Kyte asked if the entrance to Lots 14 and 15 off Rollin Road. Applicant stated that this is affirmative.

Cynthia Latham (MDE) stated they will need a water appropriation permit.

Joe Moore read comments of the Health Department. See attached. An additional statement is that sewage areas on these lots must not be shown in the easement right of way. Mr. Di Giacomo stated that no comments were received from SHA and applicant is provided a copy of comments of COE, Soil Conservation Service and Board of Education. See Attached.

Mr. Di Giacomo read Planning and Zoning comments. 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.

The zoning is NAR, which permits a maximum base density of 1 du/ 5 ac. Bonus density eligibility carries with it a permitted density of 1/3. This Concept Plat proposes 15 lots on 36.82 acres, for a proposed density of 1/2.45. In the previous proposal, reviewed at the October TAC meeting, 3 of the 14 proposed lots were intended as minor subdivision lots.

In this case, Note # 8 in the Site Data column is confusing. Ostensibly, it is trying to state that at the base density of 1/5, 6 lots could be realized; at bonus density of 1/3, 11 lots could be realized; and then, those densities could be combined to achieve 17 lots. First, base and bonus densities cannot be combined. The Planning Commission can grant one or the other, not both. In addition, on 36.82 acres, base and bonus densities in the NAR zone would potentially yield 7 and 12 lots, respectively. Note # 8 must be revised to reflect these facts.

Note # 8 adds 4 “Parcel 23” lots to 11 “bonus density” lots for a proposed total of 15. The 4 “Parcel 23” lots are apparently minor subdivision lots, but Note # 8 doesn’t indicate that. With 36.82 acres, bonus density, if granted, would yield 12 potential lots. In addition, if §2.4.1 were invoked, then the remaining minor subdivision potential lots (4) could be added as a bonus. In order to invoke §2.4.1, all such minor subdivision lots must be served by an internal major subdivision road.

In this case, 2 proposed lots are proposed to be accessed from Rowland Road. The plat does not specify if they are proposed minor or major subdivision lots, nor does the plat actually reference §2.4.1.
Even if the 2 lots proposed to directly access Rowland Road were major subdivision lots and all the minor subdivision lots were proposed to access interior roads, that would defeat the purpose of §2.4.1, which is “to discourage the creation of new lots accessing onto County roads.” Therefore, in that event, staff would recommend DISAPPROVAL.

Without the invocation of §2.4.1, the minor subdivision lots must be identified so that their acreage can subtracted from the total to determine the number of lots permitted. Minor subdivision maximum density is 1/1, so, for example, 4 acres would be deducted for 4 minor subdivision lots. Tax records indicate that this parcel is more than 39 acres. If correct, there would be 35 acres remaining, on which bonus density would yield 11 potential lots. If, on the other hand, there were 32.82 (36.82 – 4) acres, the remaining potential lots would be only 10 – assuming the Planning Commission granted bonus density.

As to bonus density eligibility, the proposed large lot (Lot 7) would constitute 39.98% of 36.82 acres. The common open space (7.45 ac.) would constitute 20.23% of 36.82 acres. Together, they would constitute 60.21% of 36.82 acres. Thus, the requirements of §22.2.b and §22.3 are satisfied, and this proposal is eligible for bonus density consideration, conditioned on the math associated with the minor subdivision lots being satisfactorily resolved.

If the number of lots is reduced and the layout is not changed, then this proposal would not be required to be re-reviewed by the TAC before a Concept Plat submittal to the Planning Commission. A boundary line survey must be done in conjunction with the preparation of the Preliminary Plat for density calculation purposes.

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. 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. A Jurisdictional Determination (JD) must be done prior to preliminary plat review by the Planning Commission. The habitats of rare, threatened, and endangered species must be avoided.

This proposal satisfies the open space bonus density eligibility requirements of the NAR zone. 60% overall, 18% common open space, and a large lot that is at least 10 acres in size are proposed. C.O.S. sensitive areas thresholds are not required to be calculated for inclusion on the Preliminary Plat in the NAR zone. No landscaping of the development envelope is required in the NAR zone. No sidewalks are recommended.
Bufferyard Standard C is required, outside the right-of-way, along the road frontages of Dr. Jack and Rowland Roads. Rows of street trees with 10’ planting easements are required, outside the right-of-way, along both sides of all internal roads. 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) must be approved prior to Planning Commission review of the Concept Plat. The Preliminary Forest Conservation Plan (PFCP) must be approved prior to Planning Commission review of the Preliminary Plat. The final Forest Conservation Plan (FCP) and Landscape Plan must be approved prior to Planning Commission review of the Final Plat.

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.

None of the proposed lots appear to exceed the 3:1 length to width ratio established in §7.4.2. §4.0.13 (j) mandates lot dimensions on Concept Plats. The internal road names will need to be approved by the County 911 Emergency Center prior to Planning Commission review of the Preliminary Plat.

Access to common open space between lots must be marked with concrete monuments. Covenants prohibiting the subdivision of the large lot must be recorded and noted on the plat prior to recordation. A Homeowners’ Association for maintenance of common open space must be established with $50 per recorded lot placed in escrow for improvements prior to recordation. 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.

Has any consideration been given to a looped County road accessed by all lots, instead of 2 lots directly accessing County roads? Applicant responded that they looked at the environmental constraints and costs and it uses up a lot of property that they do not need to use.

The 2 areas of common open space straddling the driveway of proposed Lot 13, the only panhandle lot, could be problematic for the owners of that lot. Likewise, two area of common open space straddle the proposed mini-road, which could prove problematic for its owners. How is this access issue and potential pedestrian/vehicle conflict proposed to be handled? Applicant stated that they could handle them off the mini-road and make it one contiguous piece. The best way to handle it is to provide access to Dr. Jack Road for that lot, but I know you do not want to do that. It is an awkward configuration.

Documentation of all necessary easement agreements with AT&T will be required prior to the Planning Commission’s review of any Final Plat. 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. This is included in Note #23.

The applicant was reminded of the Monday noon submission deadline for review by the Planning Commission this month.

5. **Perryville Branch, Cecil County Public Library, Coudon Blvd., McCrone, Inc. Seventh Election District**

Denise Davis, Director of the Cecil County Public Library, Dan Speakman, McCrone, Inc. and Joyce Dawson, Project Manager and certified construction manager appeared. Mr. Speakman presented the summary of the project. This plat is for a preliminary site plan located on the south side of Coudon Blvd. It borders Perryville Middle School and is roughly a 5 acre parcel. There is a proposed town house subdivision to the south and to the east of the parcel. It falls in the town of Perryville in the mixed use development zone. Due to programming, the facility is increased to 15,900 sf because of programming needs. We are required to have 87 parking spaces based on the 15,900 sf and we are proposing 119, including 6 handicap spaces. There is no 100 year flood plane on this site, no non-tidal wetlands, no steep slopes and no hydric soils. There is an anticipated future addition to the building at some point in time. SWM and parking is addressed to accommodate this anticipated addition. The overall site planning is being coordinated with GW Stevens who is doing the town house development to the south and west and also with Site Resources who are designing the access for Perryville Middle School. Forest Conservation is being handled by GW Stevens for the entire Goldberg property development.

Fred Orr, DPW, stated that the county is under contract with the town of Perryville to effect administration of their Storm water management code. My comments today that are geared to SWM are reliant upon the county DPW still being the administrative authority for the town at the time you make your submittals. A SWM plan and Mass and Final Grading plan must be approved by the CCDPW prior to submittal for Final Plat Approval.

Coudon Blvd. access shall be by way of the Perryville Middle School Drive and Mill Creek Circle only. Neither of these access locations are built out at this time – please address the construction timing of the library relevant to these two access locations. We recommend you consult with SHA regarding the updated Mill Creek flood study to be certain your site is out of the mapped flood plain. We are recommending to be sure the project is outside the flood plain. We recommend the stormwater management pond be fenced.

The Perryville Middle School Drive access loop appears awkward. The entrance geometry prioritizes the book drop loop, yet the 3’ radius curb southwest of the building appears to prevent use of the south parking areas. Suggest you consider a stop condition there with a ‘tee’ intersection and ‘do not enter’ signage. Fire trucks, emergency vehicles, trash trucks, etc. must be able to negotiate the internal curbed streets and aisles. With the 24’ lane widths shown, we expect that you will need to widen the inner curve
radii to accommodate the loop you are creating may be in conflict with the through traffic that you want to move back out to the Middle School.

The following standard notes and requirements apply to this project: The details of these necessary design vehicles. Notes and requirements are as follows:

1.1 The Final Plat Lot Grading Note and the Lot Grading Plan Construction Limits Note.
1.3 Requirements for Stormwater Inspection and Maintenance Agreements

Notes and requirements identified for record:

1. The Final Plat must include the Lot Grading Plan standard note and the Lot Grading Plan must include the standard construction limits note.
   e. 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.”
   f. Grading Plan: “No clearing or grading is permitted beyond the limits of disturbance show hereon. Any expanded clearing and/or grading in the absence of an approved revised lot grading plan may be considered non-compliance with Chapter 251 of the Cecil County Code and either or both the developer and/or Builder may be subject to the enforcement of the penalty provisions therein.”

2. The downstream conveyance of storm water must be analyzed in accordance with Section 251-9 A.(5) of the county’s SWM Ordinance. If stormwater discharge is directed off of the site on to adjacent property it is the responsibility of the Developer to obtain appropriate easements from the affected property owners per Sections 251-13 and 251-15.D of the Cecil County SWM Ordinance.

3. An Inspection & Maintenance Agreement is required for the private SWM facilities.

James Kyte (FA) stated he has questions about hydrant placement and that he does not see them on the property. Where is the entrance to the building? Mr. Speakman stated the visual front of the building when driving by is off route 40, but the actual main entrance to the building is from the parking lot in the back. Mr. Speakman further stated that at the main entrance, there is both a Siamese connection and hydrant. Mr. Di Giacomo stated this is not shown on the plans we have. Mr. Speakman stated that it is located at the main entrance of the building. Mr. Kyte stated he would only ask that they determine that this is suitable with the fire department and if that is where they want it placed.

Cynthia Latham, (MDE) stated that no water appropriations permit is required.
Joe Moore read the comments of the Health Department. See attached. Mr. Moore asked if this site plan must be recorded by the town and was told it does need to be recorded. Mr. Speakman asked if regarding the proposed 8” water and 8” sewer requirement, this means it has to be installed first before approval.

Mr. Moore stated he thinks that is correct for the 8” water being installed by others. There is something in the regulations and he will find out and get back to applicant, but he believes water and sewer must be available before County Health Department will sign off on record plat. Joyce Dawson stated that the only problem with that is there is concurrent construction. The developer will get out in front by starting early next year on their construction of the town homes and in that process all the utilities will go in. We will probably start construction early spring, toward the end of April. This will be out ahead of us, but it will not be there at the time we would want final approval to begin our construction, but it would be there at the time we need to connect and occupy the building. Mr. Moore stated that they should submit accurate scheduling dates for completion of the water and sewer lines and schedule for your completion of the building. Mr. Moore stated this is not a guarantee, but it should be submitted as soon as possible to the County Health Department.

Mr. Orr asked if this is County Property. Ms. Davis responded that it is 100% county property. Because of this scenario, DPW will have two roles here. One for the SW administration for the Town of Perryville and also as the County engineer for the Board of County Commissioners. Sounds like you may be able to work out the details with the Health Department, but understand that when you apply for your building permits or grading permits, when that comes to DPW, our question will be where is the developer in his guaranteed sequence of construction and is the County incurring any liability that we as a department need to involve the Board to go to the developer or the town to ensure the water and sewer is there. While no guarantee can be provided for administrative involvement from DPW from a project management standpoint, there will be some qualitative questions at time you submit grading plans. Ms. Davis stated that the Board of Library Trustees oversees the design, contracting, and works collaboratively with DPW, so the advice of DPW is much appreciated in the process and we do look forward and appreciate your help in making sure we are getting cooperation from developer.

Mr. Di Giacomo stated that no comments from SHA or CC Public Schools were received.

Applicants are provided a copy of the comments of Soil Conservation and COE. See attached.

Mr. Di Giacomo read Planning and Zoning comments. This site plan proposal is located in the Town of Perryville. The Cecil County TAC, as a courtesy to the towns in the County, occasionally reviews site plans and subdivision proposals within the towns’ corporate limits.

The Town zoning is MUD (Mixed Unit Development). This design is in keeping with the neo-traditional/new urbanism style inasmuch as it puts the building between the street and the parking lot; however, the “front” faces the parking lot rather than Coudon Boulevard. In addition, no sidewalk is depicted along Coudon Boulevard, no sidewalk is depicted along Mill Creek Circle between Coudon Boulevard and the proposed parking
lot entrance, and no sidewalk or pedestrian entrance is depicted from Coudon Boulevard. No bicycle racks have been depicted. Moreover, this design, including the drive-through book drop, says that this facility is accessible virtually only by automobile. It is recommended that the Town verify that this design is consistent with the goals of the MUD district.

A vehicle/pedestrian circulation plan should be developed so as to reduce pedestrian-vehicle conflicts, potentially using a combination of striping and MUTCD signage. Of particular concern is the pedestrian crosswalk from the 17-space parking area just off the entrance to the Perryville Middle School entrance. Using the proposed sidewalk, the proposed refuse enclosure would block the pedestrian’s line of sight to oncoming traffic. Since that sidewalk and crosswalk leads to the proposed loading space, consideration should be given to extending the sidewalk to aligning to that proposed for the “front” of the library.

