CECIL COUNTY TECHNICAL ADVISORY COMMITTEE
Wednesday, January 3, 2007, 9:00 a.m.
County Administration Building
107 North Street, Elkton, Maryland

Present: Di Giacomo, Tony (CCP&Z), Woodhull, Mark (CCDPW), von Staden, Fred (DEH), Latham, Cynthia (MDE), Kyte, James (FA), Graham, Bakeoven, Jennifer (CCP&Z)

Absent: Cwiek, Philip (USACoE), Ouano, Jun (Delmarva Power), Markwardt, Bob (CCBoE), Brown, Chris (CCSCS), King, Butch (SHA), Graham, Daniel (CR)

Mr. Di Giacomo called the meeting to order at 9:05 a.m.

1) Bainbridge at Port Deposit, Courtesy Review for the Town of Port Deposit, Planned Business-Employment Center, Preliminary Plat, Fiske Drive and Bainbridge Blvd., Martin and Phillips, Seventh Election District.

David Martin with Martin and Phillips Design Associates and Tim Bishop with the development team appeared and presented an overview of the project. The purpose of this plan is to follow the first building in the employment center which was presented to TAC on November 1, 2006. This plan represents the land development portion.

Mr. Woodhull, DPW read the comments for the department:
1. A Stormwater Management plan and a Mass & Final Grading plan must be approved by the CCDPW prior to submittal for Site Plan Approval. The Department strongly recommends that the Town of Port Deposit not approve the final site plan until the CCDPW has approved the final SWM and Mass & Final Grading plans. The fees for design review of this project must be provided at the time of first design submittals.
2. A Stormwater Management Inspection & Maintenance Agreement is required and must be executed prior to the Department approving the final plan submittals.
3. The Department understands that the Town of Port Deposit will own the internal streets, water distribution, and sanitary sewer systems in this development. The CCDPW recommends that all infrastructure plans be designed to meet or exceed County standards. We also recommend that the Town request that the serving fire company review fire hydrant spacing and locations.

Mr. Kyte, FA requested they put up street names in case of an emergency during construction. As far as street size, the width should be fine although anything by town ordinance, place no parking sign on any street that may be too narrow.

Ms. Latham, MDE said since the water will be supplied by the town, a water appropriation permit is not needed. Ms. Latham asked if there is a very water intensive business planned. Mr. Martin responded by saying he did not know at this time. Ms. Latham stated, as of now, the town has plenty of water available on their permit.

Mr. von Staden, DEH read the comments for the department. See attached.
Mr. Di Giacomo stated that he had not received any comments from Daniel Graham, Citizens Representative, Mr. King, SHA or any other departments that were not represented at today’s meeting.

Mr. Di Giacomo, P&Z read the comments for the department:
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 proposed within the towns’ corporate limits.

The Office of Planning & Zoning’s comments relating to this Preliminary Plan are as follows:

- A 50-scale site plan for this project was reviewed by the TAC on 11/1/06. At that time, DES reported that the name Bainbridge Boulevard had been DISAPPROVED. Subsequently, DES conferred with Martin & Phillips, and it was agreed that the road name would be changed to Commodore Bainbridge Boulevard. That is not reflected on this submission, however. It is strongly recommended that no site plan be approved with anything other than the approved road name.

- Otherwise, the balance of our 11/1/06 comments stand as previously read.

- Town Zoning: BX (Planned Business)

- 40,000 ft$^2$ of offices and laboratories are proposed on Lot 1’s 3.9 acres. It should be confirmed that the proposed floor area ratio is consistent with that permitted by the underlying zoning.

- It is recommended that the plat depict street and driveway names. All such names must be approved by the 911 Emergency Center, which informs us that the name Bainbridge Boulevard has been DISAPPROVED.

- Ordinarily, a Traffic Impact Study (TIS) would be recommended to be completed prior to Site Plan approval. Because this proposal is but a piece of a much larger project, and that larger project requires a TIS, therefore, it is recommended that the Town verify that this component’s proposed use is consistent with the aggregate trip generation coefficients used in the “master” TIS.

- Sidewalks are recommended on both sides of all internal streets and roads. Striped bike lanes should at least be considered. Both would give the proposed boulevards less of an Interstate highway character, and more of a neo-traditional feel.

- It is recommended that bike/ped access to adjacent or nearby residential or retail components be seriously considered in order to minimize vehicle miles of travel (VMT) and enhance overall mobility.

- Striped crosswalks should be considered anywhere that pedestrian traffic is possible.

- The vicinity map has incorrectly labeled Rock Run Road as Rock 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 and building dimensions, including height, 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 Site Plans, 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 as may present, Note # 11 notwithstanding. Permits are required from the (US Army) Corps of Engineers and MDE for any non-tidal wetland impacts or stream crossings prior to recordation.

• The habitats of any rare, threatened, and endangered species should be avoided, although Note # 14 indicates that there are none.

• Why are 2 loading spaces proposed for the laboratory and none are proposed for the offices?

• It should be confirmed that the 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 Site Plan approval.

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

• 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.

• It should be confirmed that the number of handicapped parking spaces falls with the minimum established by 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. Unless the present design is deemed acceptable by the Port Deposit volunteer Fire Company, hydrants closer to the buildings should be considered on the easily accessible landscaped bump-outs in the parking lot, closest to the water lines.
• Water allocation should be confirmed by the Town of Port Deposit prior to final Site Plan approval.

• Sewer allocation should be confirmed prior to final Site Plan approval.

• It is recommended that the site design be consistent with the Town’s policies regarding possible bus stops/shelters and/or bicycle racks. Have bike racks been considered?

• It is recommended that a lighting plan that emphasizes pedestrian safety and security be submitted and approved prior to final Site Plan approval.

• It is recommended that any Special Exception or Variance numbers that may yet be needed be shown on future plats, Note # 16 notwithstanding.

• 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 buildings offered for sale or lease.

Mr. Di Giacomo asked if there was anyone present to represent the Town of Port Deposit. There were no representatives from the town present.

2) Principio Heath Center, Courtesy Review for the Town of Perryville, Preliminary Plat, Chesapeake Landing Drive and MD Rt. 40, G.W. Stephens, Seventh Election District.

Rowan Glidden with G.W.Stephens appeared and presented an overview of the project. Mr. Glidden mentioned there is a tentative relationship set up between this project and Union Hospital of Cecil County. Associated with this proposal is a restaurant, a bank and a two story retail and office building. A median cut is required on MD Rt. 40 for access from the eastbound lanes of MD Rt. 40.

Mr. Woodhull, DPW read the comments for the department:
1. A Stormwater Management plan and a Mass & Final Grading plan must be approved by the CCDPW. The Department strongly recommends that the Town of Perryville not approve the final site plan until the CCDPW has approved the final SWM and Mass & Final Grading plans. The fees for design review of this project must be provided at the time of first design submittals.
2. With no forebays in the SWM pond indicated on the site plan, how do you propose to address water quality control requirements for this site? They are still in the planning stages. They have not designed the pond at this point.
3. A Stormwater Management Inspection & Maintenance Agreement is required and must be executed prior to the Department approving the final plan submittals.
4. The proposed water & sanitary sewer services for this site will be provided by the Town of Perryville. Therefore the CCDPW will not review their associated plans. However, we do recommend that the infrastructure plans be designed to meet or exceed County standards. We
also recommend that the Town request the serving fire company review the locations & spacing of proposed fire hydrants.

Mr. Kyte, FA asked if the buildings along MD Rt. 40 would have the entrances facing MD Rt. 40. Mr. Glidden said the three buildings along Rt. 40 would have their entrances on the walls that are perpendicular to Rt. 40. Mr. Kyte suggests that some of the fire hydrants be relocated for easier accessibility. He asked that they check with the local Fire Department on preferred locations for the hydrants. Mr. Kyte gave Mr. Glidden suggestions of feasible locations.

Ms. Latham, MDE said the permit that the town presently has seems to have plenty of water available.

Mr. von Staden, DEH read the comments for the department. See attached.

Mr. Di Giacomo stated that has not received any comments from any department not represented including Daniel Graham, Citizen’s Representative.

Mr. Di Giacomo asked if Mr. Glidden had any contact with SHA. Mr. Glidden said they had spoken with Butch King with SHA. In that conversation, Mr. King stated that he is not opposed to this project but he does need some additional information from the town.

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

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 Office of Planning & Zoning’s comments and questions relating to this Site Plan are as follows:

• Town Zoning: C2

• It should be confirmed that the correct FEMA panel number is referenced on the site plan. Once that is done, it should be confirmed that the flood zone boundary information is accurate.

• A vehicle/pedestrian circulation plan should be developed so as to reduce pedestrian-vehicle conflicts, potentially using a combination of striping and MUTCD signage.

• It should be determined if Town or SHA policies dictate that a Traffic Impact Study (TIS) will need to be done. If so, then it is recommended that the TIS be completed and any required improvements be agreed to prior to final site plan approval.

• It is recommended that the proposed use be verified as being consistent with the Town’s Zoning Ordinance.

• It should be confirmed that the setbacks, floor area ratios, and building heights are consistent with the Town’s Zoning Ordinance for the C2 zone.

• 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.
• The habitats of any possible 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 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, if requested. As yet, nothing has been submitted for a courtesy review.

• 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.

• It should be confirmed that the number of ADA parking spaces proposed satisfied the Town’s requirements.

• Consideration should be given to soliciting review and comment by the Perryville Volunteer Fire Company with respect to the layout and any fire hydrant locations.

• 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. Since no hydrants are proposed in the SE quadrant of the project, the southernmost hydrant in the NE quadrant is recommended to be moved closer to the unnamed E-W thoroughfare.

• Any required water allocation should be confirmed by the Town of Perryville prior to final approval.

• Any required sewer allocation 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.

• Will any zoning changes be required? No.

• It is recommended that any necessary variance or special exception numbers be shown on the plat.
• If consistent with Town policies, it is recommended that the proposed building height and at least basic construction details be included on the site plan.

• Has any consideration been given to providing pedestrian or bicycle access from US 40? This subject was brought to the Planning Commission. Internal sidewalks are proposed between the medical center, restaurant, bank, etc. which will hopefully connect to MD Rt. 40.

3) **Wohner Property**, Lots 1-66, Preliminary Plat, Cat Swamp Road, Morris and Ritchie Associates, Fourth Election District.

Fred Sheckles and Jonathan Eckman with Morris & Ritchie Associates appeared and presented an overview of the project. This project is associated with the Aston Pointe subdivision. They are proposing 66 units one of which will be an existing residence which will be retained by the owner of the property. Mr. Sheckles highlighted some of the changes that were made since the approval of the Concept Plat. The number of lots have been reduced from 74 to 66. The reduction was made because Mr. Wohner wanted to keep an 8 acre parcel and the developer wanted to eliminate all wetland impacts. They have provided a stub road to the Ulrich property per the Planning Commissions comments from the Concept Plat approval. The Country Club Drive layout was revised in favor of the current layout.

Mr. Woodhull, DPW read the comments for the department:
1. A SWM plan, Road & Storm Drain plan, Sanitary Sewer and Water plan and a Mass and Final Grading plan must be approved by the CCDPW prior to submittal for Final Plat Approval.
2. Offsite Road improvements to Cat Swamp and Barksdale Roads are required of the Aston Pointe Developer per the conditions of the Aston Pointe April 2005 Preliminary Plat Approval. Also 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 Department of Public Works and Planning Commission.
3. The proposed deceleration lane shown at the Cat Swamp Road / Aston Pointe Drive intersection does not meet the minimum default deceleration lane & taper requiring 100’ of frontage measured from the point of curb return at the intersection identified in Section 3.07.6 of the Road Code & the Guidance Manual. It appears this will require right-of-way acquisition from the owner of Parcel 42. Any right-of-way acquisition or construction/drainage easements associated with offsite road and entrance improvements shall be accomplished by the Developer and at the Developer’s cost. If ROW cannot be obtained the applicant may seek a Road Code Variance to this requirement.
4. The plans submitted for this offsite road work indicate a different entrance location for the Wohner Property than that shown on this preliminary plat. The plans and the preliminary plat need to be consistent with each other. Has any consideration been given to moving the entrance further north? Yes, ultimately it will be whatever provides the best sight distance and allows for the deceleration lane. Mr. Woodhull noted that the county would be installing guard rail on Cat Swamp Road on the northern end.
5. As stated since the concept plat review by TAC the Department has required that any Road Code Variance needed for this project be submitted prior to preliminary plat review. No Road Code Variance request for a modified deceleration lane or any other variances have been received by this Department. Therefore the Department cannot recommend preliminary plat approval of this project to the Planning Commission.

6. Country Club Drive, Medinah Drive, & Aston Pointe Drive are proposed to be designed and constructed to a major collector road standard. If the Aston Point subdivision as shown does not proceed to final plat approval for the section or sections covering the street interconnections prior to the generation of a record plat for this subdivision’s Medinah Drive and Country Club Drive interconnections, these roads must be terminated in a cul-de-sac on the Wohner Project.

7. Applicant has not provided stopping sight distance measurements for the proposed Cat Swamp Road / Aston Pointe Drive intersection to DPW prior to preliminary plat submittal, as required. Therefore the Department cannot recommend preliminary plat approval of this project to the Planning Commission.

8. Lots 25, 34, 39, 45, & 53 are to be denied direct driveway access to Medina Drive. The driveways for lots fronting on collector roads must be designed with on-lot turn around capability due to the major collector road design standard.

9. The proposed wetlands crossings for Medinah Drive will require permitting from the COE and MDE.

10. Pre-design geotechnical evaluation and borings along the proposed road stream and wetlands crossings is required, along with specific remedial recommendations for subsurface drainage and street sub grade placement. Additionally, the stream crossing structures must be approved as part of the road plan approval 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.

11. The public infrastructure required for this proposal does not exist at this time. Public water & sewer allocation must be obtained from the DPW prior to final plat.

12. 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.

13. The gas transmission line is routed across a County ROW therefore the Applicant must inform the gas main owner of the requirement to obtain a maintenance easement from the County to allow for work in the County’s ROW. This easement must be identified on the final plat. The DPW will not approve the final road & storm drain plans until written approval of the design has been received from the company owning the gas transmission lines.

14. 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:

14.1 The Final Plat Lot Grading, Sidewalk Maintenance, and Lot Grading Plan Construction Limits Notes.
14.3 Requirements for Utility relocations.
14.4 Requirements for Public Works Agreements
14.5 Requirements for Stormwater Inspection and Maintenance Agreements.
14.6 Requirements for Final Plat - Public Sewer Allocation.
14.7 Requirements for Sewer Service Cleanouts – Location.
14.8 Requirements for County Roads.
14.9 Requirements for Driveways.

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.

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 street & storm drainage construction and the public & private sanitary sewer and water system construction.

5. An Inspection & Maintenance Agreement is required for the private SWM facilities.

6. Developer must request and obtain a public sewer and water allocation from the Department of Public Works before submitting a final plat for approval.

7. 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.

8. The internal street grade leaving Cat Swamp Road may not exceed 5% within the limits of the intersection right-of-way.

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.

Mr. Sheckles explained that the information that he received from his environmental consultant is that if they are spanning the wetlands or waters they do not need to apply for a COE permit. He also asked Mr. Woodhull about the easements needed for public utilities.

Mr. Di Giacomo asked Mr. Sheckles for documentation from COE regarding the permit not being required.

Mr. Kyte, FA stated that the locations of the hydrants are good but he would like them to check with the local fire department regarding the placement. Mr. Kyte asked if they would have sidewalks and curbs in this development and if so, what kind. Mr. Sheckles said they would have the roll curb. The street sizes may be an issue. Mr. Kyte asked that they plan on have no parking signs by the county standards. Mr. Sheckles said yes. He also asked if they plan to have at least 4 off the street parking spaces per house. Mr. Sheckles said he did not know. Lastly, Mr. Kyte asked that they have street signs put up during construction in case of any emergency that may occur.