The vehicle/pedestrian circulation plan should also address reducing potential vehicle-vehicle conflicts, MUTCD signage/striping and/or design modification. Of great concern is the potential conflict between outbound traffic from the 17-space parking area at the Perryville Middle School entrance, and inbound traffic from the Perryville Middle School entrance and Coudon Boulevard. I think this was what Mr. Orr was referring to earlier. In addition, outbound left-hand turns onto Coudon Boulevard would be difficult in the absence of a traffic signal at the Perryville Middle School entrance – Coudon Boulevard intersection. In addition, with the one-way flow behind the handicapped spaces, most traffic would likely exist via the Perryville Middle School entrance. Also of concern are the proposed vehicle backing movements into oncoming traffic from the refuse enclosure and the loading area.

It is recommended that the Site Plan reflect the fact that what has been referred to as US 7 is actually MD 7. It is recommended that the proposed institutional use be verified as being consistent with the Town’s Zoning Ordinance for the MUD zone. It should be confirmed that the setbacks, floor area ratios, and building heights are consistent with the Town’s Zoning Ordinance for the MUD zone. It should be confirmed that the future building expansion would not extinguish those consistencies. It is recommended that the site plan be checked to ensure that all requirements for site plans, as set forth in the Town’s Zoning Ordinance and Subdivision Regulations, have been satisfied.

Given the new trips that this auto-oriented project will generate, it should be confirmed whether or not the Town’s and SHA’s regulations will require a Traffic Impact Study (TIS), or if its impacts were included in the Goldberg Property’s TIS. The habitats of any possible rare, threatened, and endangered species should be avoided. Note # 22 indicates that there are none. It should be confirmed that any landscaping proposed is consistent with the landscaping requirements of the Town’s Zoning Ordinance and Subdivision Regulations, especially with respect to any required bufferyards. It is recommended that the Landscape Plan be approved prior to final site plan approval. It is recommended that a Landscape Agreement be executed prior to final site plan approval.
Cecil County and the Town of Perryville have not signed an “Assigning Obligations Under the Forest Conservation Act” agreement. Nevertheless, the FSD and FCP will be performed by the Office of Planning and Zoning as a courtesy to the Town. In this case, forestry issues may have been adequately addressed in the Goldberg Property FCP. It should be confirmed that the future building expansion would not invalidate the FCP and Landscape Plan approvals.

It should be confirmed that all aspects of the proposed site design and layout are consistent with the Town’s Subdivision Regulations and Public Works street code. It should be confirmed that the number of parking spaces falls with the minimum and maximum established by the Town’s Zoning Ordinance and Subdivision Regulations for the MUD zone. Consideration should be given to soliciting review and comment by the Perryville Volunteer Fire Company with respect to the layout and fire hydrant locations. One fire hydrant is depicted at the corner of Coudon Boulevard and Mill Creek Circle. Fire hydrant/standpipe locations should be consistent with the Town’s Zoning Ordinance and Subdivision Regulations, and/or comments provided by the Perryville Volunteer Fire Company. A fire service water line is shown, but not standpipe locations – which should be easily accessible and readily visible at all times.

Any required water allocation should be confirmed by the Town of Perryville prior to final approval. Any required sewer capacity should be confirmed by the Town of Perryville’s Department of Public Works prior to final approval. It is recommended that the site plan approval be contingent upon approval of a detailed lighting plan. It appears the additional lighting may be needed in the area of the entrance from Mill Creek Circle in the interest of patron/pedestrian safety and security. It is recommended that any necessary variance or special exception numbers be shown on the plat. If not already completed as part of the Goldberg Property approval, it is recommended that a JD be required, and, if necessary, any MDE/COE permits be obtained prior to site plan approval.
Cecil County Technical Advisory Committee (TAC)
December 7, 2005, 9 a.m., Minutes

Present: Tony Di Giacomo (CCP&Z), Fred Orr (CCDPW), Joe Moore (DEH), James Kyte (FA), Cynthia Latham (MDE), Butch King (SHA), Bob Markwardt (CCBoE), Lisa Thomas (CCP&Z), James Reynolds (DelMarVa Power), Daniel Graham (Citizen’s Representative), Butch King (SHA), Kathleen O’Connell (CCP&Z).

Absent: Chris Brown (SCS), Philip Cwiek (USACoE)

Mr. Di Giacomo called the meeting to order at 9:10 a.m.

1. Harborside Village, Concept Plat, 236 units, MD Route 7, Town of North East Courtesy Review, CNA, Fifth Election District

Doug Kopec, Vice President of CNA, 215 Bynum Road, Forest Hill, MD presented an overview of the Concept Plat. Harborside Village is in an R3, residential zone and consists of approximately 59.36 acres of land, bounded by North East Creek on two sides and Stoney Run on the west side of the site. Access to the site is from existing North East Isles Drive with a secondary access off of MD Route 7. Proposed is a planned residential development, PRD. There are 116 town houses, 96 condominiums and 24 villa units for a total of 236 units. Each condo building contains 12 units with garage parking on the lower elevation. The site has environmental constraints. It is almost entirely within the 100 year flood plane. The structures will be built on stilts so that the finished floor elevation will be one foot above the flood elevation. There are also non-tidal wetlands on the property as well as tidal wetlands. The wetland areas are delineated and verification has been completed between the tidal and non-tidal wetland areas. A JD has been obtained from the Army Corp of Engineers. The Critical Areas Commission has been out to the site and has walked the site with the developers. Water and sewer will be public. North East Isles has not yet been dedicated to the town so an easement or agreement will need to be negotiated with the North East Isles community or the road will have to be dedicated to the town. There is a 1.5 acre Village Green in the center of the development. The main access road off North East Drive terminates at the Village Green. Rear entrance to many of the units is provided via alleyways. The intent is to keep the impervious surfaces to a minimum, this the clustering of the development to avoid environmental impacts and keeping impervious surfaces down for water quality requirements for critical areas. The project requires growth allocation from an LDA, Limited Development Area, on the site. The growth allocation request would be for a portion of the site to be changed from LDA to IDA, Intense Development Area.

Fred Orr read the comments of DPW. A SWM plan, sanitary sewer collection and pumping system plan, and a Mass and Final Grading plan must be approved by the CCDPW prior to submittal for Final Plat Approval to the Town. A SHA access permit is required. It is the Department’s understanding that the Town of North East will own the public streets, storm drainage system, and water distribution system in this development.
Are there any condo areas proposed that would own sections of private street or utilities? Mr. Kopec stated that there are none at this point. There will be some negotiation with the town regarding the ownership of the alleyways. The CCDPW recommends that the water distribution system including fire hydrant locations be designed to meet or exceed the County’s standards. We also recommend that the Town request that the serving fire company review fire hydrant spacing and locations. The water lines must be reflected on the sanitary sewer plans and as-builts. All easements for the sanitary sewer lines must be reflected on the final plat.

The Developer is responsible to complete a public sewer capacity analysis and provide a preliminary sewer system layout. Mr. Orr asked Mr. Kopec if thought has been given as to how the public sewer will be connected. Mr. Kopec responded he would hope to connect into the gravity system. Mr. Orr stated that this would be the highest priority alternative that DPW would ask be looked at rather than propose a direct interconnection to the Washington Street force main. The limits of this analysis shall begin at the site and cover the downstream collection system to the Seneca Point Wastewater Treatment Plant. The preliminary sewer layout and sewer capacity analysis should be submitted prior to any other engineering submittals to the Department. We would like to see you submit these first because they have to do with the feasibility of the project.

Based upon the current permitted WWTP capacity at the Seneca Point WWTP, as well as projects already in various stages of county design approval, concept through final, no public sewer allocation is anticipated to be available for this project until or unless WWTP capacity is expanded, other approved projects do not proceed, or existing public sewer allocations expire and are not renewed. The Developer proceeds with any and all project engineering at their own risk.

Will this project be phased? Mr. Kopec stated that this is still to be worked out, but probably the town houses would be the first portion of the site and obviously the roads and infrastructure would go in first.

Show all private stormwater management and stormwater management outfall easements across the common open space on the final plat(s).

Public Storm drainage easements must be separated from private stormwater management and access easements.

The following standard notes and requirements apply to this plat and project: The details of these notes and requirements will be identified as follows:

8.1 The Final Plat Lot Grading and Lot Grading Plan Construction Limits Notes.
8.3 Requirements for Utility relocations.
8.4 Requirements for Stormwater Inspection and Maintenance Agreements.
8.5 Requirements for Final Plat - Public Sewer Allocation.
8.6 Requirements for Sewer Service Cleanouts – Location.

Notes and requirements identified for record:

1. The Final Plat must include the Lot Grading Plan standard note. The Lot Grading Plan must include the standard construction limits note.
   a. Final Plat: “A lot grading plan has been approved by the CCDPW for the construction shown hereon. A site construction as built shall be submitted to the CCDPW prior to use and/or occupancy of any of the sites shown hereon. Any change to the Forest Retention, Forestation, and/or Reforestation will require a consistency review, of the SWM approval, with CCDPW.”
   b. Grading Plan: “No clearing or grading is permitted beyond the limits of disturbance show hereon. Any expanded clearing and/or grading in the absence of an approved revised lot grading plan may be considered non-compliance with Chapter 251 of the Cecil County Code and either or both the developer and/or Builder may be subject to the enforcement of the penalty provisions therein.”

2. The downstream conveyance of storm water must be analyzed in accordance with Section 251-9 A. (5) of the county’s SWM Ordinance. If stormwater discharge is directed off of the site on to adjacent property it is the responsibility of the Developer to obtain appropriate easements from the affected property owners per Sections 251-13 and 251-15.D of the Cecil County SWM Ordinance.

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

4. An Inspection & Maintenance Agreement is required for the private SWM facilities.

5. Developer must request and obtain a public sewer allocation from the Department of Public Works and a public water allocation from the Town of North East before submitting a final plat for approval.

6. All sewer service cleanouts must be designed to be outside of all paved or concrete areas on each lot and this must be shown on the utility plans.

Mr. Orr added one comment not on the prepared list. If the state or town codes require a full flood plain permit for the extent of grading, cut and fill work associated with the project, we ask that you supply a copy of the final flood plain permit to DPW for the file record. It is likely that if you are required to have that permit that you will conversely supply a copy of the stormwater management approval prior to their approval. The flood plain permit will not be tied to the DPW approval. It will be the opposite way; they will require DPW approval before they will send you the permit.

Daniel Graham, Citizen’s Representative, reported that no comments were received.

Bob Markwardt, Cecil County Public Schools asked for square footage and price of the units. Mr. Kopec stated that they do not know at this time. Mr. Markwardt stated that
bus service for elementary would probably be provided at the intersection of North East Isles Drive as there is currently permission from North East Isles Community to enter with a school bus. For North East Middle and North East High, bus service would be provided where the roads come out on MD Route 7. You may want to provide some consideration to a waiting area for students, e.g., a bus shelter, on both of those locations. Limit the sides of the shelter to two. Mr. Markwardt asked and Mr. Kopec responded that they will start as soon as they have approvals.

James Reynolds, Delmarva Power, stated that on the final plan, they would like to show the poles on the north side of Route 7 at the entrance for design purposes. Other than that, we can facilitate any of your needs.

James Kyte stated that he had a discussion with the chief of North East and he does want to be involved with the hydrant placement. Mr. Kyte asked if there would be on street parking. Mr. Kopec stated there will be none and that guest spaces are being provided. Mr. Kyte asked if the builder will be able to put up no parking signs on all the streets and alleys. Mr. Kopec stated that they could if it would be helpful. There was some discussion about the number of parking spaces being provided as most of the parking will be under the units. Mr. Kyte stated that if less than 3 parking spaces per unit are provided; there will be parking on the street.

Cynthia Latham, MDE, stated no appropriations permit is required.

Butch King, SHA, asked when they anticipated getting approval for access onto North East Isles Drive. Mr. Kopec stated the developer is negotiating this. A signal warrant analysis will be required at the intersection of North East Isles Drive and MD Route 7. Mr. King asked how they will access the proposed boat storage overflow parking area and Mr. Kopec stated from North East Isles Drive.

Joe Moore read the comments of the Health Department. See attached.

Betsy Vennell, Town of North East, stated that they had no comment at this time.

Mr. Di Giacomo stated that this subdivision is proposed in the Town of North East. The Cecil County TAC, as a courtesy to the towns in the County, occasionally reviews site plans and subdivision proposals within the towns’ corporate limits. The Office of Planning & Zoning’s comments and questions relating to this Concept Plat are as follows:

The Town zoning is R-3 (existing). The proposed zoning is PRD (Planned Residential Development).

236 dwelling units are proposed on 59.36 acres, for a proposed density of 3.98/1. It should be confirmed that the proposed density is consistent with that permitted by the underlying zoning. As noted in Site Data Note #8, the maximum permitted density in the Critical Area LDA overlay zone is 3.99/1. It is recommended that any necessary rezoning be completed no later than prior to Final Plat approval.
It is recommended that the Critical Area boundary be depicted on the Concept Plat, as well as that portion of the property that will require Growth Allocation. It is recommended that any necessary Growth Allocation be completed no later than prior to Final Plat approval. In Site Data Note #6, the word “intensely” has been misspelled. There is a question regarding the rationale for conversion to IDA from LDA. It should be confirmed that the stream/Critical Area Buffers do not need to be expanded. It is recommended that an Environmental Assessment be completed prior to the review of any Preliminary Plat. It is further recommended that demonstration of any IDA reduction of pre-development pollution loadings also be completed prior to the review of any Preliminary Plat.

It is recommended that the Concept Plat depict street and alley names, lot, and building numbers. For example, an unnumbered row of townhouses on an unnamed street have some rear access issues.

A new entrance is proposed to intersect with MD Rte. 7 only 250’ from the Northeast Isles’ entrance. It should be confirmed that this design is acceptable to SHA. It is recommended that final subdivision plat approval be coordinated with SHA entrance design approval and SHA has addressed these issues earlier. A Traffic Impact Study (TIS) is recommended and I understand one has been completed.

It appears that both entrances and all the proposed dwelling units would be within the 100 year floodplain. Any variances required as a result should be noted on the plat.

The Town of North East and Cecil County signed an “Assigning obligations under the Forest Conservation Act” agreement. An FSD and an FCP must be approved.

It should be confirmed that the setbacks, lot sizes, and lot widths are consistent with the Town’s Zoning Ordinance for the R-3 or PRD zones. It is recommended that the plat be checked to ensure that all requirements for Concept Plats, as set forth in the Town’s Zoning Ordinance and Subdivision Regulations, have been satisfied.

A 25’ buffer is recommended around any non-tidal wetlands present. Permits are required from the (US Army) Corps of Engineers and MDE for all non-tidal wetland impacts or stream crossings prior to recordation. Note #2 indicates that the JD has already been completed; its documentation should be provided to the Town. Comments from the Core of Engineers are as follows. Department of the Army authorization is required for the proposal. Impacts to the waters of the United States should be avoided/minimized to the maximum extent practicable. It is recommended that it be demonstrated that the proposed 6’ hiking trail through the non-tidal and tidal wetlands is consistent with the Town’s and the Critical Area Commissions regulations and guidelines. The habitats of any rare, threatened, and endangered species should be avoided.

It should be confirmed that any landscaping proposed is consistent with the landscaping requirements of the Town’s Zoning Ordinance and Subdivision Regulations, especially with respect to street trees and any required bufferyards. It is recommended that no street trees be planted within 20 feet of sewer laterals and cleanouts.
It is recommended that the Landscape Plan be approved prior to final subdivision approval. It is recommended that a Landscape Agreement be executed prior to recordation. Sidewalks are recommended along both sides of all internal, unnamed streets. It should be confirmed that all aspects of the proposed site design and layout are consistent with the Town’s Subdivision Regulations and Public Works street code. It should be confirmed that the number of parking spaces falls with the minimum and maximum established by the Town’s Zoning Ordinance and Subdivision Regulations.

What is the nature of the Variance cited in Site Data Note # 11?

Some overflow parking spaces are depicted on common open space. It is recommended that it be verified that North East’s Zoning Ordinance or Subdivision Regulations permits such use of common open space. It should be confirmed that all proposed building heights do not exceed the maximum height established in the Town’s Zoning Ordinance and Subdivision Regulations. Consideration should be given to soliciting review and comment on the subdivision layout by the North East volunteer Fire Company. Fire hydrant/standpipe locations should be shown and should consistent with the Town’s Zoning Ordinance and Subdivision Regulations. Consideration should be given to locating dry hydrants at the stormwater management ponds – if deemed advisable and feasible by the North East volunteer Fire Co.

Water allocation should be confirmed by the Town of North East prior to final approval. Sewer allocation should be confirmed by the Cecil County Department of Public Works prior to final approval. It is recommended that the site design be consistent with the Town’s policies regarding possible bus stops/shelters and/or bicycle racks. It is recommended that a lighting plan that emphasizes pedestrian safety and security be submitted.

It is recommended that all Variance numbers be shown on future plats. It is recommended that County Election District number be added to the title block. It is recommended that all proposed common open space be labeled and referenced as such.

Is the proposed boat storage/overflow parking area to become common open space? Mr. Kopec stated that this was to be determined. It is recommended that all HOA documents be accepted by the state, recorded, and any escrow deposits be accomplished prior to the recordation of any plats.

It is recommended that the Record Plats 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. It is recommended that the Record Plats also contain a statement, signed by the owner, to the effect that such facilities will be available to all lots/homes offered for sale. As a point of clarification, Mr. Kopec stated that the Environmental Site Assessment has been submitted to the Town of North East, as well as the Growth Allocation.

Mr. Di Giacomo provided the report from the Soils Conservation District to the applicant.

2. Forest Green Court – Section III, Preliminary Plat, Deaver Road and Deer Run Parkway. 138 sites, Third Election District, American Engineering & Surveying, Inc.

Kordell Wilen, American Engineering, Nick Inglisa and Denise Hubbard, appeared to
present the Preliminary Plan for Section III, sites 46-75 for 30 sites total. Mr. Wilen gave an overview and history of the project. The Planning Commission approved the Concept Plan on October 17, 2005. The boundary survey has been completed and the total development area is 19.476 acres and the proposed density is 1.54 units per acre. A JD has been completed as far as the site visit goes. The paper work has not been completed and it is our understanding there is quite a delay in processing that paper work. We have completed the preliminary design of the road profile, the lot grading, sanitary sewer system and the water distribution systems. The limit of disturbance has been kept outside of all the environmentally sensitive areas and their associated buffers. A letter has been issued by MDE for the waste water treatment facility and also the ground water appropriation permit shows the capacity.

Mr. Orr, DPW, stated that it is the Department’s understanding that the water treatment & distribution system and wastewater treatment & collection in this development will be privately owned and maintained. The Road Code and Water & Sewer Standard Specifications require that private water and wastewater systems be designed to meet or exceed the County’s standards, which includes fire protection demands. As such, the plans for any onsite private water & sewer system must be submitted to and approved by the Department of Public Works, along with an engineer’s evaluation and summary of the existing system’s treatment and service capacities. Any interconnection to existing onsite systems will require that a design adequacy and performance evaluation be submitted to the Department by the applicant’s engineer. A variance must be obtained from the Director for any and all portions of the existing and proposed system not designed to perform under the County standards. We also recommend that the serving fire company review any fire hydrant spacing and locations. A SWM plan, Road & Storm Drain plan, Water and Sanitary Sewer plan and a Mass and Final Grading plan must be approved by the CCPW prior to submittal for Final Plat Approval. Any Road Code Variances sought must be requested prior to submittal for Preliminary Plat approval. This concept layout contains internal roadway characteristics and geometrics that require a variance to the Road Code before review of engineering submittals can be made. I am aware that you had previous discussion with the previous Director of Public Works. I am not aware if a formal variance request was approved. Applicant responded that the formal request has not been submitted to date. Mr. Orr stated that they should do so before proceeding to the Planning Commission with the Preliminary Plat. Section 3.07.15 of the Road Code requires that Deaver Road be upgraded to a Minor Collector Road standard for 100’ either side of the existing entrance. The design engineer must address the requirement for minimum acceleration and deceleration lanes, along with any bypass lane requirements. Any right-of-way acquisition necessary shall be performed by the applicant and at the applicant’s expense. Applicant asked if they would be required to obtain the right-of-way prior to Preliminary Plat submittal for Planning Commission. Mr. Orr responded that if they will be requesting a code variance, it should be submitted prior to Preliminary Plat submittal to the Planning Commission because you have completed the boundary survey so you should know whether or not there is a right of way issue there. You may file the request and there may not be a final consideration made until after that meeting, but it is more appropriate to file it before the Planning Commission meeting than to leave that out there as a discussion item. Applicant stated that they just wanted to be sure that receiving the variance and obtaining the right-of-way
acquisition was not going to be required prior to submitting the Preliminary Plat to the Planning Commission.

The Department of Public Works is in receipt of written comments from a downstream property owner regarding stormwater management and flood plain issues. A copy of this correspondence and the Department’s response was provided for record at the concept plat stage. The 100-year floodplain limits shown do not correlate to any definable hydraulic gradient based upon the line and site topography. The applicant’s engineer is responsible to properly identify this flood plain line within the site boundaries. To do so requires, at a minimum, that the engineer properly relate the 100-year flood plain to the known site topography and stream corridor location. Where flood elevations are unknown, additional hydraulic analysis by a Maryland licensed professional engineer may be required if a graphical correlation cannot be made.

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:

1.1. The Final Plat Lot Grading Note and the Lot Grading Plan Construction Limits Note.
1.3. Requirements for Utility relocations.
1.4. Requirements for Public Works Agreements.
1.5. Requirements for Stormwater Inspection and Maintenance Agreements.
1.6. Requirements for Stopping Sight Distance measurements.

Notes and requirements identified for record:

1. The Final Plat must include the Lot Grading Plan standard note and 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 show hereon. Any expanded clearing and/or grading in the absence of an approved revised lot grading plan may be considered non-compliance with Chapter 251 of the Cecil County Code and either or both the developer and/or Builder may be subject to the enforcement of the penalty provisions therein.”
2. The downstream conveyance of storm water must be analyzed in accordance with Section 251-9 A. (5) of the county’s SWM Ordinance. If stormwater discharge is directed off of the site on to adjacent property it is the responsibility of the Developer to obtain appropriate easements from the
affected property owners per Sections 251-13 and 251-15.D of the Cecil County SWM Ordinance.

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

4. Public works agreements are required for the internal streets & storm drains and sanitary sewer and water constructions.

5. An Inspection & Maintenance Agreement is required for the private SWM facilities.

6. Applicant must provide stopping sight distance measurements for the existing Deaver Road access to DPW prior to preliminary plat submittal.

Daniel Graham, Citizen’s Representative report no comments received.

Bob Markwardt, Cecil County Schools, stated he had no comments other than bus service will continue to stay at the intersection of Deaver Road and Deer Run Parkway.

James Reynolds, Delmarva Power had no comments.

Mr. Kyte, Fire Chief Representative, stated there is a dry hydrant at the end of McVeigh Way. He further stated there is not much of a turn around area there. Mr. Kyte asked if there would be blacktop or gravel down to the dry hydrant area and a place to accommodate a fire truck to get into it and be able to turn around and get out. Applicant responded it will be made large enough for your trucks to get around. Mr. Kyte asked if the parking would be off road. Applicant responded that parking will be off street.

Cynthia Latham, MDE, stated that the water appropriation permit that is in place covers this use.

Butch King, SHA, had no comment.

Joe Moore read the comments of CC Health Department. See attached.

Mr. Di Giacomo stated that from the Army COE there is no comment.

There was no report received on this project from the Soil Conservation Service.

Mr. Di Giacomo reported that 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.

The zoning is MH, which permits a maximum density of 6 du/1 ac. in manufactured home parks, as stipulated in §’s 30 and 78 of the Cecil County Zoning Ordinance. Sections I & II were previously approved. The Section III Concept Plat, proposing 30 sites on 19.5 acres, for a proposed density of 1.54/1,\(^1\) was approved on 10/17/05, conditioned on:

1) The boundary line survey being completed prior to the TAC’s review of the Preliminary Plat;

\(^1\) Overall, this brought the aggregate density for Sections I, II, & III (138 sites on 54.763 acres) to 2.52/1.
2) The JD being completed prior to the Planning Commission’s review of the Preliminary Plat; and
3) A modification for pavement widths being granted.

This development will require that the existing Manufactured Home Park license be amended to include the additional sites. This Preliminary Plat is consistent with the approved Concept Plat. Has a boundary line survey been completed? Applicants responded that it has.

The right side of the plat indicates that Domenic and Lois Inglisa are the owners. The Owner’s Certification block indicates that it is the Dan Banks Company, Inc. Which information is accurate? Applicants responded that the property is owned by Inglisa.

Permits are required from the (US Army) Corps of Engineers and MDE for all non-tidal wetland and stream impacts prior to recordation. We have already heard that the JD is completed although the paper work has not been completed. Based on 19.5 acres, 2.925 acres of open space is required; 11.965 acres (62%) are proposed. The open space sensitive areas thresholds have been included on the plat. 20% landscaping of the development envelope is required in the MH zone, and rows of street trees are required along both sides of all internal roads. No street trees should be planted within 20 feet of sewer laterals and cleanouts. A surrounding Bufferyard Standard D is required, per §78.8. Why doesn’t it appear on the plat? Where feasible, the natural vegetative equivalent may be used to satisfy the bufferyard and street tree requirements.

The FSD was approved on 9/12/05. The PFCP must be approved prior to Planning Commission’s review of the Preliminary Plat. The FCP and Landscape Plan must be approved prior to Planning Commission review of the Final Plat. 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. The metes and bounds description of the FRA must be shown on the record plat.

Sidewalks are recommended on at least one side of all internal roads. Each manufactured home site shall measure not less than 4000 ft² in area, and the minimum width at the setback line must be 50’. Minimum setbacks on all manufactured home sites shall be 15’ front and rear, 10’ on each side. The proposed road names have been approved.

Verification must be received from MDE prior to Final Plat review that the proposed water system is capable of serving these proposed sites. The proposed sites must be served by water & sewer systems approved by the Health Department. The Master Water and Sewer Plan classifies this area as W-3 and S-3. Sewer capacity to serve these proposed sites must be verified by the Department of Public Works prior to Final Plat review. The Final and 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 Final and 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. Note # 7 will not suffice for the Final and Record Plats.
All the requirements of §’s 30 & 78 of the Zoning Ordinance and §6.6 of the Subdivision Regulations must be satisfied. The applicant was reminded of the Monday noon submission deadline for review by the Planning Commission this month.

Mr. Moore, Health Dept., had an additional question regarding the sanitary pump pit for four lots and he asked if the rest of the lots are gravity flow back. Mr. Moore asked why they were pumping all the way to the top. Mr. Wilen stated they are not, but are pumping up to the manhole and gravity up from there.