Ms. Latham, MDE said if public water is available, a water appropriation permit will be required. Ms. Latham asked if this project is contingent on the rest of Aston Pointe for its utilities. Mr. Woodhull said this would be contingent on the offsite Aston Pointe utilities. Mr. Di Giacomo stated that all of the lots in this project could not be achieved if Aston Pointe did not develop.

Mr. von Staden, DEH read the comments for the Health Department. See attached. In addition to his written comments, Mr. von Staden asked about the house on lot 60. He asked if it was going to
connect to public water and sewer. Mr. Sheckles said yes. Mr. von Staden said the existing well and septic system will have to be located on the Preliminary Plat and notes that it will be abandoned and sealed properly.

Mr. Di Giacomo stated that he had received many messages regarding this project. One was from Ron Hamlin who indicated concerns about adding more residential development adjacent to Aston Pointe. He is concerned with the water availability. Another concern came from Andrea Haley, who doesn’t mention anything specific. Her email was a copy of an announcement to alert other citizens that this project was on the TAC agenda. She is in general opposition. Lastly, Ed Cairns has some concerns about the poor visibility sight distance at the access point from Aston Pointe Drive on to Cat Swamp Road.

Mr. Di Giacomo, P&Z read the comments for the department:
Upon inspection, 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.

Zoning: SR

Density: The SR zone permits a density of 2/1 with community facilities – and Note # 11 indicates that this project is to be served by public water and sewer – consistent with an amendment to the Master Water and Sewer Plan – to include this property in the planned water and sewer service areas.

The Concept Plat, proposing 74 lots on 72.22 (now 74.6135) acres, for a proposed density of 1.02/1, was approved on 3/20/06, 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;
3) “From the Department of Public Works, the timing of a filed plat submittal for the Wohner Concept shall not precede the approval an executed Public Works Agreement covering:
a. The extension of Country Club Drive to Cat Swamp Road;
b. The offsite road improvements for Cat Swamp and Barksdale Roads required for the Aston Pointe development;
with this condition remaining subject to any subsequent phasing change or modification of the conditions of approval to the Department of Public Works and the County Planning Commission;” and
4) A future stub road access to be lands of Ulrich being fully explored prior to the TAC’s review of any Preliminary Plat.

This Preliminary Plat is generally consistent with the approved Concept Plat; however, the acreage, boundary, and design have changed slightly and the number of proposed lots has been reduced to 66. If the adjacent Aston Point project does not proceed as planned, then there would be only one access point for 58 proposed lots and absolutely no access for the remaining 8.

Are the acreage, boundary, and design changes the results of the boundary line survey? Yes.
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’.

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; has it been completed? Yes.

What are the depicted “waters of the US,” how are they different from streams or wetlands, and why are there no buffers? “Waters of the US” is an incised channel with no fringe wetland or wetland foliage therefore the COE does not have a buffer on “Waters of the US”.

*Note – William Stritzinger appeared and made comments regarding the “Waters of the US”. Mr. Stritzinger said there is a 25’ county buffer but in a typical wetlands situation, there is a COE jurisdiction then there is a 25’ COE buffer. The plan is to change the buffers around on the wetlands to accommodate the county regulations.*

A minimum of 15% common open space is required; 47.44% (was 56.9 %) is proposed. The sensitive areas thresholds have been calculated and shown on the plat.

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

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

Sidewalks are recommended on at least one side of all internal roads, and 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 Forest Stand Delineation (FSD) was approved on 6/1/05.

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.

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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.”

2 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.
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, SHA and the Newark Planning Department were informed of this proposal, and no additional Traffic Impact Study (TIS) was requested. A TIS was performed for the adjacent Aston Pointe project, and various road improvements put forward by CCDPW, SHA, and DelDOT were agreed to by the developer.

Given the development potential of the adjoining lands of Ulrich, pursuant to §7.2.12.B.8, a looped road system would likely need to be incorporated into the design. However, its practicability is in question given the 450’ of intersection separation on County roads required by §7.2.12.E.4. Therefore, has the possibility of a stub road to the adjoining lands of Ulrich been “fully explored?” Yes.

This design includes 3 proposed panhandle lots (57, 58 & 59) that do not meet the minimum road frontage requirement of 25’.

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. It was previously revealed at TAC review that these home owners would become members of the Aston Pointe HOA. Is that still the plan?

Water and sewer allocation must be confirmed by DPW prior to the review of any Final Plat(s).

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/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.

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3 Based upon Subdivision Regulations, there is precedent for allowing a separate Concept Plat for the Wohner property: Susquehanna and Susquehanna River View, the chronology being as follows:

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<th>Date</th>
<th>Property</th>
<th>Type of Plat</th>
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<tr>
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<td>Bell Property</td>
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The January TAC meeting adjourned at 10:00 a.m.

Respectfully submitted,

*Jennifer Bakeoven*
CECIL COUNTY TECHNICAL ADVISORY COMMITTEE
Wednesday, February 7, 2007, 9:00 a.m.
County Administration Building
107 North Street, Elkton, Maryland

Present: Di Giacomo, Tony (CCP&Z), Woodhull, Mark (CCDPW), Moore, Joe (DEH), Graham, Daniel (Citizen’s Representative), King, Butch, (SHA), Davis, Gary (SHA), Bakeoven, Jennifer (CCP&Z)

Absent: Cwiek, Philip (USACoE), Ouano, Jun (Delmarva Power), Markwardt, Bob (CCBoE), Brown, Chris (CCSCS), Latham, Cynthia (MDE), Kyte, Jim (FA)

Mr. Di Giacomo called the meeting to order at 9:00 a.m.

1) Lands of Roger Dale Poffenbarger, Lot 1 plus Remaining Lands, Concept Plat, MD Rte. 276 and Dr. Jack Road, Will Whiteman Land Surveying, Inc., Sixth Election District.

Will Whiteman appeared and presented an overview of the project. There is an existing building, a mobile home and sheds on the remaining lands. On proposed Lot 1 an existing business (Rick’s Crabs) is located. There is also a liquor store located, various out buildings and a concrete block building that is still being used to do welding. There are a number of trailers and small buildings that are proposed to be removed. The restaurant, liquor store and concrete block building are to remain on site. This is an existing situation. When the restaurant was built, it was built over the easterly property line.

Mr. Di Giacomo asked how that happened. Mr. Whiteman believes the owners didn’t know where the property lines were.

While doing the current property line survey, they found the building to be over the property line. Mr. Kelso, who is looking to purchase this land, has approached Mr. Marshall, which is the owner to north and the east. Mr. Marshall is willing to grant them six (6) feet as an addition. This would put the restaurant on the land with 1.8 feet to spare. Mr. Whiteman stated he will be looking to the Planning Commission for recommendation at to the building restriction lines. On the plat the cross easements are also shown for people going to the store or restaurant.

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

1. It appears that this subdivision is for the purpose of creating a new lot around existing structures. Any future development proposed on either Lot 1 or the Remaining Lands will require that a SWM plan and a Mass and Final Grading plan be approved by the CCDPW prior to approval of any building permits.

Mr. Woohull asked Mr. Whiteman if there was a parking area on the Marshall’s property. Mr. Whiteman said yes.

Mr. King, SHA read the comments of the department. See attached.
Mr. Graham, Citizen’s Representative received a call from Debra Marshall wanting to know what was happening today at the TAC meeting.

Mr. Moore, DEH read the comments for the department. See attached.

Mr. Di Giacomo, on behalf of MDE, stated that a water appropriation and use permit was issued to Mr. Poffenbarger. When the transfer of the property is complete, the new owner will have to apply to MDE for a revised permit.

Mr. Di Giacomo gave Mr. Whiteman the soil map and report from SCS.

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

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

Zoning: BG

Is proposed Lot 1 0.993 acres in size before or after the proposed 0.28-acre add-on from Parcel 517? Mr. Whiteman said it is the combination, he will check into it.

BEFORE – Density: One lot plus remaining lands are proposed on 2.697 acres.

AFTER – Density: One lot plus remaining lands are proposed on 2.417 acres.1

Both proposed Lot 1 and the remaining lands meet the BG zone’s minimum lot size requirement. Why haven’t the proposed remaining lands been proposed a lot number? Mr. Whiteman said they were just shown as “Remaining Lands”. He asked Mr. Di Giacomo if he would like it to have a lot number. Mr. Di Giacomo advised that it may be helpful for the future reference.

Note # 5 indicates that the boundary line survey has been completed.

The restaurant on proposed Lot 1 is currently located across the property line, and 2 structures are located within the front and side BRLs. Therefore, per Note # 10, a setback modification is requested. The front setback is cited in Note # 4, but not shown on the plat.

What will be the disposition of the trailer shown partially on both the remaining lands and proposed Lot 1? It will be moved over onto the remaining lands. On the remaining lands, a number of structures are shown inside the rear BRL. What will be their disposition? They have not discussed that yet.

1 §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.

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2
The vicinity map shows a roadway on the southern border of this parcel. The plat’s schematic rendering suggests it is the Bainbridge Market. Which is correct? Mr. Whiteman said it was taken off of an old tax map; the island is not in there.

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

Unless new construction is proposed, a JD will not be required. Any new construction will require a site plan, and the JD issue will be dealt with at that time.

If the applicant is proposing a §3.2N exemption, then that must be noted on the plat.

The BG zone’s landscaping and bufferyard requirements (including those covered in §187.2) will come into play when and if a site plan may be required.

The adjacent properties’ zoning has not been shown.

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 any 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, with the metes and bounds description of the FRA being 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.

The applicant was reminded of the Monday noon submission deadline for review by the Planning Commission this month.
2) **Mank’s Pond.** Lots 5-34, Concept Plat, Oldfield Point Road, Will Whiteman Land Surveying, Inc., Sixth Election District.

Will Whiteman appeared and presented an overview of the project. This will be the third Concept Plat submission that has been presented to the Planning Commission. The first time this was presented they showed a layout that was consistent with the layout presented today with the exception of the roads. There had been a Concept plan submitted for the land to the south named Boettcher. That plan had shown a connecting road to Mank’s Pond. When Mank’s Ponds submitted their original layout, it did not show a connecting road to the Boettcher property however it was suggested. In 2004, another Concept plan was submitted with similar configuration showing a connecting road to the Boettcher property. Mr. Whiteman understands the Boettcher property has moved on to Preliminary plat with a connector road to the Mank’s Pond property shown. After looking at the percolation tests completed on the site, there was no way the Mank’s property was going to be able to achieve the lots shown on the previous plats. In the new layout, a number of changes have been made to the plan. Those changes include less roadway and they took out the connector road to the Boettcher property. In the process, 7 lots were lost due to the percolation tests done on site. The size of the common open space was also increased.

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

1. 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.
2. Section 3.07.15 of the Road Code directs that Oldfield Point Road must be upgraded for a distance of 100’ either side of the point of intersection between Oldfield Point Road and the proposed roads. 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 developer must make a legitimate good faith effort to obtain all ROW required to accomplish these improvements. This effort must conform to Section 3.07.15 of the Road Code Guidance Manual. The applicant may seek a variance to these requirements if after these efforts the applicant is unable to obtain the necessary ROW.
3. Why does the road name change at the intermediate turnaround? Mr. Whiteman said this should be one road. Mr. Di Giacomo added that Emergency Services had no problem with the two road names but Mr. Kyte, Fire Chief Rep. did question the names. As proposed this is one road.
4. Pondside Court was previously proposed as a private mini-road. Is this still the case? Yes.
5. If it is a private mini-road the ROW must be 36’ wide. If it is proposed as a public road it must be built to minor road standards including the cul-de-sac is in non-compliance
6. The County ROW line along Oldfield Point Road must be extended across the proposed private mini-road.
7. Why was the previously approved interconnectivity to the Lands of Boettcher eliminated? Due to perc testing and other factors, the original approved plat was revised which did not include the connection to the Boettcher property.
8. Any applicable Road Code Waivers must be requested prior to submittal for Preliminary Plat approval.
9. A Road Code Variance has been granted for the Private Mini-road in regards to the use of the existing paving.
10. Sight distance measurements must be submitted for all entrances to the DPW to establish compliance with the Cecil County Road Code. These could not be found in our files. Applicant is requested to resubmit.
11. Are you proposing a SWM Area located on Lot 33? Yes, this was a recommendation by Jim Ryan, Engineering of the project. The DPW strongly recommends that all SWM facilities and required access to them be located in common open space as was the case in the previously approved Concept Plat. Also verify the acreage of Lot 33. It does not appear to be over 5 acres in size.

12. The following standard notes and requirements apply to this plat and project: The details of these notes and requirements will be identified in the record but will not be read at this time:
   12.1 The Final Plat Lot Grading Note and the Lot Grading Plan Construction Limits Note.
   12.3 Requirements for Utility relocations.
   12.4 Requirements for Stormwater Inspection and Maintenance Agreements
   12.5 Requirements for Public Works Agreements.
   12.6 Requirements for Driveways.
   12.7 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. 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. A Public Works Agreement is required for the streets & storm drainage constructions.
   6. 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.
   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. 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.

Mr. King, SHA read the comments for the department. See attached.
Mr. Davis, SHA joined the meeting at this time.

Mr. Graham, Citizen’s Representative received a few comments regarding Mank’s Pond, the first being from Mr. McLevin. He has concerns regarding the speed limit on Oldfield Point Road. He was also concerned about the percolation tests that were done on the land that didn’t test well. Mr. McLevin doesn’t want any new homeowners to have to deal with the natural springs and the excess water on the land. Mr. Graham also received an email from Diana and Ted Wilt. They stated in their email that lots 1&4 are already a minor subdivision (#3295). They also stated that in the concept plat,
lots 1-4 are to be members of the Mank’s Pond HOA. The Wilts would like to see copies of the deeds for the four (4) lots as they stand now and to know how they would read when sold. Mr. Whiteman said that the four lots are an approved minor subdivision and are still owned by Mr. Weed, there are no deeds. The Wilt’s also requested to see a copy of the proposed HOA bylaws, Mank’s Ponds covenants and restrictions and a draft of the deeds from lots 5-34. To answer the concerns of the Wilts, Mr. Whiteman stated that everything the Wilts are asking for will be public record. Mr. Whiteman doesn’t know if Mr. Weed will take the time to make sure every time a lot is sold and the deed is put on record that they are going give a copy to the Wilts. The last question Mr. Graham asked for the Wilts was regarding the 30ft wide strip of land that they are using to increase the width of Oldfield Point Road. They would like to no if that in any way would infringe on the properties on the other side of Oldfield Point Road. Mr. Whiteman said they will do whatever is recommended by DPW and the roads department. Mr. Woodhull explained the developer will not be using land that he does not own. Mr. Di Giacomo stated that he agreed with the explanation given by Mr. Whiteman was correct and that he will contact the Wilts regarding this matter. With the exception of the HOA bylaws and restrictions, all other documents asked for will be located either in the Office of Planning and Zoning for Cecil County and/or the Land Records department for Cecil County.

Mr. Moore, DEH asked Mr. Whiteman how well they looked at the percolation tests in relation to a road going over to connect to the Boettcher property. Mr. Whiteman said they carefully looked over the testing. Mr. Moore read the comments of the department.

Mr. Di Giacomo asked on behalf of Mr. Kyte, FA about having a drafting tank or a dry hydrant on the property and he has concerns over Sugar Pine Court. Mr. Whiteman said he will look into those concerns.

Mr. Di Giacomo stated on behalf of MDE if either individual domestic wells or a community supply is intended, a water appropriation and use permit will be required for final plat.

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

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

Zoning: SR

Density: The SR zone permits a maximum base density of 1 du/ 1 ac. The statement that 37 new lots are shown is in conflict with the 30 proposed lots that are depicted.

This Concept Plat proposes 30 lots on 76.991 acres, for a proposed density of 1/2.57. How does that acreage square with the cited 77.591 acres remaining after the minor subdivision, as well as the density of 1/2.82? Mr. Whiteman will look into it.

Similar Concept Plats for this property were approved on 7/16/01 and 7/19/04. Per §4.0.9, since a Preliminary Plat was not subsequently approved within two (2) years of that date, those Concept Plats no longer have any status.
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 stream buffer must be expanded – which will affect the SWM area locations.

A 25’ buffer is required around all non-tidal wetlands present. Non-tidal wetlands or buffers are depicted on portions of several proposed lots and common open space. Permits are required from the (US Army) Corps of Engineers and MDE for all non-tidal wetland impacts prior to recordation. Documentation of the completed JD has been received.

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

15% (11.549 acres) common open space is required; 43.9% (33.863 acres) 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 sensitive areas percentages must be verified on the Preliminary Plat submitted for TAC review.

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

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

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

A previously-proposed stub road to the Boettcher Property, to the south, has been eliminated. Why? Percolation tests results, etc.

All proposed road names have been approved.

Bufferyard Standard C is required, outside the right-of-way, along the road frontages of Oldfield Point 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 that was approved on 7/12/01 has expired; an extension must be requested.

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), 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.

A Homeowners’ Association for maintenance of common open space, cul-de-sac and mid-block turn-around islands must be established with $50 per recorded lot placed in escrow for improvements prior to recordation.

A mini-road maintenance association must also be established prior to recordation, with the owners of proposed lots 27-32 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.

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Mr. Woodhull, DPW pointed out that on the plat in the notes, Lot 41 is denied access to Oldfield Point Road. That should be Lot 32. Also, for the stream crossing, DPW will need a pre-designed geo-technical evaluation and borings along the proposed road stream and wetlands crossing along with specific remedial recommendations for subsurface drainage and street subgrade placement.
3) **Acorn Village**, Lots 1-13 plus Remaining Lands, Preliminary Plat, MD Rte. 274 and Theodore Road, RJ Engineering Corporation, Fifth Election District.

Greg Caskey with RJ Engineering appeared and presented an overview of the project.

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

1. The Department understands that the Town of North East will own the water distribution system in this development. Why are no fire hydrants identified on this plan? Mr. Caskey does not know. 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.

2. A SWM plan, Road & Storm Drain plan, a Sanitary Sewer System plan, and a Mass and Final Grading plan must be approved by the CCDPW prior to submittal for Final Plat Approval. The fees for design review of this project must be provided at the time of first design submittals.

3. Are you proposing individual pump stations at each dwelling? No.

4. The Department is unaware of any sanitary sewer extending to the west side of MD 274 and the existing sewer line servicing the dwellings at the MD 274 / Old Farmington Road intersection was not designed to accommodate any additional loading. The sewer line from this development must extend further along Old Farmington Road to the area of Old Bayview Drive. It is strongly recommended that the Applicant’s Engineer meet with the DPW prior to beginning design of the sanitary sewer system for this development.

5. 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 his own risk. The applicant can make a request for sewer allocation after receiving preliminary plat approval from the Planning Commission.

6. Final approval of the design for the proposed County road is contingent upon the developer obtaining the SHA access permit to MD 274.

7. With the extent of road side drainage ditching proposed it is important that velocity in the channels meet those identified in the SHA Design Manual.

8. A private SWM conveyance easement is required for the proposed drainage pipe crossing Lots 12 & 13. The pipe must be located farther away from the dwelling proposed on Lot 12. DPW recommends that run back on the rear property line of Lot 12.

9. **What is the proposed disposition of the pond/wetlands on 13-16 and field drain piping on site?** The Department has concerns about the impact of this pond’s drainage on houses proposed for Lots 12 & 13.

10. 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 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 and/or all structures (i.e. dwellings, outbuildings, driveways, etc…) on down-gradient properties so impacted must be identified on the SWM Plans.

11. Relocate the proposed pond drain away from the dwelling on Lot 12, preferably to the rear property line. Also indicate that the existing outfall pipe is to be removed.
12. The design for this development must satisfactorily address the off-site drainage from up-gradient properties (i.e. Lands of Heilander) currently crossing this site. Specifically the lot grading plans for Lots 4 & 5.

13. The sump & headwall proposed on Lot 5 must be located within a drainage easement.

14. Is the pole building on Lots 3 & 4 to be removed? Mr. Caskey didn’t know.

15. 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:

15.1 The Final Plat Lot Grading and Lot Grading Plan Construction Limits Notes.
15.2 Requirements for Utility relocations.
15.3 Requirements for Public Works Agreements.
15.4 Requirements for Stormwater Inspection and Maintenance Agreements.
15.5 Requirements for County Roads.
15.6 Requirements for Driveways.
15.7 Requirements for Final Plat - Public Water and Sewer Allocation.
15.8 Requirements for cleanout locations

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

3. A Public Works Agreement is required for the streets & storm drainage constructions and for sanitary sewer.

4. An Inspection & Maintenance Agreement is required for the private SWM facilities.

5. The internal street grade leaving Maryland Route 274 may not exceed 5% within the limits of the intersection right-of-way.

6. 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.

7. If a County-owned and maintained public water & sewer system is proposed, the Developer must request and obtain a public water & sewer allocation from the Department of Public Works before submitting a final plat to the Cecil County Planning Commission for approval.

8. 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. King, SHA read the comments of the department. See attached.

Mr. Graham, Citizen’s Representative had no comments.

Mr. Moore, DEH asked Mr. Woodhull, DPW if the sewer line shown going across MD Rte. 274 is large enough. Mr. Woodhull said no, it isn’t large enough. The line was designed for only ten (10) homes. Mr. Moore read the comments of the department. See attached. Additional comments from DEH include needing to show a proposed sewer line and the closest existing, properly sized sewer line on the Preliminary Plat. Also, identify the water and sewer plant on the plat.

Mr. Di Giacomo gave Mr. Caskey the soil maps and report from SCS.
Mr. Di Giacomo stated on behalf of MDE if public water is available, a water appropriation and use permit will not be required for final plat.

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

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

Zoning: SR & BL

Density: The Concept Plat, proposing 4 minor and 9 major subdivision lots on 6 SR-zoned acres for a proposed density of 1.5/1, was approved on 9/21/06, conditioned on:

1) The boundary line survey’s being completed prior to TAC review of the Preliminary Plat;
2) Documentation of the JD’s completion being received prior to the Planning Commission’s review of the Preliminary Plat; and
3) The new road name’s being approved prior to the Preliminary Plat’s review by the Planning Commission.

As previous stated, density tabulation misstatements of allowed density must be changed.

The applicant is cautioned that if access to Theodore Road is required for any reason, a new Concept Plat reflecting a new layout must be approved.

Minor Subdivisions 1205, 1255, 1384 & 3590 have been referenced on the plat.

Has the boundary line survey been completed, per conditional approval? Yes. If so, then why hasn’t the plat been signed and sealed by a surveyor? Mr. Caskey didn’t know.

The development of the remaining BL lands must be in accordance with §’s 31, 291, and possibly 69.

Why is this Preliminary Plat dated prior to Concept Plat approval? Mr. Caskey believes it may have been revised.

Slopes greater than 25% have been shown.

A 25’ buffer is required around all non-tidal wetlands and intermittent streams present. A significant portion of proposed Lots 13-14 consists of wetlands and wetlands 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.

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2 §2.4.1 was invoked.
3 A single family detached dwelling is permitted in the BL zone “provided that the dwelling is for the owner, operator, or employees of an on-site business.”
4 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 15% common open space is required; 15.08% is proposed, consistent with the approved Concept Plat.

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 previously commented at all reviews, the C.O.S. sensitive areas thresholds must be calculated for inclusion on the Preliminary Plat. Where are those calculations?

A minimum 20% landscaping of the development envelope is required, and sidewalks are recommended on at least one side of the proposed Hickory Nut Court.

The required Bufferyards Standard C has been shown.

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 6/16/06, with the condition that debris piles be removed from the site. Has the removal been completed? Mr. Caskey didn’t know.

The 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, with the metes and bounds description of the FRA being shown on the Final and Record Plats.

Road name “Hickory Nut Court” was approved.

Where are the fire hydrant locations? Fire hydrant locations must be selected in consultation with the North East Fire Company and DPW.

Access to common open space between or 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 W1, W3 and a portion as S1. The Master Water and Sewer Plan must be amended to include the balance of this site prior to the Planning Commission’s review of any 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.

Documentation of water allocation from the Town of North East must be provided by the applicant prior to the Planning Commission’s review of the Final Plat.

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

What will be the disposition of existing structures other than the barn on proposed Lot 5? Mr. Caskey didn’t know.

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.

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4) The Estates at Slicer’s Mill, Lots 1-13, Preliminary Plat, Slicer’s Mill Road, KCI Technologies, Inc., Sixth Election District.

Brian Morgan with KCI Technologies appeared and presented an overview of the project. This project has undergone many changes in layout as the project has evolved primarily avoidance of the PECO right of way. There is an addition of a private mini road and the lots being split up. Brought up at an earlier stage was an overlap shown in the boundary survey that has been submitted with the Oak Grove subdivision. This project had conceded .15 acres to those property owners. Due to the overlap, it reduced the density slightly to 49.944 acres. Therefore, density calculations have changed.

Mr. Woodhull, DPW read the comments of the department:
1. 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 fees for design review of this project must be provided at the time of first design submittals.
2. Stone Run is designated a Class III-P stream and thermal impact from SWM pond discharge must be addressed in accordance with the MDE 2000 design Manual.
3. The proposed Lydia Isabella Way grade may not exceed 5% within the intersection ROW without approval of the DPW. Mr. Morgan stated that the alignment is now at 6%.
4. The entrance geometry for Lydia Isabella Way remains challenging. We recommend that proposed solutions be submitted for review prior to final design of the road & storm drain plans for this project. The applicant should begin considering acquiring the necessary easements to
provide for a safe ingress & egress to this site as well as be aware of the potential for offsite road improvements on Slicer’s Mill Road.

5. The Department has concerns that temporary/permanent easements may be needed on the D. Sprout & J. Horney properties to properly tie the drainage ditch embankments into existing grading. The Department will not support the use of retaining walls on a county road.

6. The ROW line for Lydia Isabella Way must be continued across Lauren Marie Court to indicate a private ROW for the mini road. Lauren Marie Court is in non compliance with Standard Detail R-15 of the Road Code. It must end in a cul-de-sac bulb not a tee-turnaround.

7. Applicant must obtain the Susquehanna Power Company right-of-way and easement dedication conditions and approval for construction of the internal county road (Lydia Isabella Way). The Susquehanna Power Company must approve of the construction of a public road over the transmission company right-of-way before final plat submittal to the planning commission. It is recommended that the Applicant obtain this information prior to preliminary plat approval by the planning commission, so as to avoid any costly site re-design that might be necessitated by a refusal from the transmission company.

8. The Department requires that any Road Code Variances sought must be requested and the major road issues are resolved prior to submittal of the Preliminary Plat to the Planning Commission for review.

9. The Department has made a site visit to determine in general if sight distance issues exist. This is not to be misconstrued as approval of final sight distance requirements for this project. Stopping sight distance measurements must still be submitted for review.

10. 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:

10.1 The Final Plat Lot Grading Note and the Lot Grading Plan Construction Limits Note.
10.3 Compliance with Section 3.07.15 of the Cecil County Road Code.
10.4 Requirements for Utility relocations.
10.5 Requirements for Public Works Agreements.
10.6 Requirements for Stormwater Inspection and Maintenance Agreements
10.7 Requirements for County Roads.
10.8 Requirements for Driveways.
10.9 Requirements for Stopping Sight Distance
10.10 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 Slicer’s Mill Road must be upgraded to a Minor Road 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 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. All curves must comply with the Road Code (Section 3.04). The internal street grade leaving Weaver Meadows 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. Applicant must provide stopping sight distance measurements for the Slicers Mill Road access location to DPW prior to preliminary plat submittal. Mark the proposed entrance locations in the field by a survey stake or paint.
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. 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.

Mr. King, SHA read the comments of the department. See attached.

Mr. Graham, Citizen’s Representative had no comments.

Mr. Moore, DEH read the comments of the department. See attached.

Mr. Di Giacomo gave Mr. Morgan the soil report and maps from SCS.

Mr. Di Giacomo stated on behalf of MDE that permit CE2006G028(01) was issued for this project in November, 2006.

Mr. Di Giacomo asked on behalf of Mr. Kyte, FA that a drafting tank be included in the design of this project.

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

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

Zoning: NAR

Density: The NAR zone previously permitted a density of 1 du/ 5 ac. The Concept Plat, which included 2 minor and 11 major subdivision lots on 57.375 acres, for a density of 1/5.2159, was approved on 6/19/06, conditioned on:

1) A JD being completed prior to the Planning Commission’s review of the Preliminary Plat;
2) A boundary line survey being completed prior to the TAC’s review of the Preliminary Plat; and
3) The § 174.b (2) being granted for Slicer’s Mill Way, so long as it continues follow the alignment of an existing lane.
The revised Concept Plat was approved on 12/21/06, conditioned on:

1) (Because the acreage has changed as a result of the boundary line survey) Either the design being modified to provide 60% open space to qualify for bonus density, or to reduce the number of lots to stay within the standard, base NAR density of 1:5 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) The § 174.1.b (2) waiver being granted for Lydia Isabella Way; and
4) The § 174.2.b (1) waiver being granted for Lauren Marie Court.

The completed boundary line survey has been submitted (thus explaining the acreage change).

This design is consistent with the NAR bonus density approval. If the word “common” is stricken from the first line, then Development Data Note # 8 will be correct.

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 shown.

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. Has the JD been completed? Mr. Morgan said a JD is not required due to there being no wetlands on the property. It must be done prior to preliminary plat review by the Planning Commission.

15% common open space is required; 39.08% is now proposed.

No landscaping of the development envelope is required and no sidewalks are recommended in the NAR zone.

Bufferyard Standard C is required, outside the right-of-way, along the Slicer’s Mill Road frontages.

Has the 10’ street tree planting easement been shown? Yes. Where feasible, the natural vegetative equivalent may be used to satisfy the bufferyard and street tree requirements.

The FSD was approved on 5/18/06. 8 endangered species are known in the area. Has the required habitat survey been completed? It has been submitted.

The PFCP and habitat survey must be approved prior to Planning Commission review of the Preliminary Plat. The PFCP has also been submitted.

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

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5 The plat that was submitted as a Preliminary Plat for the 12/6/06 TAC review proposed significant design changes; therefore, it was treated as a revised Concept Plat. It was consistent with the previous density approval in terms of the number of lots, but the acreage had changed (from 57.375 acres to 49.944).

6 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.”

7 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.
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 proposed road names have been approved.

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

Portions of the proposed roads located in the perennial and intermittent stream buffers.

The Susquehanna Power Company will need to provide verification that they have approved the proposed impacts to the right of way.

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.

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5) Stanfield, Lots 9-22, Preliminary Plat, Middle Road, McCrone, Inc., Fourth Election District.

Mike Burcham with McCrone and Gary Slagle appeared and presented an overview of the project. This plat is the remainder of the Stanfield project.

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

1. This submittal does not contain all the information required by the Subdivision Regulations. It lacks SWM conveyance, road widths & slopes, etc… and the Department will not recommend approval of this plat, to the Planning Commission, as submitted.
2. A SWM plan and a Mass and Final Grading plan must be approved by the CCDPW prior to submittal for Final Plat Approval. The fees for design review of this project must be provided at the time of first design submittals.
3. How will SWM be addressed for this development?
4. If the existing pond on Lot 21 is proposed to serve as a SWM BMP an as-built and a dam breach analysis will be required. This information must be provided with the SWM submittal for this project.