3. **Mini-road access to DE Lands of Crawford (Fulton Hills), Old Telegraph Road, First Election District, Peter H. Bourne, P.E.**

Duane Lindstrom, Developer, and Peter Bourne, PE, appeared and provided an overview of the project. Mr. Bourne stated the project intention is to construct a 16’ wide mini-road on the 100’ wide property leading to Mr. Lindstrom’s property in Delaware. The Maryland portion of the original farm has been sold off and there is no access to the Delaware piece of the original farm.

Mr. Di Giacomo asked applicant to explain for the record the number of lots being proposed. Mr. Lindstrom stated that at this time he has no lots or division. In Delaware, he would have to build a DELDOT road and would have to come back to Cecil County to build a major road. In Delaware, I can use eleven acres and keep them as agricultural. I could take the block of land that is in the back there and divide it into eleven acre parcels and they would consider them farmettes. If I go to New Castle County Zoning and want to build a minor or major subdivision, it does not matter, I have to build DELDOT standard roads to service it so that is not what I’m here for or asking for. Applicant stated he wants to use the mini-road for eleven acre parcels if I end up doing it that way. At this time, I don’t have anything divided up and eventually I will probably end up living in the back and that’s where this is all going and I will own all the land going through Maryland.

Mr. Orr, DPW, stated a SWM plan, Street and storm drainage plan, and a Mass and Final Grading plan must be approved by the CCDPW prior to submittal for Final Plat or Site Plan Approval. The site plan submittal sheets 1, 2 & 3, identified as *Title Sheet, Road Plan and Profile, Erosion and Sediment Control Plan* do not constitute a stormwater management or private mini-road design submittal responsive to the current codified requirements. Offered for record is that you are not required at this stage to have presented that level of information, but prior to a final approval for obtaining the department’s approval for a grading permit, you will need to submit those mini road plans and the storm water management submittal directly to DPW for approval. To move forward to Planning Commission, you do not need to make that submittal that this point unless you are asking for a final plat approval. Mr. Orr asked for Mr. Di Giacomo’s guidance. Mr. Di Giacomo stated that they would treat this as a Preliminary/Final Plat because the strip that is in question is part of the Fulton Hills subdivision which currently has a preliminary plat approval only. It has not moved to Final Plat. It has not been recorded. Since there is already Preliminary Plat approval for Fulton Hills, we believe that taking off this piece needs to occur via a Preliminary/Final Plat. When Fulton Hills was reviewed both times by the Planning Commission, testimony was given that there
was no intent to dispose of the acreage in Delaware. Reading the minutes and remembering the meetings, I think it is fair to say that the Planning Commission did not countenance this coming in before Fulton Hills was recorded. Mr. Orr stated that departmentally they can support applicant proceeding forward as a preliminary plat. If you ask for final plat approval from the Planning Commission, you must have your engineering submittals at a design completion stage. We need to be ready to sign plans, ask for monetary guarantees, ask for agreements with the owner and at that point all the design work needs to be done. At this stage, I would recommend that you proceed with a preliminary plat and not ask for final plat approval if you are proceeding this month. Our backlog is such that if you made the submittal today, you might not receive comments from us for a minimum of 60 to 90 days. There would be no way for us to give you a response in the time it would take to recommend the final plat approval. There is no reason why you cannot proceed, at least from DPW’s standpoint, to a preliminary plat request before planning commission. Mr. Di Giacomo interjected that applicant can simply wait to go before the Planning Commission until DPW requirements are satisfied. Mr. Lindstrom asked if his access to the property has anything to do with Fulton Hills, e.g. if Fulton Hills folds or goes away, can I not access the property then? Mr. Di Giacomo stated that what applicant is doing is trying to accomplish the access per the prescribed method that the Planning Commission established in conditions #4 & 5 of Concept Plat approval. Mr. Di Giacomo continued that once applicant has final plat approval, Fulton Hills is not applicant’s worry. Mr. Orr continued with his comments. The applicant’s registered professional engineer is responsible to make complete submittals to the Department of Public Works for review and approval. The Old Telegraph Road entrance geometry is not approvable and is not responsive to the requirements of the Cecil County Road Code. The private mini-road entrance shall be paved to the private mini-road pavement standard within the Old Telegraph Road right-of-way.

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:

1.1 The Final Plat Lot Grading Note and the Lot Grading Plan Construction Limits Note.
1.3 Compliance with Section 3.07.15 of the Cecil County Road Code.
1.4 Requirements for Utility relocations.
1.5 Requirements for Public Works Agreements.
1.6 Requirements for Stormwater Inspection and Maintenance Agreements
1.7 Requirements for Private Mini Roads.

Notes and requirements identified for record:

1. The Final Plat must include the Lot Grading Plan standard note and 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 show hereon. Any expanded clearing and/or grading in the absence of an approved revised lot grading plan may be considered non-compliance with Chapter 251 of the Cecil County Code and either or both the developer and/or Builder may be subject to the enforcement of the penalty provisions therein.”

2. The downstream conveyance of storm water must be analyzed in accordance with Section 251-9 A. (5) of the county’s SWM Ordinance. If stormwater discharge is directed off of the site on to adjacent property it is the responsibility of the Developer to obtain appropriate easements from the affected property owners per Sections 251-13 and 251-15.D of the Cecil County SWM Ordinance.

3. Section 3.07.15 of the Road Code directs that Old Telegraph Road must be upgraded to a Minor Collector Standard for a distance of 100’ either side of the proposed entrance. The design engineer must address the requirement for minimum acceleration, deceleration, and bypass lanes. Any right-of-way acquisition necessary shall be performed by the applicant and at the applicant’s expense.

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

5. A Public Works Agreement is required for the private mini road & storm drainage construction. A Public Works Agreement is required for the county streets & storm drainage constructions.

6. An Inspection & Maintenance Agreement is required for the private SWM facilities.

7. The private mini-road subdivision and plans must adhere to the provisions of Section 2.13 of the Road Code which addresses requirements for private roads. A statement clearly outlining the responsibilities of the homeowners in the maintenance of roads and storm drainage systems must be approved by the Planning Commission and placed on the final plat. Deed restrictions must be developed and recorded in accordance with Road Code Section 2.13.D. The internal Street grade leaving Old Telegraph Road may not exceed 5% within the limits of the intersection right-of-way. If mini-road profile grades exceed 5%, the mini-road travel way and cul-de-sac must be paved in accordance with Section 2.13.F of the Road Code. The mini-road entrance, within the county road right-of-way, must be paved in accordance with Section 2.13.F of the Road Code.

Mr. Graham, Citizen’s Representative, had no comment. Mr. Markwardt, CC Public Schools, had no comment. James Reynolds, Delmarva Power, had no comment.

James Kyte, Fire Chief Representative, stated he was confused as to what Fire Company would be supporting this land. Applicant stated that he had talked with Middletown Fire Department and they thought they would be serving it.
Cynthia Latham, MDE, had no comment. Mr. King, SHA, had no comment. Mr. Moore read CC Health Department comments. See attached. Mr. Di Giacomo stated that the Army COE has no comment and the Soil Conservation District provided a report which was given to applicant.

Mr. Di Giacomo reported that the zoning is SAR. Density is not an issue, as this request relates to accessing lots proposed on the portion of the Crawford property that is situated in New Castle County. The Concept Plat was approved on 9/23/04 with six conditions, which were not read, except for 4 & 5:

1) A boundary line survey being completed in conjunction with the preparation of the Preliminary plat for Density calculation purposes;

2) A JD being completed prior to the Planning Commission’s review of the Preliminary Plat;

3) The Bufferyard standard C requirement for proposed Lot 18 being waived in favor of a modified Bufferyard “A” along the rear lot lines of proposed Lots 13-17 with the normal rear BRL;

4) Any right-of-way access to the remaining lands in Delaware becoming a private mini road at such time as those remaining lands are developed;

5) The 100’ ROW shown be limited to farm access and any change in the future would require approval by the Planning Commission; and

6) A Bufferyard “A” being established on the rear lot lines of Lots 4-13 to buffer the adjacent agricultural uses on the remaining lands of Crawford in Delaware.

The Preliminary Plat was approved on 2/22/05, conditioned on:

1) Health Department requirements being met;

2) DPW requirements being met;

3) The FCP and Landscape Plan being approved prior to Final Plat review; and

4) The details of the FCP and the Final Plat matching up.

The 2 basic areas of concern relating to this request are procedural and technical.

On the procedural side, the Planning Commission was concerned about proper mini-road recordation, coordination with New Castle County, and limiting the use of the possible mini-road to no more than 5 lots.

As stated at Fulton Hills Concept and Preliminary Plat reviews, “any development of the remaining lands in New Castle County will require New Castle County approval prior to Cecil County recordation of the access strip, which shall conform to the conditions of Concept Plat approval. A resulting mini-road maintenance association would need to be formed, and its incorporation documents shall be recorded in both counties prior to recordation of the roadway in Cecil County.”

In addition, given the conditions of Concept Plat approval; given that the Fulton Hills subdivision, at this point, has only Preliminary Plat approval; and given that the creation of 5 lots in New Castle County could be effectuated by deed rather than via the subdivision process, the following conditions will be part of any recommendation of approval:
1. A plat to create the mini-road must be reviewed by the TAC, and it must meet Preliminary-Final Plat requirements. Next, it must be submitted for review and possible approval by the Planning Commission, pursuant to conditions #4 & 5 of the Fulton Hills Concept Plat approval. If the lots created by deed in New Castle County are in fact an agricultural transfer and are not for development purposes, then, pursuant to conditions #4 & 5 of the Fulton Hills Concept Plat approval, the Planning Commission’s approval of the creation of a mini-road would not actually be necessary at this time.

2. Since the development of the remaining lands in New Castle County will not require subdivision approval, the recordation of the Mini-Road in Cecil County must precede the issuance of a building permit for any of the individual lots.

3. A resulting mini-road maintenance association would need to be formed, and its incorporation documents shall be recorded in both counties prior to recordation of the roadway in Cecil County.

4. Given the inherent potential difficulties of Cecil County’s tracking New Castle County Building permits and New Castle County’s enforcing the provisions of the Cecil County Road Code with respect to having no more than 5 lots accessing a County Road from a private mini-road:
   a) The mini-road maintenance association’s incorporation documents shall clearly limit the maximum number of owners/members of the mini-road maintenance association to 5 prior to recordation of the roadway in Cecil County.
   b) The deed shall perpetually restrict the maximum number of owners/members of the mini-road maintenance association to 5 prior to recordation of the roadway in Cecil County.
   c) The Final and Record Plats shall by note clearly state that no more 5 lots of the remaining Crawford lands in New Castle County may access Old Telegraph Road from the private mini-road.

On the technical side, a condition that all DPW requirements be met will also be part of any recommendation of approval. That would include SWM approval.

The plat’s title block must reference that in addition to subdividing the lands of Crawford to create the mini-road, this plat also, in effect, revises the Fulton Hills Preliminary Plat. In addition, the approved Preliminary Plat consists of only 17 lots. A copy of the Concept Plat, not the approved Preliminary Plat, has been copied on the first sheet. That must be corrected prior to any submission to the Planning Commission.

The third sheet shows the 100’ access strip to be adjacent to proposed Lot 18. The approved Preliminary Plat proposes only 17 lots. That must be corrected prior to any submission to the Planning Commission.

Staff has been in contact with New Castle County Land Use Dept. staff, and both departments will monitor the development of the DE portion of the property and cooperate with one another.
Is it anticipated that students from the homes to be created on the 5 DE lots would attend Cecil County Public Schools or those of the Appoquinimink School District? Applicant responded Appoquinimink.

Both Mini-road names have been approved. The applicant was reminded of the Monday noon submission deadline for review by the Planning Commission this month.

4. **Bainbridge, Residential Phase I A, Route 222, Town of Port Deposit Courtesy Review, GWS & Associates, Seventh Election District,**

David Martin, GW Stevens & Associates, Tim Bishop, Representative of the Developer, Jim Marples, CEO of GW Stevens, Harlan Graff, Bainbridge Development Corporation representing the owner. Mr. Martin gave a synopsis of the 1185 acre project in the Town of Port Deposit. Today’s project is Phase I A of the residential portion of Bainbridge. Bainbridge is a mixed use development with residential, commercial, retail, technological, office mixed use project within the old Bainbridge Naval Base site. Today’s project is about an 89 acre portion of the residential land use and we are proposing 195 units, single family detached, as shown on this plan and represent the first phase of development for the residential areas.

Mr. Orr stated that a SWM plan and a Mass and Final Grading plan must be approved by the CCDPW prior to submittal for Final Plat Approval to the Town. An SHA access permit is required. Did you submit this plan to the Town Engineer for review and comment? Applicant responded that it is running a parallel track.

It is the Department’s understanding that the Town of Port Deposit will own the public streets, storm drainage system, water distribution, and sanitary sewer collection system in this development. The CCDPW recommends the Town require a public works agreement for all public infrastructure proposed. The CCDPW recommends that the water distribution system including fire hydrant locations be designed to meet or exceed the County’s standards. We also recommend that the Town request that the serving fire company review fire hydrant spacing and locations.

We are asking that you revise Note 18. The comments stated that it is incorrect. Compliance with section 251-7, Redevelopment, of the Cecil County Stormwater Management Ordinance is required. As a result, we feel that the statement ‘stormwater management is not required’ is incorrect and misleading because you are actually proposing to comply with the ordinance in terms of the re-development provisions. See the Department’s February 14, 2005 correspondence which directly addresses the Unified Sizing Criteria requirements for the Bainbridge site under the current stormwater code. A copy of this correspondence is supplied for the record.