5. A formal submittal of stopping sight distance measurements must be provided for Lot 22. If Lot 21 does not use the existing driveway stopping sight distance will also be required.

6. A Protocol Three road condition survey & improvement plan will be required for Stanfield Drive.

7. The applicant should be aware that the Department may require improvements to Middle Road to mitigate this development’s impact. This will be determined by the CCDPW.

8. The extension to Stanfield Drive must have a 20’ pavement width if open section road is proposed. If closed section is proposed 30’ pavement width will be required.

9. The following standard notes and requirements apply to this plat and project: The details of these notes and requirements will be identified in the record but will not be read at this time:

   9.1 The Final Plat Lot Grading and Lot Grading Plan Construction Limits Notes.
   9.2 Requirements for Utility relocations.
   9.4 Requirements for Public Works Agreements.
   9.5 Requirements for Stormwater Inspection and Maintenance Agreements.
   9.6 Requirements for Driveways.

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

3. 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.

4. A Public Works Agreement is required for the streets & storm drainage constructions and for sanitary sewer.

5. An Inspection & Maintenance Agreement is required for the private SWM facilities.

6. 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.

Mr. King, SHA had no comment.

Mr. Graham, Citizen’s Representative had no comments.

Mr. Moore, DEH read the comments of the department.

Mr. Di Giacomo gave the applicant the soil maps and reports for SCS.

Mr. Di Giacomo stated on behalf of MDE the following; if individual domestic wells are intended, a water appropriation and use permit will be required for final plat.
Mr. Di Giacomo asked on behalf of Mr. Kyte, FA that a drafting tank be included in the design of the project.

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

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

Zoning: NAR

Density: This section’s Concept Plat was approved at a density of 1/5 on 9/18/06, conditioned on: 
1) The boundary line survey’s being completed prior to TAC review of the Preliminary Plat; and
2) Documentation of the JD’s completion being received prior to the Planning Commission’s review of the Preliminary Plat.

Note #13 indicates that the 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. Slopes greater than 15% have been shown.

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. Mr. Di Giacomo asked Mr. Burcham is there are any wetlands on the property. Mr. Burcham said all of the wetlands are located in the common open space.

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8 The original Concept Plat, under the name “Lands of Stanley L. Barczewski” and zoned NAR, proposing bonus density, with 26 lots on approximately 84 acres, was approved on 7/18/94. It subsequently expired.
9 The original Preliminary and Final Plats, for Lots 1-8 only, were approved on 2/21/95 and 4/17/95, respectively. The fourth condition of the 4/17/95 Final Plat approval was “common open space being recorded with the next section.” Thus, based upon 83.971 acres, at least 12.6 acres of common open space must now be provided, regardless of whether the Planning Commission now grants bonus density, or not. In fact, 14.8 acres of common open space is now proposed.
10 The Cecil County Subdivision Regulations define steep slopes as “15 percent or greater incline.” The Cecil County Zoning Ordinance defines steep slopes as consisting of a grade of 25% or more covering a contiguous area of 10,000 ft² or more. The Cecil County Forest Conservation Regulations define steep slopes as “areas with slopes greater than 25 percent slope.”
11 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.
No landscaping of the development envelope is required and no sidewalks are recommended in the NAR zone.

Bufferyard Standard C is required, outside the right-of-way, along the road frontages of Middle Road. A Bufferyard Standard A will be required adjacent to any adjoining property on which an agricultural operation is occurring.

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

The original FSD, approved on 7/8/94, expired. A new FSD was approved on 9/11/06.

The 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, with the metes and bounds description of the FRA being shown on the Final and Record Plats.

The road name Stanfield Drive was previously approved.

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

Covenants prohibiting the subdivision of the potential 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 as Note #15.

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

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6) **Baldwin Mill**, Lots 1-256, Concept Plat, MD Rte. 277 and Baldwin Church Road, McCrone, Inc., Third Election District.

Mike Pugh, consultant, Mike Burcham with McCrone and Mr. Julian, developer appeared and presented an overview of the project. Since the last appearance at a TAC meeting there have been some revisions made to the project, emergency access to the rear of the property being one of the revisions. Other changes made include geometric changes in the road alignment based on changes to the county code. This plan features the dual access lanes which connect the two separate pods. There are now multiple points of entry through the main access on Elk Mills Road and now an emergency access to the rear. This plan rests on the theory of obtaining water and waste water from Meadowview. They understand that is going to necessitate an amendment to the Master Water and Sewer Plan.

Mr. Burcham explained the emergency access in the rear of the property. The rear access will lead to MD Rte. 213. Mr. King asked if there would be a barrier put up to prohibit residence from using the access lane. Mr. Pugh said yes. It will be a gravel road. After getting input from Emergency Services, the decision would be made on what type of barrier to use.

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

1. 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 CCDPW prior to submittal for Final Plat Approval.
2. This parcel is not located within a 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.
3. There is no county sanitary sewer service in the immediate area. Connection to the Meadowview WWTP will be the Developer’s responsibility including obtaining all required easements and the installation of the sewer main between the site and the nearest existing manhole. The applicant is also responsible for all costs in doing so.
4. The Developer must also analyze the existing sanitary sewer main from the proposed point of connection to the WWTP to determine if adequate capacity exists in the line. This analysis must be submitted prior to the sanitary sewer plan submittal.
5. 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.
6. Has any consideration been given to the providing all or some portion of the potable water needs for this development on site (i.e. Aston Pointe or Villages at North East)? Yes.
7. The Developer 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.
8. The water distribution system proposed should provide for possible future connection capability to the lands west of this development.
9. The Developer is responsible to have the serving fire company review fire hydrant spacing and locations prior to final engineering drawings submittal.
10. An SHA access permit is required for the MD Rte 277 entrance.
11. Any Road Code Variances sought must be requested prior to submittal for Preliminary Plat approval.

12. Lots 1 & 48 are denied direct access to Mill Pond Lane.

13. All lots must access the less major road frontage and be denied direct access to the more major road.

14. All proposed minor roads must be closed section with a minimum 30’ pavement width and all proposed minor collector roads must be closed section with a minimum 32’ pavement width.

15. Proposed Lots 26-28 and 104-109 will have limited access due to the boulevard island. The plan mandates u-turn maneuvers, which are not recommendable, for these residents to either ingress or egress their driveways.

16. Why have proposed the islands located in Mill Pond Lane & Baldwin Mill Way? If the Planning Commission allows their use the islands would be common open space. The County ROW will end at the inside edge of the curb. Plantings and signage located in these islands must not interfere with sight distance requirements of these roads.

17. The Department has concern that the proposed Mill Pond Lane provides sufficient queuing potential for the number of AM/PM peak hour traffic loading generated by this development. Applicant’s engineer must provide a queuing analysis demonstrating the ability of Mill Pond Lane and Weave Mill Way to handle this loading prior to submitting the preliminary plat for TAC review.

18. Pre-design geotechnical evaluation and borings along the proposed road stream and wetlands crossings is required, along with specific remedial recommendations for subsurface drainage and street sub grade placement.

19. The structure on Baldwin Mill Way crossing over the unnamed perennial stream must be approved as part of the road plan approval 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.

20. Likewise the structures crossing the intermittent stream on Baldwin Mill Way, Hoagland Lane, and Elk Mills Way East must be approved as part of the road plan approval passing the 25 year storm without overtopping.

21. What is envisioned for the proposed 25’ wide emergency access? Possibly a break away barrier or a keyed gate. The HOA must maintain this area.

22. Show any private stormwater management and stormwater management outfall easements across common open space on preliminary and final plats.

23. What is the proposed disposition of the structures and driveway on Lots 231 & 232? The Sherman property has a life estate. The structure on Lot 232 will remain until the life estate is extinguished then it will be taken down.

24. 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:

24.1 The Final Plat Lot Grading, Sidewalk Maintenance, and Lot Grading Plan Construction Limits Notes.


24.3 Requirements for Utility relocations.

24.4 Requirements for Public Works Agreements.

24.5 Requirements for Stormwater Inspection and Maintenance Agreements.

24.6 Requirements for County Roads.

24.7 Requirements for Driveways.

24.8 Requirements for Sewer Service Cleanouts – Location.
24.9 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.

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 & 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 Elk Mills 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. 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.

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.

Mr. King, SHA read the comments of the department. See attached.

Mr. Graham, Citizen’s Representative had no comments.

Mr. Moore, DEH read the comments of the department. See attached.

Mr. Di Giacomo gave Mr. Burcham the soil maps and reports from SCS.

Mr. Di Giacomo stated on behalf of MDE, if public water is available, a water appropriation and use permit will not be required for final plat.

Mr. Di Giacomo asked on behalf of Mr. Markwardt, BoE, what are the propose size and cost of the homes. Mr. Julian said the size would be between 2000 and 2800 square feet and the price will be in the low to mid 300,000.

Mr. Di Giacomo stated on behalf of Mr. Kyte, FA the concern of a possible flood event on the property and the accessibility for the emergency access and the possibility of a freight train passing or breaking down in the same scenario. The accessibility for the emergency personnel would not be able
to reach that area. Mr. Pugh acknowledged the concern and stated that this scenario would in most cases realistically never happen.

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

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

Zoning: SR

Density: The SR zone permits a maximum base density of 1 du/1 ac., or 2/1 with community facilities. This Concept Plat\(^{12}\) proposes 256 lots on 243.4 acres, for a proposed density of 1.05/1.

A boundary line survey must be done in conjunction with the preparation of the Preliminary Plat for density calculation purposes. The property shape is inconsistent with those shown on Tax Map 21.

A note indicates that (per the SR zone’s requirements) the minimum lot size is 12,000 ft\(^2\). However, some proposed lots (e.g., 148-150) fall below the minimum SR lot size.

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.\(^{13}\)

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’. Segments of the perennial stream are shown outside the floodplain.

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 JD must be done prior to preliminary plat review by the Planning Commission. What is the character of the stream crossing? Mr. Burcham stated it will be an open bottom culvert structure about 6ft. wide.

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

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

\(^{12}\) A virtually identical proposal was reviewed by the TAC in October, 2005.

\(^{13}\) The Cecil County Subdivision Regulations define steep slopes as “15 percent or greater incline.” The Cecil County Zoning Ordinance defines steep slopes as consisting of a grade of 25% or more covering a contiguous area of 10,000 ft\(^2\) or more. The Cecil County Forest Conservation Regulations define steep slopes as “areas with slopes greater than 25 percent slope.”
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.

Buffyard 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 buffyward 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, with the metes and bounds description of the FRA being shown on the Final and Record Plats.

The following proposed road names have been DISAPPROVED:

- Baldwin Mill Court
- Elk Mills Green
- Elk Mills Way East
- Elk Mills Way West
- Feeder Canal Lane
- Louise’s Mill Lane
- Mill Pond Lane
- Mill Race Way
- Weave Mill Green

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

A Traffic Impact Study (TIS) is required to be completed prior to the TAC’s review of the Preliminary Plat. 256 (was 248) lots with only one entrance raises design and emergency service response questions. Should an emergency incident include an incapacitated train blocking the Johnson Lane grade crossing, then portions of this development could be rendered inaccessible.
The TIS should verify that Mill Pond Lane would have adequate queuing capacity at the peak hours, as now designed. Has the feasibility of other access points, including from I-95, been fully investigated? Yes.

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.

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

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

The contiguous operating farm notice has been provided as Note #17.

Has a stub road/utility easement been considered between proposed Lots 221 & 222? Mr. Burcham said that is access to open space. They could define it as an easement for utilities.

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

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The February TAC meeting adjourned at 11:35 a.m.

Respectfully submitted,

Jennifer Bakeoven
CECIL COUNTY TECHNICAL ADVISORY COMMITTEE
Thursday, March 8, 2007, 9:00 a.m.
(Originally scheduled for Wednesday, March 7, 2007.
Rescheduled due to inclement weather)
County Administration Building
107 North Street, Elkton, Maryland

Present:   Di Giacomo, Tony (CCP&Z), Woodhull, Mark (CCDPW), Brown, Chris (CCSCS),
Graham, Daniel (Citizen’s Representative), Kite, James (FA), Bakeoven, Jennifer (CCP&Z)

Absent:  Cwiek, Philip (USACoE), Ouano, Jun (Delmarva Power), Markwardt, Bob (CCBoE),
Latham, Cynthia (MDE), Kyte, Jim (FA), King, Butch (SHA), Von staden, Fred, (DEH)

Mr. Di Giacomo called the meeting to order at 9:02 a.m.

1) The Estates at Autumn Ridge, Section 2, Lots 6 & 7, Preliminary Plat, Shady Beach Road,
American Engineering and Surveying, Inc., Fifth Election District.

Tim Granger with American Engineering and Surveying and Douglas Day, owner appeared and
presented an overview of the project. Mr. Granger stated that this was originally a minor subdivision
(# 3420) which was approved in 2003. The concept plat for Section 2 was approved on December 21,
2006. No bonus density is requested for this project and no COS is required. Mr. Granger explained
that they have attempted to get the Corp of Engineers out to the site to complete a JD. The Corp. has
shown reluctance on completing a JD. Mr. Granger is preparing to ask the Planning Commission if
they would be willing to waive the JD requirement for this site. There are no wetlands on this site.
Mr. Day passed out a booklet with pictures of the property including a ditch that runs across the
property. He was showing the committee the affects of a snow and rainstorm on the ditch and the fact
that there was no standing water left from the rain. He does not believe the ditch could be considered
any type of perennial or intermittent stream.

Mr. Di Giacomo said in his opinion, given the current situation regarding the JD, it should not prevent
an approval of a Preliminary Plat.

Mr. Woodhull, DPW read the comments of the department:
1. A SWM plan and a Mass & Final Grading plan must be approved by the CCDPW prior to
   submittal for Final Plat Approval. The fees for design review of this project must be provided at
   the time of first design submittals.
2. Sight distance measurements will be required for the proposed shared driveway for Lots 6 & 7.
   The proposed driveway centerline location must be marked in the field.
3. The following standard notes and requirements apply to this plat and project: The details of these
   notes and requirements will be identified in the record but will not be read at this time:
   3.1 The Final Plat Lot Grading Note and the Lot Grading Plan Construction Limits Note.
   3.3 Requirements for Utility relocations.
   3.4 Requirements for Stormwater Inspection and Maintenance Agreements
   3.5 Requirements for Driveways.

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.

5. All driveways must be paved at least to the right of way.

Mr. Brown, CCSCS read the comments of the department. See file.

Mr. Graham, Citizen’s Representative had no comment.

Mr. Di Giacomo provided the applicant with a copy of the reports from P&Z, CCSCS, CCBoE, SHA, MDE and DEH. See file.

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

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

Zoning: NAR

Density: The Concept Plat, proposing 1 3 lots on 24.7436 acres, for a density of 1/8.25,2 was approved on 12/21/06, conditioned on:
   1) The boundary line survey being completed prior to the TAC’s review of any Preliminary Plat;
   2) Documentation of the JD’s completion being submitted prior to the Planning Commission’s review of the Preliminary Plat;
   3) The PFCP being approved prior to the Planning Commission’s review of the Preliminary Plat;
   4) A waiver of the Bufferyard C requirement being granted in the interest of better preserving the rural character of the area; and
   5) The Title Block being amended to include Lot 1A.

“Section 1” was created by Minor Subdivision # 3420.

One of the conditions of Concept Plat approval was that the title block be amended to include Lot 1A. That has not been done.

General Note # 9 indicates that the boundary line survey has been completed.

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1 §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.
2 Thus, bonus density is not an issue.
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.³

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. What progress has been made with the JD? ⁴ The JD hasn’t been completed due to the fact that the Corp. has been reluctant to come out to the site.

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 and no sidewalks are recommended in the NAR zone.