Show all private stormwater management and stormwater management outfall easements across the common open space on the final plat(s). Public Stormdrainage easements must be separated from private stormwater management and access easements. The following standard notes and requirements apply to this plat and project:

5.1 The Final Plat Lot Grading and Lot Grading Plan Construction Limits Notes.
5.3 Requirements for Utility relocations.
5.4 Requirements for Stormwater Inspection and Maintenance Agreements.

Notes and requirements identified for record:

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

Daniel Graham, Citizen’s Representative, had no comments. Bob Markwardt, CC Public Schools, stated that the school system typically does not travel buses on roads that are not publicly owned. Without some type of agreement with the private owner that agrees that they will provide the snow and ice removal and provide the traction service so we can safely travel, so the main entry road, West of this residential development, is that going to be constructed prior to the residences, all the way to the second circle? Applicants responded yes. Mr. Markwardt asked if it is planned to have that turned over to the County prior to the development of the residential? Applicant responded that it will be turned over to the Town of Port Deposit and we plan these to be public streets. Mr. Markwardt stated that with that many homes they will need to be able to get in and get the students because having the students come out to U.S. 222 would not be a valid option. Our intent would be to probably come in on road A, possibly circle through road B & E and then exit the development on road D down onto the other end and then go back to the main road and exit back. He further stated that he wants to make sure they will be able to get through there with equipment before you start the residential portion of the property.
Mr. Markwardt asked if applicant knows the square footage and price range of the homes. Applicants responded there are multiple lot sizes and they will range from the high teens to the 2000 sf range. The pricing will be mid 300s to mid 400s. Mr. Markwardt asked if the residential section would be phased and which end will be first. Applicant responded that this phase I A will be built by multiple builders and will be in a parallel fashion rather than sequential, but clearly they will build the road from beginning to end. At some point, they will all be building simultaneously. Mr. Markwardt stated a concern is that as you have people moving in you have construction equipment and debris and the road becomes sometimes one lane and presents a safety issue for the children unless you are going to build all the sidewalks. Applicant responded that the sidewalks will be built with the homes. Mr. Markwardt asked when they planned to begin construction and applicant stated that they anticipate approximately one year.

James Reynolds, Delmarva Power, stated that they could barely see the existing transmission line on the plan he had received. A concern is that they will have to relocate that line so they need a plot plan that shows the existing line. Since this will be doled out in stages, we will have to start at the Route 222 end and progress north. We have a lot of facilities to put in and right-of-ways will have to be obtained and agreements signed by the developers. Please make contact with Jun Ouano in North East, 410-287-7176 to initiate a possible meeting with our engineering group. It will need to be built out in such a way that they can serve the western side of the county and of course give you service at the same time so it will need to be coordinated as far as dates and stages. This will be a joint venture with the other utilities, BGE may want to be part of this project as will Verizon and either Armstrong or Atlantic Broadband. We do not go in easements, the power company goes one foot inside private property.

James Kyte, Fire Chief Representative, stated that he noticed that most of the streets are 22’ wide and asked if they plan on street parking. Applicant stated that there is one section when they will have a parallel street turn out for guest parking. There will be two car garages throughout with driveways which can provide a tandem car behind the garage. Mr. Kyte asked if road B from road A is 22’ wide going west and going east it’s 24’ wide. Mr. Kyte asked if they will put up no parking signs on both sides of the street. He further stated that on all the 22’ streets, when turning from one 22’ street to another, the radius on the curbing is 25’ radius and we need to make sure we will be able to turn the fire vehicles.

Ms. Latham, MDE, stated Port Deposit does not need any additional appropriation to serve this. Butch King, SHA, stated that on the plans it shows U.S. 222 and it should be MD 222. SHA will require a TIS to determine the impacts the development will have on the surrounding roadways. The County Planning, Town of Port Deposit and the State should get together with the developer to do a scoping meeting to see what roads will be analyzed. A signal warrant analysis will be required at the intersection of MD 222 and the proposed roadway. More than likely, you will need to provide a left turn storage lane into the site. We will need to see signage, striping and pavement marking plans to be reviewed by SHA. We will also need to see storm drainage plans and computations. Any additional right-of-way needed for proposed road way improvements along MD 222 will need to be deed and fee simple to the SHA.
Mr. Moore read Health Department comments. See attached. Mr. Di Giacomo stated that the Army COE has no comments. The applicant was provided a copy of the Soil Conservation Service report.

Mr. Di Giacomo stated that this development is proposed in the Town of Port Deposit. The Cecil County TAC, as a courtesy to the towns in the County, occasionally reviews site plans and subdivisions proposed within the towns’ corporate limits. The Office of Planning & Zoning’s comments and questions relating to this Concept/Sketch Plan are as follows:

The Town zoning is BX (Planned Residential). 195 dwelling units are proposed on 86.8 acres, for a proposed density of 2.27/1. It should be confirmed that the proposed density is consistent with that permitted by the underlying zoning.

The plat does not indicate whether it is a Concept, Preliminary, or Final Plat. It is recommended that the plat include such designation, as its absence. It is recommended that the plat depict street and alley names. All such names must be approved by the 911 Emergency Center.

A Traffic Impact Study (TIS) is recommended to be completed prior to Preliminary Plat approval. Sidewalks are recommended on both sides of all internal streets and roads. Striped bike lanes should at least be considered. Both would give the unnamed boulevard less of an Interstate character.

What is the rationale for the “pedestrian path” and the “pedestrian alley?” Are they meant to serve in lieu of traditional neighborhood sidewalks? Applicant responded that they are a part of the BX zone requirements that provide certain block lengths before a break occurs so that pedestrians within the neighborhood development areas can actually access the pedestrian path systems and or the sidewalks without walking thousands of feet along a spine road before getting out to some of the amenity systems. Mr. Di Giacomo asked if the design will also have traditional neighborhood sidewalks. Applicant responded that it would.

The campus setting of the nearby commercial component is likely to generate pedestrian traffic. Striped crosswalks should be considered. The plat has incorrectly labeled MD 222 as US 222. The vicinity map got it right. Has an extension of proposed “Road H” to the adjacent proposed community center been considered? Applicant responded that they are hoping that many of the folks will use the pedestrian trail system to get to the community center. The community center will actually be accessed by road.

The Town of Port Deposit and the County have signed an “Assigning obligations under the Forest Conservation Act” agreement. An FSD and an FCP must be approved.

It should be confirmed that the setbacks, lot sizes, and lot widths are consistent with the Town’s Zoning Ordinance for the BX zone. It is recommended that the plat be checked to ensure that all requirements for plats, as set forth in the Town’s Zoning Ordinance and Subdivision Regulations, have been satisfied.
A 25’ buffer is recommended around any non-tidal wetlands present. Permits are required from the (US Army) Corps of Engineers and MDE for all non-tidal wetland impacts or stream crossings prior to recordation. It is recommended that it be demonstrated that routing the proposed 6’ pedestrian path partially through the environmental buffer is consistent with the Town’s regulations and guidelines. The habitats of any rare, threatened, and endangered species should be avoided, although Note # 17 indicates that there are none.

It is strongly recommended that the Town verify the accuracy of the Note # 18 information, especially given the Town’s recent history with flash flooding. It should be confirmed that any landscaping proposed is consistent with the landscaping requirements of the Town’s Zoning Ordinance and Subdivision Regulations, especially with respect to street trees and any required bufferyards. It is recommended that no street trees be planted within 20 feet of sewer laterals and cleanouts. It is recommended that the Landscape Plan be approved prior to final subdivision approval. It is recommended that a Landscape Agreement be executed prior to recordation.

It should be verified that the open space and common open space proposed satisfies the requirements of the Town’s Zoning Ordinance and Subdivision Regulations. It should be confirmed that all aspects of the proposed site design and layout are consistent with the Town’s Subdivision Regulations and Public Works street code. It should be confirmed that the number of parking spaces falls with the minimum and maximum established by the Town’s Zoning Ordinance and Subdivision Regulations. Is any overflow parking spaces anticipated? If so, then it is recommended that they be incorporated into the design in accordance with Port Deposit’s Zoning Ordinance or Subdivision Regulations.

It should be confirmed that all proposed building heights do not exceed the maximum height established in the Town’s Zoning Ordinance and Subdivision Regulations. Consideration should be given to soliciting review and comment on the subdivision layout by the Port Deposit volunteer fire company. Fire hydrant/standpipe locations should be shown and should consistent with the Town’s Zoning Ordinance and Subdivision Regulations.

Water allocation should be confirmed by the Town of Port Deposit prior to final approval. Sewer allocation should be confirmed prior to final approval. It is recommended that the site design be consistent with the Town’s policies regarding possible bus stops/shelters and/or bicycle racks. It is recommended that a lighting plan that emphasizes pedestrian safety and security be submitted. It is recommended that any Special Exception or Variance numbers be shown on future plats. It is recommended that County Election District number be added to the title block.

It is recommended that all proposed common open space be labeled and referenced as such. It is recommended that all HOA documents be accepted by the state, recorded, and any escrow deposits be accomplished prior to the recordation of any plats.

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

Mr. Kyte asked if applicants know what size water mains will be used and they responded that they are being designed currently and will probably be 12 and 8 inch lines.

Mr. Di Giacomo had one last general comment that he is glad to hear that there are sidewalks in the project which creates a neo-traditional feel, but in a general way if some of these roads had more of a rectilinear grid pattern intersecting with the boulevard, it would cut down on vehicular miles. Some of the components of this design actually promote increased vehicle miles of travel. That may be part of the BX zone, but is offered as an observation. Bainbridge Development Corporation had no comments other than they are ready to go. The Town of Port Deposit had no comments.

5. Dublin Woods, Preliminary Plat, Irishtown Road & Old Elk Neck Road, Fifth Election District, Stephens Environmental

Clifford Wilcox, Stephens Environmental Consultants presented an overview of the project. They have applied for Major Preliminary Subdivision approval. The property consists of approximately 25.5 acres. They are proposing 5 residential lots and it is presently in NAR zone. The areas of the lots are 200,000 sf up to beyond 300,000 sf in one or two cases. The project proposes wells and septic. It has one entrance road known as Dublin Way, approximately 400’ in length off of Irishtown Road. All lots will be accessed off Dublin Way. Lot 8 will not gain access off of Irishtown Road and will be internally accessed only. The project also has a detention basin located in the northeasterly portion and along Irishtown Road which will provide for all stormwater management collection system and run off. The project received Forest Conservation approval in 11/2005. Within the past two months they had a meeting with Mr. Moore of the Health Department and have incorporated his changes in the new plan. They are asking for a variance regarding the well location and septic on lot 6 and 7. Minor adjustments were made to lot 5 as a result of that meeting. The Forest Conservation line has been adjusted to account for that septic area and the new location of the well. Wetlands have been delineated.

Fred Orr, DPW, stated a SWM plan, Street and storm drainage plan, and a Mass and Final Grading plan must be approved by the CCDPW prior to submittal for Final Plat Approval. In terms of the downstream stormwater conveyance analysis, the applicant must address the adequacy of the Irishtown Road drainage ditch to accommodate any increased flows generated from the site. Therefore, the analysis will be required even if the SWM pond is designed to control the 24-hour ten-year storm.

The offset between the septic reserve areas and any onsite SWM ponds must meet Health department requirements and the consultant must confirm the offset with the Health Department before submitting any pond designs to DPW. The Developer must provide written notice to the Lot 1 property owner of the required driveway reconstruction. The public works agreement must include a line item for relocation of lot one’s driveway. Applicant shall provide proof of noticing the lot one owner to the Department prior to requesting final plat approval from the planning commission. For the record, have you
talked or discussed this with the Lot 1 owner. Applicant responded that they are still the Lot 1 owner. The plan is to incorporate that into this and have it access Dublin Way and appear to be essentially part of this neighborhood.

Lot 8 is denied access to Irishtown Road and a note to this effect must be placed on the final plat and you have indicated it has been placed on this plat as well.

The mini-road entrance culvert and ditch re-grading requires a public drainage and utility easement on lots 1 & 8 and the private mini-road right-of-way that covers the county maintenance areas. You may need to expand this public utility easement to include also the open ditching that is a part of the design because in the long term, the County would maintain the road side ditch and the culvert under the private mini-road. Applicant and Mr. Orr looked at the plans and Mr. Orr explained what he was asking. Mr. Orr further stated that the idea is to cover what the County would maintain in terms of the Irishtown Road ditch into the cross culvert, through the cross culvert and back out. Due to the lack of driveway culverts proposed, the potential for driveway erosion is high. We recommend that all driveways be paved to the right-of-way along with the mini-road, and in accordance with the Cecil County Road Code.

The following standard notes and requirements apply to this plat and project:

8.1 The Final Plat Lot Grading Note and the Lot Grading Plan Construction Limits Note
8.3 Compliance with Section 3.07.15 of the Cecil County Road Code
8.4 Requirements for Utility relocations
8.5 Requirements for Public Works Agreements
8.6 Requirements for Stormwater Inspection and Maintenance Agreements
8.7 Requirements for Private Mini Roads.

Notes and requirements identified for record:

1. The Final Plat must include the Lot Grading Plan standard note and 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 show hereon. Any expanded clearing and/or grading in the absence of an approved revised lot grading plan may be considered non-compliance with Chapter 251 of the Cecil County Code and either or both the developer and/or Builder may be subject to the enforcement of the penalty provisions therein.”
2. The downstream conveyance of storm water must be analyzed in accordance with Section 251-9 A. (5) of the county’s SWM Ordinance. If stormwater
discharge is directed off of the site on to adjacent property it is the responsibility of the Developer to obtain appropriate easements from the affected property owners per Sections 251-13 and 251-15.D of the Cecil County SWM Ordinance.