The otherwise required Bufferyard Standard C was waived by the Planning Commission in the interest of better preserving rural character. A Bufferyard Standard A is shown along the boundary with the lands of Perovich. Where feasible, the natural vegetative equivalent may be used to satisfy the bufferyard requirements. Where is the adjacent agricultural operation notice? It is absent from the plat. Mr. Di Giacomo recommends that it is presented prior to the Planning Commission.

The FSD was approved on 12/5/06.

The 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, with the metes and bounds description of the FRA being 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

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 A Jurisdictional Determination (JD) must be done prior to preliminary plat review by the Planning Commission. However, 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. Currently, the Corps of Engineers advises that JDs are on “hold” pending resolution of the implications of a recent Supreme Court decision. Under those uncertain circumstances, staff will recommend that any approval of a Preliminary Plat prior to said resolution contain a condition that documentation of the completed JD be submitted if JDs are once again performed.
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.

**School information:**

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Mr. Kyte, FA had no comments.

2) **Chestnut Point Marina,** Lots 1-110, Concept Plat, Chestnut Point and Carpenters Point Roads,
Vollmer Associates, LLP, Fifth Election District.

Jim Gade and Cindi King with Vollmer Associates and Bob Welsh, representative for the owners of
the property appeared and presented an overview of the project. This plan consists of 110 residential
units and a proposed clubhouse marina. Mr. Gade said there are no zoning variances required for this
project and they also meet density requirements. Public water and public sewer are proposed for this
plan. In respect to the public sewer, the plat presented shows a pump station. Recently, they have
gotten indication that there is the potential of public sewer being available to this site. The pump
station shown on the plat will in turn represent a back up for the public sewer.

Mr. Di Giacomo stated that there will be variances required. They include a variance for all of the
lots proposed in the flood plain and because Chestnut Point Road is a private road, there will also be a
variance required for those lots accessing Chestnut Point Road.

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

1. How is water to be supplied to this development? Public water and sewer. The CCDPW assumes
that the water supply for this development will be provided by a private source. Therefore we
recommend that the Planning Commission condition any approval on the water system being
designed and built to County Standards. The water lines must be reflected on the sanitary sewer
plans and as-builts

2. A SWM plan, Road & Storm Drain plan, Sanitary Sewer plan, Water Distribution System plan,
and a Mass and Final Grading plan must be approved by the CCDPW prior to submittal for Final
Plat Approval.

3. How do you intend to address SWM quantity & quality control for Lots 53-62 & 70-110? Their
initial concept is to get a swale run along the back of the property to direct it to the SWM. Careful
design must be used in developing the individual lot grading plans to address stormwater run-off
impacts on down stream lots as well as the marina area.

4. No SWM facilities may be located within the 100-Year Flood Plain. This applies to the SWM
areas proposed adjacent to Lots 67 & 68.

5. The 100-Year Flood Plain line has been shown graphically and has not been tied to a contour.
The Department has a concern about possible impact on the SWM facility adjacent to Lot 67.
Because it could potentially be within the floodplain, an engineering analysis must be completed
to delineate the 100-year flood plain line by contour.
6. Identify all SWM conveyance easements on the preliminary & final plats.
7. Are the proposed roads to be private or public? Right now with the ROW they are going to be public.
8. The existing privately owned Chestnut Point Road will serve as the primary access for approximately 60% of the proposed lots. This traffic loading indicates that Chestnut Point Road be a Minor Collector standard road to accommodate it.
9. Who owns the existing ROW for Chestnut Point Road? Mr. Gade is unsure. Mr. Welsh said the Fronheisers and the Bowes own the road.
10. If the proposed roads are to be public, Chestnut Point Road must become a public road as well. Therefore the CCDPW requires that the applicant upgrade Chestnut Point Road to a minor collector or equivalent standard and deed it to the Cecil County BOCC. Chestnut Point Road must be terminated as a cul-de-sac bulb with access to the dwellings on Kirk Road maintained.
11. The geometry of the proposed intersection adjacent to Lots 13 & 14 is of concern to the Department. Mr. Gade said the geometry was to try to avoid the wetlands.
12. The roads & storm drains be designed to maintain access for emergency vehicles in the 100-Year Flood Plain.
13. All proposed roads must be closed section design according to the Road Code. However considering the majority of the site is in the Critical Area open section design may make more sense. The use of open section will require a Road Code Variance.
14. If open section is used the extent of the driveways proposed on the plat will require careful consideration of drainage ditch flows. The Developer would be required to install these piped driveway entrances at the same time as the roads.
15. Any Road code Variance request must be submitted prior to Preliminary Plat submittal.
16. Section 3.07.15 of the Road Code requires that Carpenters Point Road be upgraded to a Minor Collector Road or equivalent standard for 100’ either side of the proposed entrance locations. 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 developer must make a legitimate good faith effort to obtain all ROW required to accomplish these improvements. This effort must conform to Section 3.07.15 of the Road Code Guidance Manual. The applicant may seek a variance to these requirements if after these efforts the applicant is unable to obtain the necessary ROW.
17. Sight distance measurements must be provided at both entrances. The centerline of the proposed entrance must be marked on Carpenters Point Road to allow for departmental review.
18. The Department has serious concerns about the sight distance looking south from Chestnut Point Road.
19. Lot 26 must be denied direct access to Carpenters Point Road.
20. The Department strongly recommends that Lots 24 & 25 be relocated so as to access off of an internal street not Carpenters Point Road.
21. We recommend that a TIS be required. Depending on the outcome of the TIS the Department may require upgrade to the northern portion of Carpenters Point Road.
22. What if any development potential exists for the 12.73 acres of Parcels 134? What about for Parcel 568? Has the applicant met with the owners to discuss their desire to connect to this development’s internal streets? The developer’s intention is to speak with the owners of the said parcels.
23. If there is no additional development potential warranting interconnectivity the proposed streets must be terminated as cul-de-sacs at the property line.
24. 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 his own risk.

25. The Developer is responsible to submit an engineer’s preliminary layout for the subdivision public sewer, including any pumping stations, to the Department of Public Works at least thirty (30) days prior to TAC review of a preliminary plat.

26. The proposed sanitary sewer pump station must be located outside of the 100-Year Flood Plain and be on a fee simple lot dedicated to the Cecil County BOCC.

27. The sanitary sewer lines within this development must make maximum use of gravity flow.

28. All service connections must be at the road frontage of each lot.

29. A Benefit Assessment as well as Connection Fees will apply for these lots.

30. 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:

30.1 The Final Plat Lot Grading, Sidewalk Maintenance, and Lot Grading Plan Construction Limits Notes.


30.3 Requirements for Utility relocations.

30.4 Requirements for Public Works Agreements.

30.5 Requirements for Stormwater Inspection and Maintenance Agreements.

30.6 Requirements for County Roads.

30.7 Requirements for Driveways.

30.8 Requirements for Sewer Service Cleanouts – Location.

30.9 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 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 & 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 Carpenters Point 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. 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.

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.
Mr. Brown, CCSCS read the comments of the department. See file.

Mr. Graham, Citizen’s Representative had many concerns regarding this property. Mr. Graham stated that many of the neighbors had asked him to come down to the property and look at the condition that it was in. While visiting the land, Mr. Graham said the land was deplorable. The developer was asked if the owner of the land had a burning permit which in turn Mr. Welsh said not that he is aware of. Mr. Graham believes something is being burned on the property due to the debris left. Other debris is present on the land including trash, refrigerators, roofing, insulation, siding, piping, lumber, parts of trailers, etc. Another concern from a neighbor was lot 81. This lot is blocking the Krueger’s property. If this is built, they will have no access to get out of their property. Other neighbors said this land is bringing down the value of the homes. The proposed clubhouse looks as if it is located in the Critical Area. Mr. Graham asked Mr. Welsh if anything was being dumped into the bay. Mr. Welsh said no. Another neighbor is also worried because she just bought an adjoining property to build a retirement home but due to the condition of this property she doesn’t want to build.

Mr. Welsh apologized for the condition of the land and stated that they are in the process of cleaning up the land. He believes once this project is complete all the adjoining properties will be please with the final outcome.

Mr. Kyte, FA read comments given from Mr. Ron Daniels with the Charlestown Fire Department. Mr. Daniels wanted to know if they were planning to have either a water tower or some sort of water source. Mr. Gade stated they were bringing a public water source in from Artesian. It is assumed that the pressure would be great enough to put a fire hydrant there. Mr. Daniels would like to see at least 2 drafting tanks in the development if the pressure can not be achieved. He would also like to see all the roads with 25 ft of blacktop. Also the 2 dead end roads should have a cul-de-sac or the roads looped together. A 12 ft. wide fire land to the boat pier to support the weight of a fire truck is also requested. As far as Mr. Kyte’s review of the plans, he said if they are going to have open streets, please have at least 4 off the street parking spaces per house. He would also like to have a fire hydrant on every corner, 600 ft. from each other. Lastly, they would like to see no parking signs on the streets and the cul-de-sacs have at least 100 ft of black top.

Mr. Di Giacomo provided the applicant with copies of the reports from P&Z, CCSCS, CCBoE, SHA, DEH, MDE, Critical Area Commission, Charlestown Fire Company and pictures taken by the Cecil County Permits and Inspections Department taken of the property. See File.

Mr. Di Giacomo stated it would be in the best interest of the developer that the process of the clean up be accelerated prior to this plan coming before the Planning Commission.

Mr. Di Giacomo, P&Z read the comments of the department:
Upon inspection, this proposal was found not to be in compliance with §3.8 of the Subdivision Regulations regarding public notification signs. The sign was later installed.

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

Zoning: SR, MH, MB & LDA
This plat has a number of issues. §4.0.13 (n) 7 requires the computation of the Critical Area acreage, which could be gleaned from Site Data Note # 9 – which suggests the Critical Area acreage to be 28.6.

That figure, subtracted from the 36.86 acres cited in the Lot Table and Site Data Note # 1 yields a remainder of 8.26. After then subtracting the 7.401 non-Critical Area MH acres cited in Site Data Note # 9, one is left with 0.859 – which may be the unaccounted-for MB acreage.

However, there is no MB area shown on the plat, and Site Data Note # 9 states that the 16.150 MH & LDA acres do not include the wetlands. At least a portion of the commercial marina is zoned MB – contrary to what is shown. That must be corrected prior to any submission to the Planning Commission.

In addition, Site Data Note # 9 indicates that 112 lots, not 110, are proposed.

Density: The SR zone permits a base density of 1 du/ 1 ac., or up to 2/1 with community facilities. This Concept Plat proposes 24 dwelling units, which, if the acreage is 12.45, is a proposed density of 1.93/1.

However, since the zoning maps show that the commercial marina is zoned MB, the yet-to-be-revised acreage may yield an SR density greater than 2/1 – which is not allowed.

The MH zone permits a base density of 2 du/ 1 ac., or up to 4/1 with community facilities. This Concept Plat proposes either 88 or 86 MH zone dwelling units, which, if the acreage is 23.551, would yield proposed densities of 3.74/1 and 3.65/1, respectively.

A portion of this site is located within the Chesapeake Bay Critical Area, designated LDA.5

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.6

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’.

Site Data Note # 20’s declaration about buffer exemption is incorrect and must be removed. The Critical Area maps show that most of this site is buffer exempt, except for proposed Lot 68 and the unlabeled open space next to it. Therefore, the design will have to be modified, and it must be verified that the buffer does not need to be expanded.

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5 The maximum LDA density permitted is 3.99/1.
6 The Cecil County Subdivision Regulations define steep slopes as “15 percent or greater incline.” The Cecil County Zoning Ordinance defines steep slopes as consisting 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.”
What is the rationale for proposing SWM areas in the 100-year floodplain? Mr. Gade said they were just trying to find areas that could make it to the flood plain. Once the flood plain is adjusted, the SWM plan will also be adjusted.

A 25’ buffer is required around all non-tidal wetlands 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 if all dwellings proposed are single family detached. Areas of common open space must be consistently labeled and referenced as such. The plat’s Lot Table and Site Data Note # 12 both indicate that 10.74 acres of “common open space” are proposed; yet, the aggregate “open space” acreage taken from the plat totals 10.76 acres. What accounts for that discrepancy?

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. The C.O.S. sensitive areas threshold must be calculated and included on the Preliminary Plat.

The portion of the proposed 4.9 acres of “open space” that is zoned MB cannot be used to satisfy the common open space requirement of the SR and MH zones. In addition, strict conformity with §176.2.a, §176.2.c, and §176.2.d shall be required. No precedent could be found for a water area or marina to serve as common open space.

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

No more than 15% of the surface area can be impervious surface in the LDA. In the interest of limiting impervious cover, staff would support a proposal that did not include sidewalks, so long as there was pedestrian striping on the roads, for example.

Given the 15% impervious cover limitation, the two proposed unnamed roads forming the block that contains proposed Lot 30 is curious. The one in the Critical Area could be eliminated, thus also avoiding design conflict with §7.2.12.E.4.

No more than 20% of the forest or developed woodland may be removed. When less than 15% of the site is in forest cover, at least 15% of the gross site area shall be afforested. No structure shall exceed 35’ in height.

20% landscaping is required.

Bufferyard Standard C is required, outside the right-of-way, along the road frontages of Carpenter’s Point Road.

Rows of street trees with 10’ planting easements are required, outside the right-of-way, along both sides of all internal roads and Chestnut Point Road. Where feasible, the natural vegetative equivalent

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7 Any other type of dwelling would require 20%, per §30 and §26.3.b.
8 Analysis of Site Data Notes # 11 & # 12 reveals that the cited percentages are actually based upon 2 slightly different gross acreages.
9 This must be demonstrated on any Preliminary Plat.
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 (§5.1.C, Forest Conservation Regs.). An Environmental Assessment is required for that area in the LDA zone\textsuperscript{10}, with a Preliminary EA being approved prior to the 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 (§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), 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 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) must be completed prior to the TAC’s review of the Preliminary Plat.

What is the rationale for proposing 2 lots to directly access Carpenter’s Point Road? Simple layout to achieve density.

What is the rationale for the 2 proposed stub roads to the adjacent property to the north?

In addition, as Chestnut Point Road is a private road, lots can be created on it only after a Variance has been granted. What steps have been taken in that regard? No.

As Chestnut Point Road is a private road, 60% of the proposed lots, the clubhouse, marina, and adjacent access could be achieved only via a private road. That is unacceptable.

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 includes this area as W1 and S2.

Verification of water allocation and sewer capacity must be received for the single family and duplex sections prior to the Planning Commission’s review of the Final Plat.

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 Final Plat review. Documentation of all approvals for the system and the operator required by the Public Service Commission must be submitted prior to Final Plat review.

\textsuperscript{10} Which is exempt from the Forest Conservation Regulations per §3.2.B.
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 condominiums and lots/houses offered for sale.

The proposed clubhouse must be served by water & sewer systems approved by the Health Department. If the clubhouse, 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.

If the current commercial marina is intended for a community recreational facility, then §’s169 and 198 of the Zoning Ordinance must be adhered to.

Approximately 27 dwellings are proposed within the 100-yr. floodplain. Per §241.2.d (1), those building sites can be approved only after a Variance has been granted. What steps have been taken in that regard? None.

If the §241.2.d (1) variance application is successful, then the requirements of §243 must be strictly adhered to.

What is the significance of the well locations depicted on proposed Lot 2, near proposed Lot 78, and in the unnamed cul-de-sac? They are existing.

The contiguous operating farms notice has been provided as Note # 19.

What is the proposed disposition of the existing structures? The structures will be disposed of as soon as possible.

How will parcel 349 be accessed? How will the marina be accessed? They will provide the access even if they have to adjust some of the property lines.

The applicant was reminded of the Monday noon submission deadline for review by the Planning Commission this month. However, because of all the issues, including the public notification sign, it is recommended that a corrected Concept Plat first be submitted for TAC review.