3. Section 3.07.15 of the Road Code directs that Irishtown Road must be upgraded to a Minor Collector Standard for a distance of 100’ either side of the proposed entrance.

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

5. A Public Works Agreement is required for the private mini road & storm drainage construction.

6. An Inspection & Maintenance Agreement is required for the private SWM facilities.

7. The private mini-road subdivision and plans must adhere to the provisions of Section 2.13 of the Road Code which addresses requirements for private roads. A statement clearly outlining the responsibilities of the homeowners in the maintenance of roads and storm drainage systems must be approved by the Planning Commission and placed on the final plat. Deed restrictions must be developed and recorded in accordance with Road Code Section 2.13.D. The internal Street grade leaving Irishtown Road may not exceed 5% within the limits of the intersection right-of-way. If mini-road profile grades exceed 5%, the mini-road travel way and cul-de-sac must be paved in accordance with Section 2.13.F of the Road Code. The mini-road entrance, within the county road right-of-way, must be paved in accordance with Section 2.13.F of the Road Code.

Mr. Orr stated that he wanted to offer for clarification that the comments that DPW has offered at this point you need to resolve prior to Final Plat. At this point, from DPW’s perspective, you are prepared to move forward with Preliminary Plat. You will need to address any other comments from any of the other agencies relative to Preliminary, but at this point, DPW recognizes you are ready to proceed to Preliminary.

Daniel Graham, Citizen’s Representative, reported he had a call from David Fuller, property directly across Irishtown Road from your Dublin Way entrance. He was making sure that he was looking at the drawing that was posted properly. The second call was from Donald Gordon, property is up Irishtown Road from Lot #2. He said that since Lot #2 has been built, the stormwater comes right across Irishtown Road onto his property and until he built a diversion ditch, it came right into his garage. He has apparently contacted the County Road Department about this and has received no comments back. He has been taking mud out of the culvert to try to help secure a clear water path and then he started digging a diversion ditch of his own in front of his property to try to divert the water coming off Lot #2, but his fear is that if the flood water is not taken care of as this property is developed he will get more water on his property. Applicant stated that he is familiar with Mr. Gordon’s property and the problem has a lot to do with the ditch along Irishtown Road.

Mr. Markwardt, CC Public Schools, stated that bus service would be provided at the intersection of Dublin Way and Irishtown Road. Students would need to get to that point
to be picked up for Lots 1, 4, 5, 6, 7 and 8. The Lots that front on Old Neck would wind up basically getting driveway service since they are not connected to each other. Mr. Markwardt asked the size and price of the homes. Applicant responded 3000 sf in the mid 450s and up. Applicant will start the project immediately upon approval.

James Kyte asked what the closest water source is for fire suppression on the property. Applicant stated there is a hydrant around the intersection of Irishtown and Dublin Way. Mr. Kyte stated that if they are not going to have a fire suppression tank and the Fire Company will be hauling water in, he would suggest that the 12’ mini road be expanded to 18’ to allow passage of fire equipment. Also if the cul-de-sac size could be enlarged, it would be a big help for the Fire Company to have a set up point.

Cynthia Latham, MDE, stated that a water appropriation permit is not needed for 8 lots which include the two from before. SHA had no comment.

Joe Moore read the comments of the CC Health Department. See attached. Applicant stated that some of the issues just addressed by Mr. Moore were from the old initial plan and we have made a number of those corrections based on the conversation we had in your office. In particular, the re-grading on 5 & 6 has not been reduced to 10%. It was over 20% on the old plan. Also the location of the septic area on lot 5 is based on the meeting we had in your office regarding the possible relocation of that to allow for the flatter grading. The whole grading on sheet three is based on the conversation we had with you. Also, the relocation of the well and the identification of the 25’ offsets from the septics to the swales as per your request. Mr. Moore stated that he would suggest that they stop in to the Health Department to discuss.

Applicant was provided a copy of the report from the Soil Conservation Service.

Mr. Di Giacomo read the comment of the Army Corp of Engineers. Are the swales shown on the plans jurisdictional waters of the United States? The DOA authorization is required for any proposed impacts to non-tidal wetlands or other waters of the United States.

Mr. Di Giacomo, P&Z, stated that this project 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.

The zoning is NAR, which permits a maximum base density of 1 du/ 5 ac. Bonus density eligibility carries with it a permitted density of 1/3. The Concept Plat, proposing 5 lots, common open space, and a mini-road on 25.6652 acres, for a proposed density of 1/5.133, was approved on 4/19/04, conditioned on:

1) A boundary line survey being done for the preparation of the preliminary Plat for density calculation purposes.

This Preliminary Plat is generally consistent with the approved Concept Plat. Note # 9 references Minor Subdivisions #280 and #3497. Note #2 indicates that a boundary line survey has been done.
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. 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.

No common open space is required, but 1.41 acres are proposed on which to locate a proposed stormwater management facility. Access to common open space beside lots must be marked with concrete monuments. No landscaping of the development envelope is required in the NAR zone. No sidewalks are recommended. Bufferyard Standard C is required, outside the right-of-way, along the road frontages of Irishtown Road. Rows of street trees with 10’ planting easements are required, outside the right-of-way, along both sides of the proposed Mini-road. Where feasible, the natural vegetative equivalent may be used to satisfy the bufferyard and street tree requirements.

The Forest Stand Delineation (FSD) was approved on 10/20/03, and a PFCP was approved on 11/18/03. Revised PFCP’s were approved 11/20/03 and 11/1/05. The FCP and Landscape Plan must be approved prior to the Planning Commission’s review of the Final Plat. 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. The metes and bounds description of the FRA must be shown on the record plat.

The previous mini-road name Taurus Lane has been approved. The new mini-road name, Dublin Way, has also been approved. A Homeowners’ Association for maintenance of common open space must be established with $50 per recorded lot placed in escrow for improvements prior to recordation. A mini-road maintenance association must be established with all lot owners accessing the proposed mini-road becoming members. The applicant was reminded of the Monday noon submission deadline for review by the Planning Commission this month.

6. Chestnut Ridge, Concept Plat, Stemmers Run Road & Grove Neck Road, First Election District, Vollmer Associates, LLP

Michael Pugh, representing the purchaser, and Joel Comando, Vollmer Associates appeared. Mr. Pugh gave an overview of the project. The subdivision represents the merging of two separate parcels of record into a single overall entity off of Grove Neck Road and Stemmers Run Road. It is zoned SAR and is not in the Critical area. They are proposing a bonus density subdivision with a residual of 85 acres which the farmer will continue to own. We are bringing our access in off Stemmers Run Road. We have a looped road system. We are proposing to install a bermed buffer between the lots and the area to the front of the parcels to maintain its scenic nature.

For the record, Mr. Di Giacomo asked questions predicated on public comments received. Is a public water system proposed for this project? Mr. Pugh responded no. Mr. Di Giacomo asked if a public sewer system was proposed. Mr. Pugh responded no.
Mr. Orr stated a SWM plan, Road & Storm Drain plan, and a Mass and Final Grading plan must be approved by the CCDPW prior to submittal for Final Plat Approval. Any Road Code Variances sought must be requested prior to submittal for Preliminary Plat approval. The street centerline geometry must meet Road Code criteria for clear line of sight. Mid-block turn-arounds are required for the lengths of subdivision street shown. Revise the cul-de-sac shown, it does not scale to the required minimum radius of 75’ radius. The road right-of-way dedication along Stemmers Run and Grove Neck Roads should be revised to show a dimension of 30’ from the road centerline. Existing rights-of-way should be identified by deed reference on the preliminary plat.

Show all private stormwater management and stormwater management outfall easements across the common open space on the final plat(s). If the existing wet pond is intended to serve a stormwater management function, then a geotechnical analysis of the embankment is required, along with a Maryland professional engineer’s analysis of the pond and outfall structure condition and hydraulic performance. The pond analysis must address any relevant MD 378 Pond Code criteria. The analysis must be submitted to the Department of Public Works in the form of an engineering report, signed and sealed by a Maryland licensed professional engineer. If the pond is to be maintained by the HOA or lot 37’s owner, but not perform a stormwater function, the lot deed restrictions must note the maintenance responsibility.

Public Stormdrainage easements must be separated from private stormwater management and access easements.

The following standard notes and requirements apply to this plat and project:

6.1 The Final Plat Lot Grading and Lot Grading Plan Construction Limits Notes.
6.3 Compliance with Section 3.07.15 of the Cecil County Road Code.
6.4 Requirements for Utility relocations.
6.5 Requirements for Public Works Agreements.
6.6 Requirements for Stormwater Inspection and Maintenance Agreements.
6.7 Requirements for County Roads.
6.8 Requirements for Driveways.
6.9 Requirements for Stopping Sight Distance Measurements.

Notes and requirements identified for record:

1. The Final Plat must include the Lot Grading Plan standard note. The Lot Grading Plan must include the standard construction limits note.
   a. Final Plat: “A lot grading plan has been approved by the CCDPW for the construction shown hereon. A site construction as built shall be submitted to the CCDPW prior to use and/or occupancy of any of the sites shown hereon. Any change to the Forest Retention, Forestation, and/or Reforestation will require a consistency review, of the SWM approval, with CCDPW.”
b. **Grading Plan:** “No clearing or grading is permitted beyond the limits of disturbance shown hereon. Any expanded clearing and/or grading in the absence of an approved revised lot grading plan may be considered non-compliance with Chapter 251 of the Cecil County Code and either or both the developer and/or Builder may be subject to the enforcement of the penalty provisions therein.”

2. The downstream conveyance of storm water must be analyzed in accordance with Section 251-9 A. (5) of the county’s SWM Ordinance. If stormwater discharge is directed off of the site on to adjacent property it is the responsibility of the Developer to obtain appropriate easements from the affected property owners per Sections 251-13 and 251-15.D of the Cecil County SWM Ordinance.

3. Section 3.07.15 of the Road Code requires that Stemmers Run Road be upgraded to a Minor Road standard for 100’ either side of the proposed entrance. The design engineer must address the requirement for minimum acceleration, deceleration, and bypass lanes. Any right-of-way acquisition necessary shall be performed by the applicant and at the applicant’s expense.

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

5. A Public Works Agreement is required for the streets & storm drainage constructions.

6. An Inspection & Maintenance Agreement is required for the private SWM facilities.

7. The street R.O.W. entrance tapers must be offset 25’ from the R.O.W. point of intersection and be straight lines, per 7.2.12.E.3 of the Subdivision Regulations. This also applies to the intersection R.O.W. dedication at Stemmers Run and Grove Neck Roads. The internal street grade leaving Stemmers Run Road may not exceed 5% within the limits of the intersection right-of-way.

8. All driveways must be paved at least to the right of way. The driveway paving must be complete for all lots at the time when the surface course for the internal roads is installed. This requirement includes any vacant but platted lots. Any driveway exceeding 5% up-gradient-slope form the roadway must be paved to the crest. If the development is phased these requirements will apply to each phase when 80% of the lots are built-out. All of these requirements must be reflected on the Lot Grading Plan.

9. Applicant must provide stopping sight distance measurements for the Stemmers Run Road access to DPW prior to preliminary plat submittal. Mark the proposed Stemmers Run Road entrance location in the field by a survey stake or paint.

Mr. Orr provided additional information that DPW received a comment from Plans Review on this project that if you proceed with the two entrance locations proposed on Stemmers Run, we will likely include along the open space that you connect the required accel and decal lanes together along the frontage and complete those road way improvements between the two entrances. You may not be required to do the entire road width, but what we want to avoid is two saw cuts within 75’ of each other in a section of road that I believe is failing now. What we don’t know and what we will know once we get to a preliminary plat and
have these entrances flagged in the field is exactly where the pavement failures that we
know are happening on Stemmers Run Road along this entrance layout are actually
occurring and then we will be able to give you a better idea of where we would be asking
you to end the pavement there.

Daniel Graham, Citizen’s Representative, read several letters and emails he had received.
See attached. Mr. Graham also received a call from Leonard McAllister who has a neighbor
and his statement was because of the structure of the land in that area, possibly drainage
from this project will drain into critical areas.

Bob Markwardt, CC Public Schools, stated that bus service not be provided within the
property, but we would provide bus service at the intersections of Stemmers Run. Mr.
Markwardt asked for the size and pricing on the homes proposed. Mr. Pugh stated probably
3 to 4000 sf and $500,000 to $750,000 and they will start the project in 2007 if approved.

James Kyte, Fire Chief’s Representative, stated he saw a cul-de-sac at the end and stated
that they will have at least 100’ of blacktop in it. Mr. Pugh stated that they are proposing the
roads as minor standard roads, 20’ wide paving section and the intent is to make them open
sections. Will you have plenty of parking off the street? Mr. Pugh stated the lots are
generally an acre to 1.5 acres in size and there should not be a parking issue. Mr. Kyte
asked if they would consider a fire suppression tank at one of the entrances since there will
be 36 homes back in there and Cecilton has a very poor water system out in that area. Mr.
Pugh asked if there is a map somewhere that can be viewed to locate dry hydrants in the
County. Also, Mr. Pugh stated there is an existing pond on the property. Without further
examination, he does not want to say that it absolutely can serve as the fire suppression
system, but it should be looked at for that purpose. Mr. Kyte stated that the pond could have
a dry hydrant put in it as long as it is stream fed. Mr. Pugh stated that this would be their
preference over a tank. He further stated that the pond is on the remainder lot and is near the
farm structures.

Ms. Latham, MDE, stated that a water appropriation permit will be required. SHA had no
comment. Mr. Moore read the comments of the Health Department. See attached.