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3) The Villages of Stoney Run, Lots 1-396, Concept Plat, Nazarene Camp Road, Morris & Ritchie Associates, Inc., Fifth Election District.

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11 If the proposed clubhouse is to be a private club, then it shall adhere to the requirements of §90, including a rezoning.
12 §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.”
James Keefer with Morris & Ritchie Associates and Peter O’Rourke, developer appeared and presented an overview of the project. They are proposing 234 detached single family homes and 162 town homes. They have provided a layout that preserves the wetlands that are on the site. The proposed community will be served with water from the Town of North East and the sewer from Cecil County.

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

1. A SWM plan, Street and 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 fees for design review of this project must be provided at the time of first design submittals.

2. 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-builts. All easements for the water lines must be reflected on the final plat.

3. More clearly identify stream buffers on the plat. The Department has concerns that several of the proposed SWM facilities may be partially located within a stream buffer, which is not allowed.

4. The inspection & maintenance as well as stormwater conveyance easements must be shown on the preliminary plat. The minimum width is 20’ but may need to be wider depending on the type of conveyance proposed.

5. The access to the SWM facility adjacent to Lots 56 & 57 will require clearing a route through the woods similar to what is shown for the facility adjacent to Lots 61-63. Show this clearing on the plat. Mr. Keefer stated they proposed to provide an access down the panhandles for Lots 56 & 57.

6. The typical layout for single family detached dwelling indicates that lots on average are 125’ to 135’ deep. This does not correctly reflect the typical single family lot proposed on this plat. The typical lot is closer to 100’ deep. Correct the typical layout to reflect this and its impacts on the building envelope assuming no change to the front & rear setback requirements.

7. As discussed with the applicant off site road improvements will be required on both Baron Road & Nazarene Camp Road. Has any progress been made on the protocol survey? Mr. O’Rourke said they have surveyed Nazarene Camp Road.

8. Fire Brick Way serves as access to 121 townhouses plus as connectivity to future development on the Montgomery Brothers property. This connectivity if & when made would allow for access to this development from Razor Strap Road. As such it can expect to see higher traffic loading than just that generated by the 121 townhouses.

9. The same holds true for Linda Lane with the exception of connectivity to the Jansen property.

10. As with other proposed townhouse developments (i.e. Persimmon Creek Sections IV & Stony Run Creek Estates) this Department has an issue with the number of parking spaces proposed for the townhouse section of this development. The approximately 2.67 spaces per unit does not appear to be adequate in light of the fact that both Linda Lane & Fire Brick Way will serve as collector roads accessing future development on adjoining properties as well as serving as a future second access to the existing County road network. At Persimmon Creek the developer proposes approximately 3.24 spaces per unit. The Department strongly recommends that the applicant consider providing more parking spaces to better meet the access issues of emergency services.

11. Fire Brick Way & Linda Lane must be terminated in temporary tee turnarounds until such time as they are extended onto the adjoining properties.

12. The Department has concern that the proposed unnamed entrance road provides sufficient queuing potential for the number of AM/PM peak hour traffic loading generated by this development. The
Applicant’s engineer must provide a queuing analysis demonstrating the ability of entrance road and Linda Lane to handle this loading prior to submitting the preliminary plat for TAC review.

13. The location of Lots 10 & 11 on the proposed boulevard entrance road is very poor planning that dictates u-turn movements to allow the residents of these two lots to gain egress to this development. The Department strongly recommends that the Planning Commission require that they no lots be allowed to front & access the boulevard entrance road.

14. Lots 9 & 12 must be denied direct access to the unnamed entrance road and this must be clearly indicated on the final & record plats as well as the lot grading plan.

15. Pre-design geotechnical evaluation and borings along the proposed road stream and wetlands crossings is required, along with specific remedial recommendations for subsurface drainage and street sub grade placement.

16. The structure on Mars Lane crossing over the unnamed perennial stream must be approved as part of the road plan approval passing the 100 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.

17. Likewise the structures crossing streams on Fire Brick Way must be approved as part of the road plan approval passing the 25 year storm without overtopping.

18. Closed section road is required per Section 2.07 of the Road Code.

19. Mars Lane and Linda Lane north of the proposed entrance must have 32’ wide pavement section while all minor roads serving single family detached dwellings must have 30’ pavement section.

20. What is proposed for the emergency access shown? Some sort of control access. Still looking into it.

21. All lots must access the least major road frontage available to it and be denied direct access to the more major road frontage. This must be clearly identified on the final & record plats as well as the lot grading plan.

22. The standard fee simple ROW dedication note is required for the Baron & Nazarene Camp Road frontages.

23. Extend the County ROW line across Dana Court indicating its status as a private mini road. Lots 205 & 211 must access Dana Court and be denied direct access to Dana Circle. The owners of Lots 205-211 must become members of a mini road maintenance association for Dana Court and their rights and responsibilities must be identified in the deeds for these lots.

24. The Fire Brick court cul-de-sac bulb is in non-compliance with Road Code as to its radius.

25. Any Road Code Variances sought must be requested prior to submittal of the Preliminary Plat to the Planning Commission for review.

26. 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 his own risk.

27. The nearest county sanitary sewer service is the Stoney Run Interceptor line. Connection to this main will be the Developer’s responsibility including obtaining all required easements and the installation of the sewer main between the site and the main. The applicant is also responsible for all costs in doing so.

28. The Developer must also analyze the existing sanitary sewer main from the proposed point of connection to the Washington Street Pump station to determine if adequate capacity exists in the line. This analysis must be submitted prior to the sanitary sewer plan submittal.

29. The Developer is responsible to submit an engineer’s preliminary layout for the subdivision public sewer, including any pumping stations, to the Department of Public Works at least thirty (30) days prior to TAC review of a preliminary plat.

30. Any pump station required must be located on a lot dedicated in fee simple to the Cecil County BOCC.
31. All sanitary sewer lines located outside or County ROW or deeper than 15’ must be ductile iron.
32. All easements for sanitary sewer lines must be reflected on the preliminary plat presented to the TAC.
33. 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:
   33.1 The Final Plat Lot Grading Note and the Lot Grading Plan Construction Limits Note.
   33.3 Compliance with Section 3.07.15 of the Cecil County Road Code.
   33.4 Requirements for Utility relocations.
   33.5 Requirements for Public Works Agreements.
   33.6 Requirements for Stormwater Inspection and Maintenance Agreements
   33.7 Requirements for County Roads.
   33.8 Requirements for Driveways.
   33.9 Requirements for Stopping Sight Distance
   33.10 Requirements for Private Mini Roads
   33.11 Requirements for Sewer Service Cleanouts – Location.
   33.12 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 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 directs that Baron Road & Nazarene Camp road must be upgraded to a Minor Collector Road Standard for a distance of 100’ either side of the proposed entrances. 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 Agreements are required for the sanitary sewer construction and county streets & storm drain construction.

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. All curves must comply with the Road Code (Section 3.04).The internal street grade leaving Weaver Meadows 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. Applicant must provide stopping sight distance measurements for the Baron Road & Nazarene Camp Road access locations to DPW prior to preliminary plat submittal. Mark the proposed entrance locations in the field by a survey stake or paint.

10. The private mini-road 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. 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.

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. 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. Di Giacomo stated that the department would encourage connectivity between all of the proposed developments named.

Mr. Brown, CCSCS read the comments of the department. See file.

Mr. Graham, Citizen’s Representative received an email from Mr. Jansen. His concern was the fact that there is only 1 proposed access to his property. His land has 2 substantial streams on almost all three sides. If this design is carried on, it would force Mr. Jansen to have to cross a stream causing significant environmental impact. He would like the developers to consider including a stub road access from the Villages of Stoney Run in the area of proposed Lots 82 & 83.

Mr. Kyte, FA said in regards to the Fire Brick Court cul-de-sac, he suggests they enlarge it and put open space in the middle of it. This would give the FD at least 28 ft. ROW road around the open space. He requests no parking signs be placed on the street. During the building process there needs to be makeshift street signs placed at every road so EMS can find their way around. Fire hydrant placement needs to be approved with the local FD.

Mr. Di Giacomo provided the applicant with the reports from P&Z, CCSCS, CCBoE, SHA, MDE and DEH. See file.

Mr. Di Giacomo asked on behalf of Mr. Markwardt, CCBoE what is the anticipated size and price of the units. Mr. O’ Rourke said the houses will be around 2500 sq ft. with around 3 to 4 bedrooms. The town homes will be 1500 sq. ft. with 2 to 3 bedrooms.

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

Zoning: RM

Density: With community facilities, the RM zone permits a density of 6 du/1 ac., or 12/1 for townhouses. This Concept Plat proposes 234 single family homes and 162 townhouses on approximately 137 acres, for a proposed density of 2.89/1.

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.13

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13 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.”
Slopes greater than 25% must be shown on the Preliminary Plat. Several proposed lots show significant steep slope encumbrance.

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’.\footnote{If necessary, 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, the Planning Commission may waive the expanded buffer if evidence is provided that this design would provide the same level of water quality or better.}

The lines representing streams, wetlands, and their buffers frequently converge. The 100-year floodplain has been shown – including the stream running outside its floodplain. The Preliminary Plat must accurately depict the floodplain, per §4.1.22 (i) & §4.1.22 (p). The SE-most SWM area appears to be 160’ from the stream, but there is no buffer depicted.

A number of SWM areas are just outside intermittent stream buffers. If those buffers are within FRAs, then they must be expanded to 50’, and the USGS quad maps show the intermittent stream between proposed Lots 218 & 229 to be a perennial stream, instead, requiring a minimum 110’ stream buffer.\footnote{If necessary, 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, the Planning Commission may waive the expanded buffer if evidence is provided that this design would provide the same level of water quality or better.}

A 25’ buffer is required around all non-tidal wetlands and intermittent streams present. Several proposed lots show significant areas of wetlands or buffers (9-10 & 27-29).

A number of proposed stream and wetland crossings are depicted. 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 for the single family dwelling section; 20% is required for the townhouse section. 50.2% 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 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 25% landscaping is required in the RM zone. The required (§29.5.a (2)) 25’ peripheral Bufferyard standard C has been shown. No parking areas, roadways, or accessory structures shall be permitted in the 25’ planted bufferyard.

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. How will street tree plantings be implemented in the townhouse section? They are presently working on it. Mr. Di Giacomo recommended them looking at other similar subdivisions with the same issues.

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. The fee-simple road dedication should also be shown.

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 road names Linda Lane, Dana Circle, Dana Lane, Dana Court, Mars Lane, & Charles Circle were disapproved. Alternative must be selected and approved by the County 911 Emergency Center prior to Planning Commission review of the Preliminary Plat.

A Traffic Impact Study (TIS) will be required to be completed prior to the TAC’s review of the Preliminary Plat. What is the rationale for proposing Lots 1-9 to be accessed directly from Baron Road? They think it is in keeping with the neighborhood. It also provides a better frontage for the subdivision.

Additional access points are proposed to the lands of Jansen and the lands of Montgomery Brothers. Also, emergency access has been proposed to Baron Road between proposed Lots 3 and 4. Has any coordination taken place with Jansen and Montgomery Brothers? Not as of yet.

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.

Building heights have been provided, per §29.4(c).\(^{16}\)

The minimum distance between townhouse structures shall be 60’ if the structures are face to face.\(^{17}\)

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\(^{16}\) The RM zone’s maximum building height is 35’.

\(^{17}\) The point of measurement shall be the exterior walls of the structures and does not include balconies or other architectural features.
Townhouse clusters 308-315 and 316-318, because of the peripheral bufferyard 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. All clusters would benefit if access easements were included between buildings.

The design of proposed townhouse lots 284 and 334 shows no parking in the fronts of the dwellings. That design could be an open invitation to future conflict among residents.

Per Site Data Note # 11, the number of proposed parking spaces is consistent with §’s 274 & 277 of the Zoning Ordinance and §4.0.13 (m) 3 of the Subdivision Regulations.

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.

Lot dimensions are required, per §4.0.13 (j). The “Typical Layout” schematics do include dimensions, but each lot must meet all dimensional standards.

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 is the rationale for proposing Dana Court as a private mini-road? The radius of the cul-de-sac is in keeping with the private mini road. The geometry works better.

*Mr. Keefer stated the FSD has been approved which identifies the stream being shown as a perennial stream as an intermittent stream. Mr. Di Giacomo asked Mr. Keefer if he could send the staff a copy of the latest USGS map.

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.

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.

School information:  Elementary   Middle   High School
### Bay View North East North East

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**4) Stony Run Creek Estates**, Lots 1-14 plus Remaining Lands, Revised Concept Plat, Razor Strap Road, McCrone, Inc., McCrone, Inc., Fifth Election District.

Mike Burcham with McCrone, Inc. appeared and presented an overview of the project. This plan was previously submitted and disapproved by the Planning Commission due to the lack of access on to the Mars property. There was no approved development adjoining those boundaries on the north and east of this parcel. Mr. Jansen, the owner of this property is interested in continuing seeking a concept plan just for the portion that directly adjoins the Silverado subdivision which is currently in design. This plan now proposes to do an add on subdivision as this plan would move forward essentially leaving 30 acres of land reserved for future development until the Villages of Stoney Run moves forward. They are proposing to eliminate the approved cul-de-sac location at the end of the Silverado subdivision and extend Stoney Run Creek Road to the North into Mr. Jansen’s property. This is 14 townhouse lots.

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

1. A SWM plan, Road & Storm Drain plan, a Sanitary Sewer System plan, and a Mass and Final Grading plan must be approved by the CCDPW prior to submittal for Final Plat Approval. The fees for design review of this project must be provided at the time of first design submittals.

2. 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-builts. All easements for the water lines must be reflected on the final plat.

3. How will overflow off street parking be addressed in the townhouse section?

4. The following standard notes and requirements apply to this plat and project: The details of these notes and requirements will be identified in the record but will not be read at this time:

   4.1 The Final Plat Lot Grading and Lot Grading Plan Construction Limits Notes.
   4.2 Requirements for Utility relocations.
   4.4 Requirements for Public Works Agreements.
   4.5 Requirements for Stormwater Inspection and Maintenance Agreements.
   4.6 Requirements for Final Plat - Public Sewer Allocation.
   4.7 Requirements for Sewer Service Cleanouts – Location.

**Notes and requirements identified for record:**

1. **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. Where determined necessary by the utility companies, the owner, the designer, or DPW, utility poles must be relocated at the Developer’s expense.
3. 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.
4. A Public Works Agreement is required for the streets & storm drainage constructions and for sanitary sewer.
5. An Inspection & Maintenance Agreement is required for the private SWM facilities.
6. The Developer must request and obtain a public sewer allocation from the Department of Public Works before submitting a final plat to the Cecil County Planning Commission for approval.
7. 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, CCSCS read the comments of the department. See file.

Mr. Graham, Citizen’s Representative had no comments.

Mr. Kyte, FA stated he was happy to see the amount of parking they have provided with this plan. Placements of hydrants need to be discussed with the local fire department. The cul-de-sac design is acceptable.

Mr. Di Giacomo provided the applicant with the reports from P&Z, CCSCS, CCBoE, MDE, DEH and SHA. See file.

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

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

Zoning: RM

Density: The RM zone permits a density of up to 12/1 for townhouses. This Concept Plat\(^{18}\) proposes 14 townhouse lots, common open space, right of way (including overflow parking spaces), and remaining lands\(^{19}\) on 45.3 acres, for a proposed overall density of 0.31/1.

When the Area Reserved for Future Development is discounted,\(^{20}\) the density (14 d.u.’s on 15.3 acres) becomes 0.92/1.

If the .51 acres of the Land of Montgomery Brothers, Inc. are part of this proposal, then that parcel number must be cited on the plat. In addition, there has been obvious coordination with the Silverado development. So, even though maximum densities are not sought, if the .51 acres of Montgomery Brothers land were included in the Silverado Preliminary Plat that was approved on 4/17/06, then those same acres cannot be used again in this density calculation.