Mr. Di Giacomo stated that upon inspection, this proposal was found not to be in
compliance with §3.8 of the Subdivision regulations regarding public notification signs.
One sign was installed on another property over a mile away. The developer and the
consultant were notified by phone on 11/29/05. 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.

The zoning is SAR, which permits a maximum base density of 1 du/8 ac. Bonus density
eligibility carries with it a permitted density of 1/5. This Concept Plat proposes 37 lots
on 188.84 acres, for a proposed bonus density of 1/5.1. A boundary line survey must be
done in conjunction with the preparation of the Preliminary Plat for density calculation
purposes.
§7.2.12.B.8 provides that a looped road system shall be considered for new subdivisions of 25 lots or more. This layout is consistent with §7.2.12.B.8, assuming the Planning Commission grants bonus density. However, §7.2.12.E.4 requires 450’ of separation, centerline to centerline, on County arterial roads. The proposed Chestnut Ridge Drive and Pond View Drives are separated by only 360’, centerline to centerline, on Stemmers Run Road. Has any consideration been given to additional access onto Grove Neck Road? Mr. Pugh stated they had looked at accessing with a through road onto Grove Neck Road, but once again, as part of the overall strategy of trying to cluster this and to keep it as secluded from the overall residual land and try to maintain as much as possible the community nature of the project, we felt it was better served by going out the access this way. It is an option that we could pursue if directed that way, however, we felt the larger interest was better served by the access as positioned here.

Should bonus density not be granted, then only 23 lots could be achieved, and, therefore, adherence to §7.2.12.B.8 would be a moot issue. The proposed large lot, Lot 37, consists of over 45% of the total acreage and the proposed common open space consists of approximately 25%. Therefore, per §23.2.b (1) & (3), this design is eligible for consideration of bonus density. Inasmuch as no part of this site is in the Critical Area, what is the purpose of Note #3? Applicant responded that it is clarifying that there is no disturbance.

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. 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. A Jurisdictional Determination (JD) must be done prior to preliminary plat review by the Planning Commission.

The habitats of rare, threatened, and endangered species must be avoided. This proposal satisfies the common open space requirements of the SAR zone. All common open space must be labeled and referenced as such. The plat’s lot line width used to separate proposed Lot 37 from the common open space should be the same as that used for any other proposed lot. No landscaping of the development envelope is required in the SAR zone. Sidewalks are not recommended.

Bufferyard Standard C is required, outside the right-of-way, along the road frontages of Grove Neck and Stemmers Run Roads. In lieu of those Bufferyards C, staff would support a modified Bufferyard A in the common open space, roughly where depicted on the plat, provided that the wooded area in the NW corner of proposed Lot 37 is designated as a FRA. That would better preserve and support the rural character of the area.
Rows of street trees with 10’ planting easements are required, outside the right-of-way, along both sides of all internal roads. 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) must be approved prior to Planning Commission review of the Concept Plat. The Preliminary Forest Conservation Plan (PFCP) must be approved prior to Planning Commission review of the Preliminary Plat. The final Forest Conservation Plan (FCP) and Landscape Plan must be approved prior to Planning Commission review of the Final Plat. 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.

The internal road names will need to be approved by the County 911 Emergency Center prior to Planning Commission review of the Preliminary Plat. Access to common open space between lots must be marked with concrete monuments. Covenants prohibiting the subdivision of the large lot must be recorded and noted on the plat prior to recordation. A Homeowners’ Association for maintenance of common open space must be established with $50 per recorded lot placed in escrow for improvements prior to recordation. 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 was reminded of the Monday noon submission deadline for review by the Planning Commission this month.

Mr. Pugh asked for a copy of the citizen comments and Mr. Di Giacomo stated that he would provide them for him.

7. Kirk’s Mill Manor, Lots 1-9, Concept Plat, Kirk’s Mill Lane & MD Rte. 274, RJ Engineering, Ninth Election District

Robert Blomquist, RJ Engineering provided an overview of the Revised Concept Plat. Though it is not shown on the plan before TAC, applicant has added open space as required by the Subdivision Regulations. The plan has been revised to include 24 acres of open space. It generally encompasses the pond on Lot 9 or basically the back half of Lot 9. Applicant plans to provide easements to the pond and plans to potentially use that pond as stormwater management for this project. The other portion of common open space will be provided on the back half of Lots 14 and 15 for which easements to that area will need to be provided. An entranceway has been added, Paul’s Court, on the southwest corner of the project to 3 lots and have provided a mid block turn around on Amy’s Way in accordance with the County Road Code.

Mr. Di Giacomo stated that it is the County’s preference to have fee simple access to common open space rather than easements.
Mr. Orr commented that a SWM plan, Street and storm drainage plan, and a Mass and Final Grading plan must be approved by the CCDPW prior to submittal for Final Plat Approval. The private mini road and Amy’s Way require SHA access permits. Line of sight, intersection sight distance, and stopping sight distance must be addressed by the applicant’s engineer for all the proposed Kirk’s Mill Road access locations. Mark the locations in the field by staking or flagging. A ‘common’ or shared access may be required for the lots 8 & 9 driveways. A submittal addressing these items and showing the available stopping sight distances must be made to the Department prior to submittal of a preliminary plat for TAC review. Lots 2, 3, 4 & 5 are to be denied access to Maryland Route 274. A denied access note must be placed on the final plat. If the pond on lot 9 is intended to be maintained as a private pond, not for purposes of stormwater management, by the lot 9 property owner, then the lot 9 deed restrictions should note the same.

The following standard notes and requirements apply to this plat and project:

6.1 The Final Plat Lot Grading Note and the Lot Grading Plan Construction Limits Note
1.3 Requirements for Utility relocations
1.4 Requirements for Public Works Agreements
1.5 Requirements for Stormwater Inspection and Maintenance Agreements
6.6 Requirements for County Roads.
6.7 Requirements for Driveways.
6.8 Requirements for Private Mini Roads.

Notes and requirements identified for record:

1. The Final Plat must include the Lot Grading Plan standard note and 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 show hereon. Any expanded clearing and/or grading in the absence of an approved revised lot grading plan may be considered non-compliance with Chapter 251 of the Cecil County Code and either or both the developer and/or Builder may be subject to the enforcement of the penalty provisions therein.”

2. The downstream conveyance of storm water must be analyzed in accordance with Section 251-9 A. (5) of the county’s SWM Ordinance. If stormwater discharge is directed off of the site on to adjacent property it is the responsibility of the Developer to obtain appropriate easements from the
affected property owners per Sections 251-13 and 251-15.D of the Cecil County SWM Ordinance.

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

4. A Public Works Agreement is required for the private mini road, county road & storm drainage construction.

5. An Inspection & Maintenance Agreement is required for the private SWM facilities.

6. The street R.O.W. entrance tapers must be offset 25’ from the R.O.W. point of intersection and be straight lines, per 7.2.12.E.3 of the Subdivision Regulations. The internal street grade leaving MD Rte 274 may not exceed 5% within the limits of the intersection right-of-way.

7. All driveways accessing a County Road must be paved at least to the right of way. If the mini-road is paved, this requirement will be expanded to the mini-road right-of-way. The driveway paving must be complete for all lots at the time when the surface course for the internal county roads is installed. This requirement includes any vacant but platted lots. Any driveway exceeding 5% up-gradient-slope form the county roadway must be paved to the crest. If the development is phased these requirements will apply to each phase when 80% of the lots are built-out. All of these requirements must be reflected on the Lot Grading Plan.

8. The private mini-road subdivision and plans must adhere to the provisions of Section 2.13 of the Road Code which addresses requirements for private roads. A statement clearly outlining the responsibilities of the homeowners in the maintenance of roads and storm drainage systems must be approved by the Planning Commission and placed on the final plat. Deed restrictions must be developed and recorded in accordance with Road Code Section 2.13.D. The internal Street grade leaving Biggs Highway (MD Rte 274) may not exceed 5% within the limits of the intersection right-of-way. If mini-road profile grades exceed 5%, the mini-road travel way and cul-de-sac must be paved in accordance with Section 2.13.F of the Road Code.

Bob Markwardt, CC Public Schools, stated that bus service would be provided where Paul’s court junctions with Biggs Highway and Amy’s Way junctions with Biggs Highway. Is Lot 8 still going to access Kirk’s Mill or is that changing with what you do with Lot 9? Applicant responded that they will be looking at the access at Kirk’s Mill Lane. Mr. Markwardt stated that bus service would be provided to Lot 8 or 9 at Kirk’s Mill Lane. He further questioned the size and price of the homes. Applicant responded 2,000 to 3,000 sf and $350 to $500,000. The project will be started immediately upon approval of Planning and Zoning.

James Kyte, Fire Chief’s Representative, stated he appreciated what had been done on the mini-road and the turn arounds. Mr. Kyte asked if applicant had considered a fire suppression tank or if he was going to attempt to make a pond work. Applicant responded that they will attempt to use the pond first. Mr. Kyte stated that with the houses that far apart, they would only need a 20,000 gallon tank instead of 30,000.

Cynthia Latham, MDE, stated that this project will require an appropriation permit.
Mr. King, SHA, asked for clarification on the plan, you say 1-9, but you are showing 15. Applicant stated that will be corrected. Mr. King stated that he had given previous comments about staking the entrances and he had not received a call about those being staked out so he can get site distances. Applicant stated that the plan had been in flux. Mr. King stated that if they don’t meet site distance approval, they cannot be where they are shown. The Developer must obtain a permit from the State Highway to access Lots 4, 5, 6, 7, 10, 11, 12, 13, 14 and 15 and Lots 1, 2 and 3 in accordance with the State Highway Access Manual as well as the rules and regulations of the administration. Storm drain plans and computations will need to be submitted for review and approval by the Highway Hydraulic Division. All access to Lots 2 and 3 must be off of Paul’s Court. All access to Lots 4 and 5 must be off of Amy’s Way with no direct access to MD 274 as previously stated and further comments may be warranted as the project progresses.

Mr. Moore read the comments of the Health Department. See attached. A copy of the Soils Conservation report was provided to applicant. Mr. Di Giacomo read the comments of the COE. Waters of the United States are not shown on the plat but limits of waters of the U.S. including jurisdictional non-tidal wetlands should be delineated and the limits of the proposed work should be identified. Any proposed impacts to non-tidal wetlands and other waters of the U.S. will require Department of the Army authorization.

Mr. Di Giacomo stated that this proposal is 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.

The zoning is NAR, which permits a maximum base density of 1 du/ 5 ac. This Concept Plat proposes a total of 15 lots on 96.36 acres, for a proposed density of 1/6.42. Bonus density eligibility is not an issue. Mr. Di Giacomo also called attention to the title block which indicates there are only 9 lots.

Per §4.0.13 (j), the Concept Plat shall include “the layout of all proposed … lots with appropriate dimensions and minimum area.” The deed reference is incorrect and must be changed (s/b WLB 1753/301). It must be corrected prior to any submission to the Planning Commission.

The property boundary depicted on the plat is inconsistent with that depicted in the vicinity map. That discrepancy must be reconciled prior to any submission to the Planning Commission. If not all of the property is to be developed, then the balance must be shown as remaining lands. That would also affect the density calculation and Area Table. A boundary line survey must be done in conjunction with the preparation of the Preliminary Plat for density calculation purposes.

Proposed Lot 4 appears to have a driveway accessing MD 274. Pursuant to §7.4.5, this proposed lot must access MD 274 via the proposed Amy’s Way. 10 of the proposed lots would access MD 274 via Amy’s Way; 3 would access MD 274 via Paul’s Court; and 2 would directly access Kirk’s Mill Lane. Has any consideration been given to a looped road, connecting MD 274 with Kirk’s Mill Lane? Applicant responded that they have not yet considered that.
Dwellings or impervious surfaces shall not occur on slopes with a grade of 25% or more covering a contiguous area of 10,000 ft² or more. On slopes between 15 and 25%, good engineering practices shall be used to ensure sediment and erosion control and slope stabilization before, during and after disturbance activities. 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. A Jurisdictional Determination (JD) must be done prior to preliminary plat review by the Planning Commission.

The habitats of rare, threatened, and endangered species must be avoided. No landscaping of the development envelope is required in the NAR zone. Bufferyard Standard C is required, outside the right-of-way, along the road frontages of MD 274 and Kirks Mill Lane. Any Bufferyards A required must be depicted on the Preliminary Plat. Rows of street trees with 10’ planting easements are required, outside the right-of-way, along both sides of all internal roads. 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 FSD has been approved because the Natural Heritage Service exceeded their 30-day response window. Therefore, the Natural Heritage letter must be received prior to PFCP approval, which must occur prior to the Planning Commission’s review of the Preliminary Plat. The final Forest Conservation Plan (FCP) and Landscape Plan must be approved prior to Planning Commission review of the Final Plat. 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. Internal road name(s) will need to be approved by the County 911 Emergency Center prior to Planning Commission’s review of the Preliminary Plat.

Is Paul’s Court proposed as a private mini-road? If so, then a Mini-Road Maintenance Association must be established for maintenance of the mini-road prior to recordation. All lot owners accessing the mini-road must become members.

Per §22.3, 15% common open space is required. None has been proposed; therefore, this design is unapprovable. Any plat submitted to the Planning Commission must comply with §22.3. Applicant asked if they would need to come back to TAC when they show the 15% common open space. Mr. Di Giacomo stated that this was minor enough that it would not need to come back to TAC for that. Access to common open space between lots must be marked with concrete monuments.
A Homeowners’ Association for maintenance of common open space must be established with $50 per recorded lot placed in escrow for improvements prior to recordation. 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.

8. **Racine Estates at The Villages of Elk Neck, Section Two, Lots 7-21, Revised Concept Plat, Racine School Road, Fifth Election District, Northern Bay**

Mike Estes, Northern Bay gave a brief synopsis of why they are here with the concept plat. The Concept Plat was approved 1/2003 along with the Preliminary Plat for the site which was approved the same date with conditions. Some of the conditions were additional percs required on Lots 13 and 18. It was the intent of the property owner to go ahead with the final plat for the site minus the lots that require the additional percs as we intend to perc test those later. The Concept Plat approval from 1/2003 has expired which leaves us with no valid Concept Plat in which to approve subsequent Lot 13 and 18 Preliminary/Final Plat.

Fred Orr read the comments of DPW. As the applicant stated this is essentially a re-submittal of a previously approved subdivision concept plat. No new comments are applicable at this time. Bob Markwardt, CC Public Schools, stated that bus service would be provided at Federal School Road and Jones Creek.

James Kyte, Fire Chief Representative, asked if they have check on what water source they have for the area for fire suppression. Applicant responded that they have not. Mr. Kyte states it is a remote area and is difficult for fire trucks to get to. One home was lost down on Woodholme Way and Mr. Kyte asked if they would consider some type of fire suppression tank out on Racine School Road around Lot 12 with a pull off. Applicant responded that it is a good consideration. The roads are currently under construction at this point so the window of opportunity may have passed. Mr. Kyte stated it would just be nice to have some extra precaution down there as you will be limited to how much equipment gets there right away. Mr. Kyte asked the size and price of the homes. Applicant responded they are big and will be in excess of a million dollars for a home and lot package. Mr. Kyte asked the width of the roads and applicant responded it looks like they are 20’ wide with 5’ shoulders on both sides.

Cynthia Latham, MDE, stated they are not going to pull the appropriation right now. As each section has gone in, each has been slightly modified. They will look at it again when it comes up for renewal in 2011. Mr. Moore read Health Department comments; see attached. Mr. Di Giacomo provided the applicant a copy of the Soil Conservation report. Mr. Di Giacomo read the DOE comment. Impacts to waters of the U.S. including jurisdictional non-tidal wetlands must be avoided to the maximum extent practicable. Any unavoidable impact will require a DOA authorization.

Mr. Di Giacomo reported that this project 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.

The zoning is NAR, which permits a maximum base density of 1 du/5 ac. Bonus density eligibility carries with it a permitted density of 1/3. The most recent overall Concept Plat for the Villages of Elk Neck, which proposed 12 lots on 84 acres in the NAR-zoned portion of the project (approved density of 1/7) and 182 lots on 316 acres (with 80.5 acres of common open space) in the SR-zoned portion (approved density of 1/1.7), was approved on 11/15/99, conditioned on:

1) That a Traffic Impact Study (TIS) be reviewed prior to Preliminary Plat review by the Technical Advisory Committee;
2) That at least one stub road be extended to Forest Knoll (If a second stub is extended to Forest Knoll beyond what was required in Forest Knoll’s conditional approval, then that should be coordinated;)
3) That a looped road for common access to Racine School Road, from lots 8-19 be added; and
4) That a jurisdictional determination be done by the Corps of Engineers prior to Preliminary Plat review by the Planning Commission.

A revised Concept Plat proposing 15 lots on the 84-acre NAR-zoned portion of the project (previously approved density of 1/7) was approved at a revised density of 1/5.6 on 1/21/03, conditioned on:

1) The common open space requirements for the NAR portion being satisfied in the SR portion of the project; and
2) Direct access onto Racine school Road being denied to all lots, other than proposed Lot 7.

A Preliminary Plat for proposed Lots 7-21 was also approved on 1/23/03, conditioned on:

1) Health department requirements being met;
2) DPW requirements being met;
3) The Final Forest Conservation Plan and Landscape plan being approved prior to the Planning Commission’s review of the Final Plat;
4) The adjacent agricultural use note being added to the plat, and the ag. buffer and setback being depicted on the Final Plat; and
5) The Forest Retention Areas on the Final forest conservation Plan and the Final Plat matching up.

The Section 2, Lots 7-12, 14-17, and 19-21 Final Plat was approved on 2/17/04, conditioned on:

1) Health Department requirements being met;
2) DPW requirements being met;

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2 A Concept Plat for the Villages of Elk Neck was previously approved for 367 residential lots and 7 acres for neighborhood commercial on 3/19/91.

   The Villages of Elk Neck, Longview Preliminary Plat was approved 3/19/91, and the Final Plat was approved 6/17/91.
   The Villages of Elk Neck, Section II: Woodholme Preliminary Plat was approved on 6/15/92, and the Final Plat was approved on 11/16/92.

   The Villages of Elk Neck, Section IIa: Woodholme II Preliminary Plat was approved on 4/19/93, and the Final Plat was approved on 7/19/93.

3 Even though the proposed density was well within the maximum allowable in the NAR zone, staff recommended the submission of a revised Concept Plat that reflected the increased density. Contingent upon revised Concept Plat approval by the Planning Commission, this Preliminary Plat could then be approved as well.
3) The Landscape Agreement being executed prior to recordation;
4) The owners of these lots becoming members of the Homeowners’ Association for maintenance of common open space, with $50 per recorded lot being placed in escrow for improvements prior to recordation;
5) Separate mini-road maintenance associations being created with the owners of all lots and areas reserved by owner accessing the respective mini-roads becoming members;
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 record plat, and matching up with those on the approved FCP;
7) The Data Column correctly citing 13 lots in this section; and
8) The roads being labeled as mini-roads on the Record Plat.

§4.0.9 of the Cecil County Subdivision Regulations provides that Concept Plats shall be valid for two years from date of approval. The 1/23/03 Revised Concept Plat approval expired on 1/23/05.

The Subdivision Regulations are silent on the issue of the re-approval of expired Concept Plats.

However, §4.0.10 deals with extensions of Concept Plat approval. In that regard, it mandates that “of the Subdivision Regulations stipulates, “The [Planning] Commission shall consider the following:

a) Change in the zoning classification of the property.
b) Change in the Zoning Ordinance.
c) Change in the Subdivision Regulations.
d) Change in the Comprehensive Plan.
e) Change in the Critical Area designation of the property.
f) Change in the Critical Area Program.
g) Change in the Forest Conservation Regulations.”

Although this is a proposed re-approval, rather than an extension, staff finds that no such changes have occurred.

Per the original approved Concept Plat, the open space provisions of the NAR zone will be satisfied in the SR portion of the project. No landscaping of the development envelope is required in the NAR zone. Rows of street trees are required along both sides of all internal roads. Where feasible, the natural vegetative equivalent may be used to satisfy the bufferyard and street tree requirements. Bufferyard standard C is required along the Racine School Road road frontages. The natural vegetative equivalent may be used to satisfy this requirement, but field verification will need to take place.

If the wetlands are in an FRA, then, per policy adopted 1/16/96, no Jurisdictional Determination (JD) must be done. The wetlands must not be disturbed. The Forest Stand Delineation (FSD) was approved on 7/24/94, and extended for 5 years on 10/4/99 and again on 12/10/04. The site contains FIDS habitat, but no rare species. 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. The metes and bounds description of the FRA must be shown on the record plat.

The owners of these lots must become members of the Homeowners’ Association for maintenance of common open space, with $50 per recorded lot placed in escrow for improvements prior to recordation.

The applicant was reminded of the Monday noon submission deadline for review by the Planning Commission this month.

9. **Racine Estates at The Villages of Elk Neck, Section Two, Lots 13 & 18, Preliminary/Final Plat, Racine School Road, Fifth Election District, Northern Bay**

Mike Estes, Northern Bay presented the Preliminary/Final plat for lots 13 & 18.

Mr. Orr stated all required plan submittals have been received and approved. The following standard notes and requirements apply to this plat and project:

- **2.1 The Final Plat Lot Grading Note and the Lot Grading Plan Construction Limits Note**
- **2.2 Compliance with Sections 251-9.A(5), 251-13, and 251-15.D. of the Cecil County Stormwater Management Ordinance.**
- **1.3 Requirements for Utility relocations**
- **1.4 Requirements for Public Works Agreements**
- **1.5 Requirements for Stormwater Inspection and Maintenance Agreements**
- **2.6 Requirements for Private Mini Roads.**

**Notes and requirements identified for record:**

1. The Final Plat must include the Lot Grading Plan standard note and the Lot Grading Plan must include the standard construction limits note.

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

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

2. The downstream conveyance of storm water must be analyzed in accordance with Section 251-9 A. (5) of the county’s SWM Ordinance. If stormwater discharge is directed off of the site on to adjacent property it is the responsibility of the Developer to obtain appropriate easements from the affected property owners per Sections 251-13 and 251-15.D of the Cecil County SWM Ordinance.
3. Where determined necessary by the utility companies, the owner, the designer, or DPW, utility poles must be relocated at the Developer’s expense.
4. A Public Works Agreement is required for the private mini road & storm drainage construction.
5. An Inspection & Maintenance Agreement is required for the private SWM facilities.
6. The private mini-road subdivision and plans must adhere to the provisions of Section 2.13 of the Road Code which addresses requirements for private roads. A statement clearly outlining the responsibilities of the homeowners in the maintenance of roads and storm drainage systems must be approved by the Planning Commission and placed on the final plat. Deed restrictions must be developed and recorded in accordance with Road Code Section 2.13.D.

Mr. Markwardt, CC Public Schools, stated that he references his previous comments on the other project. James Kyte, Fire Chief Representative, stated he will go with the previous comments and that when he suggested two tanks, one 30,000 gallon tank at Freedom School Road would be sufficient. Ms. Latham, MDE, reference her previous comments. Mr. Moore read Health Department comments; see Attached. Mr. Di Giacomo stated that the COE previous comments cover this project. Mr. Di Giacomo provided the applicant a copy of the Soil Conservation report.

Mr. Di Giacomo stated that this project 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.

The zoning is NAR, which permits a maximum base density of 1 du/5 ac. Bonus density eligibility carries with it a permitted density of 1/3. The most recent overall Concept Plat for the Villages of Elk Neck, which proposed 12 lots on 84 acres in the NAR-zoned portion of the project (approved density of 1/7) and 182 lots on 316 acres (with 80.5 acres of common open space) in the SR-zoned portion (approved density of 1/1.7), was approved on 11/15/99, conditioned on:

1) That a Traffic Impact Study (TIS) be reviewed prior to Preliminary Plat review by the Technical Advisory Committee;
2) That at least one stub road be extended to Forest Knoll (If a second stub is extended to Forest Knoll beyond what was required in Forest Knoll’s conditional approval, then that should be coordinated;
3) That a looped road for common access to Racine School Road, from lots 8-19 be added; and
4) That a jurisdictional determination be done by the Corps of Engineers prior to Preliminary Plat review by the Planning Commission.

A revised Concept Plat proposing 15 lots on the 84-acre NAR-zoned portion of the project (previously approved density of 1/7) was approved at a revised density of 1/5.6 on 1/21/03, conditioned on:

1) The common open space requirements for the NAR portion being satisfied in the SR portion of the project; and
2) Direct access onto Racine school Road being denied to all lots, other than proposed Lot 7.

A Preliminary Plat for proposed Lots 7-21 was also approved on 1/23/03, conditioned on:
1) Health department requirements being met;
2) DPW requirements being met;
3) The Final Forest Conservation Plan and Landscape plan being approved prior to the Planning Commission’s review of the Final Plat;
4) The adjacent agricultural use note being added to the plat, and the ag. buffer and setback being depicted on the Final Plat; and
5) The Forest Retention Areas on the Final forest conservation Plan and the Final Plat matching up.

The Section 2, Lots 7-12, 14-17, and 19-21 Final Plat was approved on 2/17/04, conditioned on:
1) Health Department requirements being met;
2) DPW requirements being met;
3) The Landscape Agreement being executed prior to recordation;
4) The owners of these lots becoming members of the Homeowners’ Association for maintenance of common open space, with $50 per recorded lot being placed in escrow for improvements prior to recordation;
5) Separate mini-road maintenance associations being created with the owners of all lots and areas reserved by owner accessing the respective mini-roads becoming members;
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 record plat, and matching up with those on the approved FCP;
7) The Data Column correctly citing 13 lots in this section; and
8) The roads being labeled as mini-roads on the Record Plat.

This Preliminary Plat proposes the remaining lots, 13 & 18, shown as remaining lands on the Section 2 Final Plat that was approved on 2/17/04, and it is consistent with all previously-approved plats. Per previous approvals, the common open space requirements of the NAR zone will be satisfied in the SR portion of the project.

No landscaping of the development envelope is required in the NAR zone. Rows of street trees are required along both sides of all internal roads. Where feasible, the natural vegetative equivalent may be used to satisfy the bufferyard and street tree requirements. Bufferyard standard C is required along the Racine School Road frontage of proposed Lot 13. The natural vegetative equivalent may be used to satisfy this requirement, but field verification will need to take place. The Forest Stand Delineation (FSD) was approved on 7/24/94, and extended for 5 years on 10/4/99 and again on 12/10/04. The site contains FIDS habitat. The PFPC was approved on 1/15/03. The FCP and Landscape Plan were approved on 4/8/04. 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. The metes and bounds description of the FRA must be shown on the record plat.

The owners of these lots must become members of the Homeowners’ Association for maintenance of common open space, with $50 per recorded lot placed in escrow for improvements prior to recordation. They must also become members of their respective mini-road maintenance associations.

The applicant was again reminded of the Monday noon submission deadline for review by the Planning Commission this month.

The meeting was adjourned at 1:00 p.m.

Respectfully submitted,

Kathleen O’Connell