That must be made clear on any plat submitted for review by the Planning Commission.

\(^{18}\) A version showing connectivity to Northwoods and the adjacent Mars property was presented to the Planning Commission, for information only, on 8/21/06. It was subsequently disapproved on 9/18/06.

\(^{19}\) Called “Lands Reserved for Future Development.”

\(^{20}\) This proposal calls for adding a portion of Parcel 526 to Parcel 749. The remainder of Parcel 526 would be the “Lands Reserved for Future Development.”
There are also questions relating to a) the validity of using the add-on ‘A’ acreage in this density calculation and b) the fact that converting the square footage of the area reserved for future development yields only 28.95 acres, not 30. These issues, too, must be resolved prior to any submission to the Planning Commission.

Stoney Run Creek Estates Concept Plats for the adjacent Mars property were reviewed by the TAC on 9/1/04 and again this morning. That reviewed this morning showed roadway connectivity to the area here shown as reserved for future development. All applicants are encouraged to coordinate their layout designs to ensure connectivity.

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.22

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.23

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

20% common open space is required; roughly, 31% is proposed.

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.

21 However, neither has ever proceeded to the Planning Commission.

22 The Cecil County Subdivision Regulations define steep slopes as “15 percent or greater incline.” The Cecil County Zoning Ordinance defines steep slopes as consisting of a grade of 25% or more covering a contiguous area of 10,000 ft\(^2\) or more. The Cecil County Forest Conservation Regulations define steep slopes as “areas with slopes greater than 25 percent slope.”

23 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.
Sidewalks are recommended along both sides of all internal roads. Bike lanes should also be considered.

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. How will the street tree landscaping be designed?

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

The FSD was approved on 9/11/06.

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, with the metes and bounds description of the FRA being shown on the Final and Record Plats.

Access to the rear yards of these proposed lots is made problematic by the peripheral bufferyard. How is that proposed to be overcome? There will have to be additional easements outside the bufferyard for access.

Fire hydrant locations and spacing must be finalized in consultation with the North East Fire Company and DPW.

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 W1 and S1.

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

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

Documentation of sewer allocation/capacity must be provided by the applicant prior to the Planning Commission’s review of the Final Plat.
Documentation of any necessary easement agreements with AT&T will be required prior to the Planning Commission’s review of any Final Plat. Any 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.

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The March TAC meeting adjourned at 11:02 a.m.

Respectfully submitted,

*Jennifer Bakeoven*
CECIL COUNTY TECHNICAL ADVISORY COMMITTEE
Wednesday April 4, 2007, 9:00 a.m.
County Administration Building
107 North Street, Elkton, Maryland

Present: Di Giacomo, Tony (CCP&Z), Woodhull, Mark (CCDPW), Brown, Chris (CCSCS), Graham, Daniel (Citizen’s Representative), von Staden, Fred (DEH), Bakeoven, Jennifer (CCP&Z)

Absent: Cwiek, Philip (USACoE), Ouano, Jun (Delmarva Power), Markwardt, Bob (CCBoE), Latham, Cynthia (MDE), Kyte, Jim (FA), King, Butch (SHA)

Mr. Di Giacomo called the meeting to order at 9:02 a.m.

1) Lands of Dana S. Corrin, Lots 1-3, Glebe Road, Concept Plat, Michael A. Scott, Inc., First Election District.

WITHDRAWN

2) Lands of Roger D. & Aletta F. Poffenbarger, Lots 1 plus Remaining Lands, MD Rte. 276 and Dr. Jack Road, Preliminary Plat, Will Whiteman Land Surveying, Inc., Sixth Election District.

Will Whiteman, Land Surveyor appeared and presented an overview of the project. There was some question on how to address the building restriction lines with the existing buildings that are located on them. Per the Planning Commission’s request Mr. Whiteman showed the normal building restriction lines for future construction. They are not moving the restaurant or the buildings to conform to the restriction lines. There were also some issues regarding cross easements so Lot 1 would have an easement to cross some of the Lands of Poffenbarger to allow ingress/egress. Mr. Poffenbarger would have the right to cross Lot 1 to access his property. There were some questions about some of the existing buildings. Mr. Moore, DEH stated at the Planning Commission meeting the building could stay until the need to repair or replace. There is a trailer that has to be removed that is located on the property line.

Mr. Woodhull, DPW read the comments of the department:
It appears that this subdivision is for the purpose of creating a new lot around existing structures. Any future development proposed on either Lot 1 or the Remaining Lands will require that a SWM plan and a Mass and Final Grading plan be approved by the CCDPW prior to approval of any building permits.

Mr. Brown, SCS read the comments of the department and supplied the applicant with the soil reports and maps.
Mr. Whiteman stated there will be no disturbance.

Mr. Graham, Citizen’s Representative had no comments.

Mr. von Staden, DEH read the comments of the department. See attached.
Mr. Whiteman stated that his client is Mr. Kelso. Mr. Kelso previously received 6ft. granted by the neighbor, Mr. Marshall. Presently, Mr. Marshall is willing to give Mr. Kelso 10ft. of his property.
Mr. Di Giacomo provided the applicant the comments from SHA and MDE. See file.

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

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

Zoning: BG

Density: The Concept Plat, proposing one plus remaining lands are proposed on 2.165 acres, including the .028 acre-add-on from Parcel 517, was approved on 2/20/07, conditioned on:
1) The requested setback modifications being granted;
2) All structures proposed to be removed being removed prior to recordation; and
3) The existing trailer straddling the new proposed property line being moved outside of both BRL’s prior to recordation.

This Preliminary Plat is consistent with the approved Concept Plat, and both proposed Lot 1 and the remaining lands meet the BG zone’s minimum lot size requirement.

Note # 5 indicates that the boundary line survey has been completed.

The restaurant on proposed Lot 1 is currently located across the property line, and 2 structures are located within the front and side BRLs. Therefore, the approval of the Concept Plat included the granting of the requested setback modifications.

On the remaining lands, a number of structures are shown inside the BRL. What will be their disposition? They will not be removed until repair or replacement is necessary.

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

Unless new construction is proposed, a JD will not be required. Any new construction will require a site plan, and the JD issue will be dealt with at that time.

This project is exempt, per §3.2N, as noted.

The BG zone’s landscaping and bufferyard requirements (including those covered in §187.2) will come into play when and if a site plan may be required.

Note # 11 indicates that the structures located in the septic reserve areas are to be removed. Is that for both Lot 1 and the remaining lands? Only Lot 1

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1 §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.
2 A number of trailers and structures that are currently within the BRL are proposed to be removed on proposed Lot 1.
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 any 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, with the metes and bounds description of the FRA being 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.

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

3) **Lands of Jessie Ray Butcher**, Lot 1, Theodore Road, Concept Plat, Will Whiteman Land Surveying, Inc., Seventh Election District.

Will Whiteman appeared and presented an overview of the project. Mr. Whiteman stated his client is Susan Holmes-Almquist. She is the daughter of Mr. Jessie Butcher. Mr. Butcher, at one time, owned 12.3 acres of land. A few years back there was a subdivision done for his son. That was done by virtue of a perpetual road maintenance agreement. Mr. Butcher would now like to give some land to his daughter. At the present time, the zoning permits 2 lots to access by virtue of a perpetual road maintenance agreement. That is what they are looking to do. The reason they are bringing it in as a concept plan is they didn’t want to get beyond this stage without knowing whether the Planning Commission will give them the density. This is a RR zone which is a 1/5 density. The Planning Commission has the ability to reduce that to a 1/3. That is what they are trying to accomplish.

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

1. A SWM plan and a Mass and Final Grading plan must be approved by the CCDPW prior to submittal for Final Plat Approval. The fees for design review of this project must be provided at the time of first design submittals.
2. The use of a Perpetual Road Maintenance Agreement implies that the lot being created is for a child or grandchild of the owners of Parcel 215. Is this the case? Yes.
3. 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.
4. The following standard notes and requirements apply to this plat and project: The details of these notes and requirements will be identified in the record but will not be read at this time:

   4.1 The Final Plat Lot Grading and Lot Grading Plan Construction Limits Notes.
   4.2 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. An Inspection & Maintenance Agreement is required for the private SWM facilities.

Mr. Brown, SCS read the comments of the department and provided the applicant with the soil report and maps.

Mr. Graham, Citizen’s Representative had no comments.

Mr. von Staden, DEH read the comments of the department. See attached.

Mr. Di Giacomo provided the applicant with the comments from MDE and SHA. See file.

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

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

Zoning: RR

Density: The RR zone permits a maximum base density of 1 du/5 ac and permits bonus density of up to 1du/3 ac. This Concept Plat³ proposes 1 lot plus remaining lands on 10.314 acres, for a proposed density of 1/5.17.

This property is situated in the 5th Election District, not the 7th. That must be corrected prior to any 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 ft² or more. On slopes between 15 and 25%, good engineering practices

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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.
shall be used to ensure sediment and erosion control and slope stabilization before, during and after disturbance activities.\textsuperscript{4} 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.\textsuperscript{5}

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

No common open space or landscaping of the development envelope is required. A Bufferyard Standard A will be required adjacent to any adjoining property on which an agricultural operation is occurring.

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

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

The plat indicates that this project is exempt, per §3.2K. The 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) any Landscape Plan must be approved prior to Planning Commission review of the Final Plat (§6.3.B(1)(a), Cecil County Forest Conservation Regulations).

Any 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 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.

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\textsuperscript{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 ft\textsuperscript{2} or more. The Cecil County Forest Conservation Regulations define steep slopes as “areas with slopes greater than 25 percent slope.”

\textsuperscript{5} 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.
Mr. Whiteman asked Mr. Di Giacomo if all subdivisions are required to get a JD. Mr. Di Giacomo said yes. Mr. Whiteman asked how the county is dealing with the fact that the Corp of Engineers aren’t giving out any JD’s. Mr. Di Giacomo said they have had some JD’s come in. Discussion ensued regarding JD’s.

4) Chestnut Point Marina, Lots 1-104, Carpenter’s Point and Chestnut Point Road, Revised Concept Plat, Vollmer Associates, LLP, Fifth Election District.

Cindi King and Jim Gade with Stantec Consulting and Bob Welsh, applicant appeared and presented an overview of the project. This is the second time this concept project has been brought before the TAC. The lots have decreased from 110 to 104. They have revised the plan to consider many of the recommendations from the last TAC. This project will be accessing public sewer and public water. Previously there were some issues regarding whether Chestnut Point Road would be a private road. They have decided to make it a public road. They do know they will need to obtain a variance for developing in the flood plain. They have also looked into the connectivity that was previously discussed. They have also removed some of the lots along Chestnut Point Road. Mr. Welsh brought an exhibit for the TAC regarding the trash and clean up process for this property. They have contracted Crouse Brothers to clean up the property and they have also gotten a burn permit as previously discussed at the last TAC meeting. Ms. King said they did revise the Critical Area buffer exemption and the MB zoning.

Mr. Di Giacomo provided the applicant with a copy of his comments along with a copy of the Critical Area comments.

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

1. The CCDPW assumes that the water supply for this development will be provided by a source other than the County. Therefore we recommend that the Planning Commission condition any approval on the water system being designed and built to County Standards. The water lines must be reflected on the sanitary sewer plans and as-builts.

2. A SWM plan, Road & Storm Drain plan, Sanitary Sewer plan, Water Distribution System plan, and a Mass and Final Grading plan must be approved by the CCDPW prior to submittal for Final Plat Approval.

3. Has any consideration been given as to where the proposed SWM pond discharges will be directed? The roadway system will either be an open or closed system. Depending on how that design runs is most likely where the discharge from the SWM is going to take those discharge points.

4. How do you intend to address SWM quantity & quality control for Lots east of and down gradient to the proposed SWM areas? Use of swales. Careful design must be used in developing the individual lot grading plans to address storm water run-off impacts on down stream lots as well as the marina area.

5. Where are the 1.2 acres of pervious pavement proposed in Note #20? The parking lot for the marina. The CCDPW will not allow the use of pervious pavement for any proposed County road. For the purpose of the SWM report this Department currently does not recognize this approach.
being counted as pervious surface in the post development water quality & quantity calculations. If the Developer wishes to pursue this use of pervious pavement outside of County ROW they will be responsible for obtaining acceptance of this approach from MDE before this Department will consider it.

6. No SWM facilities may be located within the 100-Year Flood Plain.

7. The 100-Year Flood Plain line has been shown graphically and has not been tied to a contour. An engineering analysis must be completed to delineate the 100-year flood plain line by contour to assure that the pump station is located outside of the 100-Year Flood Plain.

8. Identify all SWM access and conveyance easements on the preliminary & final plats. The minimum easement width is 20’ but may need to be wider depending on the type of conveyance proposed.

9. Is the marina proposed to be private or public? In either case there appears to be insufficient parking spaces provided in this plan. It is proposed to be private.

10. The existing privately owned Chestnut Point Road will serve as the primary access for approximately 60% of the proposed lots as well as the marina. This traffic loading indicates that Chestnut Point Road be classified a minor collector standard road from Carpenters Point Road to the intersection adjacent to Lots 56 & 95.

11. Therefore the CCDPW requires that the applicant upgrade Chestnut Point Road to a minor collector or equivalent standard from Carpenters Point Road to the intersection adjacent to Lots 56 & 95. From this intersection to the proposed cul-de-sac the road will be classified as a minor road and be upgraded to that or an equivalent standard. The applicant must deed entire length of Chestnut Point Road to the Cecil County BOCC and maintain access to Kirk Road (private) and the dwellings it serves.

12. The proposed road from the marina must be designed as minor collector road. This will also apply to the road it intersects from Lot 62 to Chestnut Point Road.

13. The approach angle geometry of the proposed intersection adjacent to Lots 13 & 14 and the intersection of Carpenters Point Road & Chestnut Point Road is of concern to the Department. Section 3.07.4 of the Road Code applies here.

14. The horizontal curvature of the proposed road adjacent to Lots 46-48 is also of concern to the Department as to the ability to obtain adequate sight distance along the curve.

15. The roads & storm drains be designed to maintain access for emergency vehicles in the 100-Year Flood Plain.

16. All proposed roads must be closed section design according to the Road Code. The use of open section will require a Road Code Variance.

17. If open section is used the extent of the driveways proposed on the plat will require careful consideration of drainage ditch flows. The Developer would be required to install these piped driveway entrances at the same time as the roads.

18. Any Road Code Variance request must be submitted prior to Preliminary Plat submittal.

19. Section 3.07.15 of the Road Code requires that Carpenters Point Road be upgraded to a Minor Collector Road or equivalent standard for 100’ either side of the proposed entrance locations. 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 developer must make a legitimate good faith effort to obtain all ROW required to accomplish these improvements. This effort must conform to Section 3.07.15 of the Road Code Guidance Manual. The applicant may seek a variance to these requirements if after these efforts the applicant is unable to obtain the necessary ROW.

20. The acceleration/deceleration lanes on Carpenters Point Road at both proposed intersections must be shown on the preliminary & final plats.
21. Sight distance measurements must be provided at both entrances. The centerline of the proposed entrance must be marked on Carpenters Point Road to allow for departmental review.

22. The Department has serious concerns about the sight distance looking south from Chestnut Point Road.

23. Section 3.08 B. of the Road Code requires that all driveways be a minimum of 75’ from intersections.

24. Do you intend to limit general access to the proposed 12’ wide emergency access way? Yes. It presents an inviting way to access the boat slips as no other means of ingress or egress to the docks are shown at this stage.

25. We recommend that a TIS be required. Depending on the outcome of the TIS the Department may require upgrade to the northern portion of Carpenters Point Road.

26. 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 his own risk.

27. The Developer is responsible to submit an engineer’s preliminary layout for the subdivision public sewer, including any pumping stations, to the Department of Public Works at least thirty (30) days prior to TAC review of a preliminary plat.

28. The sanitary sewer lines within this development must make maximum use of gravity flow.

29. Relocate the proposed sewer pump station further west in the open space to shorten the required permanent access road that must be provided to the pump station and this must be reflected on the preliminary & final plats. Odor & noise issues must also be considered in locating this facility. Mr. Gade reminded the TAC, this is only for purposes of a secondary plan.

30. Show all water lines, sewer lines, and access to the pump station within utility easements on the preliminary and final plats. The minimum easement width is 20’.

31. Due to the proposed lot sizes dwellings will be in close proximity to the side property lines the CCDPW will require that gravity sewer into and force main out of the proposed pump station be located in common open space not on individual lots. This is to avoid impacts to building foundations and landscaping during repair/maintenance operations as well as lessen the possibility of homeowners planting trees and/or bushes overtop of our utility lines.

32. All service connections must be at the road frontage of each lot.

33. A Benefit Assessment as well as Connection Fees will apply for these lots.

34. 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:

34.1 The Final Plat Lot Grading, Sidewalk Maintenance, and Lot Grading Plan Construction Limits Notes.


34.3 Requirements for Utility relocations.

34.4 Requirements for Public Works Agreements.

34.5 Requirements for Stormwater Inspection and Maintenance Agreements.

34.6 Requirements for County Roads.

34.7 Requirements for Driveways.

34.8 Requirements for Sewer Service Cleanouts – Location.

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

9. Developer must request and obtain a public sewer allocation from the Department of Public Works before submitting a final plat to the Cecil County Planning Commission for approval.

Mr. Brown, SCS read the comments of the department and provided the applicant with the soil maps and report.

Mr. Graham, Citizen’s Representative had received comments from the neighbors of the property. There has been no noticeable progress of the clean up of the property. Mr. Graham states Artesian Water has not yet signed onto this project. Some numbers have been spray painted on some of the buildings and the neighbors are curious to know what that may be. One of the buildings housed a stolen John Deer loader which brought the police out and it was removed from the site. The neighbors feel if things don’t straighten out soon, the building process will be just as bad as the clean up process. Mr. Graham then read aloud the letter from Crouse Brothers concerning the clean up of the property.

Mr. von Staden, DEH read the comments of the department. See attached.

Mr. Di Giacomo asked on behalf of Bob Markwardt, CCBoE what the price of the homes are going to be, what the square footage is going to be and the time frame for when they may be built. Mr. Welsh said the home would be between $395,000 and $500,000, the size of the homes would be between 2200-2400 square foot and the time frame for starting is 14-15 months. Mr. Welsh said they have already received phone calls regarding the interest in the concept plat. Mr. Di Giacomo explained that per § 3.4 of the subdivision regulation the sale of potential lots can’t take place this early in the process. Mr. Welsh said he understands.
Mr. Di Giacomo, P&Z read the comments of the department:
Upon inspection, this proposal was found to be in compliance with §3.8 of the Subdivision Regulations regarding public notification signs.

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

Zoning: SR, MH, MB & LDA

Per §4.0.13 (n) 7, the Critical Area (CA) acreages have been provided (Notes 9 & 10) for each zoning classification. The aggregate CA acreage is 29.442 (Note 18).

79 proposed lots are in the CA, resulting in a proposed CA density of 2.68/1, based on 29.442 acres. The LDA permits a density of up to 3.99/1.

Note # 19.C indicates that the total amount of impervious cover in the CA is 19.08%. That figure does not include the pump station or access path to it or any sidewalks. No more than 15% impervious cover is allowed in the LDA. Therefore, this design is ultimately not approvable without a Growth Allocation being granted.

Density: The SR zone permits a density of 1 du/ 1 ac., or up to 2/1 with community facilities. This Concept Plat proposes 22 DR dwelling units on 11.053 acres, for a proposed density of 1.99/1. If the 11.053 acres includes the water acreage where the boat slips are depicted, then that acreage must be deducted from the land acreage. That would likely raise the proposed SR density above permissible limits.

The MH zone permits a base density of 2 du/ 1 ac., or up to 4/1 with community facilities. This Concept Plat proposes 82 MH dwelling units on 24.221 acres, for a proposed density of 3.39/1. Again, if the 24.221 acres includes the water area where the boat slips are depicted, then that acreage must be deducted from the land acreage. That could raise the proposed MH densities above permissible limits.

No dwellings are proposed in the MB portion of the site.

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.

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6 If any portion of a lot is in the Critical Area, then the whole lot is included in the density calculation.
7 On the other hand, Note # 20 indicates that 15% is actually proposed.
8 For proposed lots one acre or less in size, the impervious cover limitation is 25%.
9 The Cecil County Subdivision Regulations define steep slopes as “15 percent or greater incline.” The Cecil County Zoning Ordinance defines steep slopes as consisting a grade of 25% or more covering a contiguous area of 10,000 ft² or more. The Cecil County Forest Conservation Regulations define steep slopes as “areas with slopes greater than 25 percent slope.”
A 110’ perennial stream buffer is required from all perennial streams present. This buffer shall be expanded to include contiguous areas of hydric soils, highly erodible soils, and soils on slopes greater than 15% -- to a maximum distance of 160’.

The CA buffer (for that portion of the property not exempt) has been shown. It remains to be determined if it must be expanded – which could affect proposed Lots 48 & 66.

A 25’ buffer is required around all non-tidal wetlands 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 JD must be done prior to preliminary plat review by the Planning Commission. One is referenced in Note # 17, but no copy has yet been submitted for the file.

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

15% common open space is required if all dwellings proposed are single family detached. Areas of common open space must be consistently labeled and referenced as such.

The plat’s Lot Table indicates that 12.01 acres of “open space/boat slips” are proposed. Site Data Note # 11, on the other hand, indicates that 9.903 acres of “open space” are proposed, excluding parking areas and boat slips.

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 threshold must be calculated and included on the Preliminary Plat.

Strict conformity with §176.2.a, §176.2.c, and §176.2.d shall be required. Almost 200 proposed boat slips with only 104 proposed lots suggests a commercial marina use.

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

No more than 15% of the surface area can be impervious surface in the LDA. In the interest of limiting impervious cover, staff would support a proposal that did not include sidewalks, so long as there was pedestrian striping on the roads, for example.

Given the 15% impervious cover limitation, the 2.028 acres of mislabeled common open space outside the CA is curious.

No more than 20% of the forest or developed woodland may be removed. When less than 15% of the site is in forest cover, at least 15% of the gross site area shall be afforested. No structure shall exceed 35’ in height.

20% landscaping is required.

Bufferyard Standard C is required, outside the right-of-way, along the road frontages of Carpenter’s Point Road.

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10 Any other type of dwelling would require 20%, per §30 and §26.3.b.
11 The portion of the proposed 4.9 acres of “open space” that is zoned MB cannot be used to satisfy the common open space requirement of the SR and MH zones. No precedent could be found for a water area or marina to serve as common open space.
12 This must be demonstrated on any Preliminary Plat.
Rows of street trees with 10’ planting easements are required, outside the right-of-way, along both sides of all internal roads and Chestnut Point 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 FSD must be approved prior to Planning Commission review of the Concept Plat (§5.1.C, Forest Conservation Regs.). An Environmental Assessment is required for that area in the LDA zone13, with a Preliminary EA being approved prior to the 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 (§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), 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 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) must be completed prior to the TAC’s review of the Preliminary Plat.

As Chestnut Point Road is a currently private road, lots can be created on it only after a Variance has been granted. What steps have been taken in that regard? It will be a public road.

As Chestnut Point Road is a private road, 60% of the proposed lots, the clubhouse, marina, and adjacent access could be achieved only via a private road. That is unacceptable.

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 includes this area as W1 and S2.

Verification of water allocation and sewer capacity must be received for the single family and duplex sections prior to the Planning Commission’s review of the Final Plat.

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 Final Plat review. Documentation of all approvals for the system and the operator required by the Public Service Commission must be submitted prior to Final Plat review.

13 Which is exempt from the Forest Conservation Regulations per §3.2.B.
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 condominiums and lots/houses offered for sale.

The proposed clubhouse must be served by water & sewer systems approved by the Health Department. If the clubhouse, 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 be required. Any major site plans must be approved prior to Final Plat approval(s).\textsuperscript{14}

The requirements of §291 and Appendix A of the Zoning Ordinance must be adhered to.

If the former commercial marina is intended for a community recreational facility, then §’s169 and 198 of the Zoning Ordinance must be adhered to. There are almost twice as many proposed slips depicted as lots. A commercial marina will require a rezoning.

Approximately 23 dwellings are proposed within the 100-yr. floodplain. Per §241.2.d (1), those building sites can be approved only after a Variance has been granted. What steps have been taken in that regard? Nothing yet.

If the §241.2.d (1) variance application is successful, then the requirements of §243 must be strictly adhered to.\textsuperscript{15}

Fire hydrant locations must be selected in consultation with DPW and the Charlestown Fire Company.

What is the significance of the well locations depicted?

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

What is the proposed disposition of the existing structures? They will be removed.

How will the marina area be accessed, especially emergency access?

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

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<th>High School</th>
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Mr. Woodhull stated the number of parking spaces currently shown at the marina raise concerns regarding the adequacy of spaces. Due to the small size of the lots, parking may be an issue.

\textsuperscript{14} If the proposed clubhouse is to be a private club, then it shall adhere to the requirements of §90, including a rezoning.

\textsuperscript{15} §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."
Mr. Di Giacomo stated that this project is up against two challenges. One being the impervious cover limitations and the other being adequate parking. The impervious cover limitation is going to outweigh the adequate parking issue. If this marina is proposed as a commercial marina and they don’t have the rezoning the Planning Commission can’t approve a project that proposes a use that is inconsistent with the zoning. Mr. Welsh said they plan to provide 2 boat slips per house. The intent is for it to be for this community. Mr. Di Giacomo asked Mr. Welsh what the rationale is for providing two boat slips per house. Mr. Welsh explained this project is very unique due to the fairly affordable housing with the availability of the numerous boat slips. Surrounding states don’t offer anything close to what this project could offer.

5) **Principio Station, Town of Perryville**, Lots 1-5, Major Site Plan, MD Rte. 40, Preliminary Plat, Morris & Ritchie Associates, Inc., Seventh Election District.

Megan Virts with Morris & Ritchie Associates, Inc., and David Hill, owner and developer appeared and presented an overview of the project. This piece of land consists of 10.95 acres comprised of 3 different lots on record. This is part of a Planned Unit Development that was approved by Perryville as a Mixed Use Development. They are proposing five different use types and realigning the lot lines to provide a lot for each of those uses. The uses proposed in this project are a movie theater, a bank, a sit down restaurant, a drive through restaurant and a mixed office/retail facility. Included in this project is a proposed road named Woodland Station Way, this road name may be changed to Principio Station Way. Mr. Hill said this project phase one is approved, phase two is also approved, the sewer lines from Rte 7 is approved and they just received final mylar approval on the stormwater. He also provided updated information on the TIS that was completed on the project.

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

1. A SWM plan, Street & Storm Drain plan, and a Mass & Final Grading plan must be approved by the CCDPW prior to submittal for Final Plat Approval. The Street & Storm Drain plan will address all work associated within the County’s ROW for the proposed intersection between Coudon Boulevard and the parking lot. The fees for design review of this project must be provided at the time of first design submittals.

2. The Department understands that the Town of Perryville will own the water distribution system & sanitary sewer system in this development. The CCDPW recommends that both systems, 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.

3. A SWM plan, Mass & Final Grading plan, and Road & Storm Drain plan must be approved by the CCDPW prior to the Department recommending Final Plat approval to the Town of Perryville.

4. Where do you intend to direct the discharge from the proposed SWM pond on the west side of Coudon Boulevard? There is a culvert that crosses Coudon Blvd. north of the pond. Mr. Hill believes the stream runs all the way through his property down to Rte. 7. If it does not directly outlet into a defined conveyance on this site the Developer is required to obtain the appropriate easements to allow conveyance of this stormwater across any and all properties necessary to connect to a defined conveyance.

5. Has any consideration been given as to how this discharge may impact the SWM facilities for the Perryville Middle School? It will be looked into.

6. In regards to Note 10, the CCDPW will require that the proposed SWM ponds serving this site be constructed prior to or as part of this commercial development. Are the conveyance & SWM
facility identified as “future by others” sized to accommodate the proposed runoff from Lots 3 & 4?

7. The plat indicates some portion of the conveyance to the two SWM ponds as being “future by others”. However the CCDPW will require that be installed prior to or be as part of the storm drain system for this commercial development.

8. Who are the “others” referred to on the plat? The Woodlands.

9. Will the owner(s) of the commercial lots be part of the Planned Unit Development Homeowners Association maintaining the SWM facilities that treat runoff from Lots 1-5? No.

10. The design engineer must address the requirement for acceleration, deceleration and bypass lanes associated with the proposed entrance.

11. In accordance with CCDPW requirements the proposed entrance has been laid out to only allow “right in / right out” vehicular movements.

12. Sight distance measurements for the proposed entrance must be submitted with the Street & Storm Drain plans for review by CCDPW.

13. A Traffic Management plan for all work impacting Coudon Boulevard must also be submitted to the CCDPW for review.

14. Any water or sanitary sewer lines proposed within the County ROW must be located within a utility easement.

15. 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:

15.1 The Final Plat Lot Grading and Lot Grading Plan Construction Limits Notes.


15.3 Requirements for Utility relocations.

15.4 Requirements for Public Works Agreements.

15.5 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 a note indicating that sidewalk maintenance will be required of the adjacent property owner (if sidewalks are required). The Lot Grading Plan must include the standard construction limits note.

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

   b. Grading Plan: “No clearing or grading is permitted beyond the limits of disturbance 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 construction within the County ROW.

5. An Inspection & Maintenance Agreement is required for the private SWM facilities.

Mr. Brown, SCS read the comments of the department and provided the applicant with the soil maps and report.

Mr. Graham, Citizen’s Representative had no comment.
Mr. von Staden, DEH read the comments of the department. See attached.

Mr. Di Giacomo provided the applicant with the comments from MDE.

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

This site plan is proposed 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 Office of Planning & Zoning’s comments and questions relating to this Site Plan are as follows:

- **Town Zoning:** C2 (existing); MUD (proposed).

- Has any consideration been given to creating additional bicycle or pedestrian access? Yes, they are preparing to provide an access along the side of the theater through to the residential area. They have also discussed adding crosswalks near both entrances to provide access from the library.

- It is recommended that sidewalks be given favorable consideration.

- It is recommended that a traffic impact study (TIS) be required or updated. Of particular concern is safety, owing to the anticipated mix of heavy trucks (on Coudon Blvd.) with pedestrians, bicyclists, school buses and automobiles.

- In addition, given this proposed layout, the traffic from US 40 generated by restaurant #2 (with the drive-through feature) will need to traverse the entire site to access the restaurant because of the right-in, right-out only access from Coudon Blvd. Perhaps the locations of the 2 restaurants should be switched. That way, workers and patrons of the bank, retail shops, and offices would have a shorter, safer walk to the restaurant, and interior traffic volumes could be reduced.

- The proposed road name “Woodlands Station Way” has been approved. None of the interior thoroughfares have had names proposed. How will businesses be addressed? Most likely suite or unit numbers for the office building and addresses for the others.

- Proposed Lot 2 is confusing. The heavy solid line indicates that a portion of the ground level will be used for parking, with offices on top. But an unexplained (Phase II?) heavy dashed line suggests that all ground level parking.

- It should be confirmed that the setbacks, FARs, lot sizes, and lot widths are consistent with the Town’s Zoning Ordinance for the C2 and MUD zones.

- It is recommended that the plat 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.

- A 25’ buffer is recommended around non-tidal wetlands, as shown. Permits are required from the (US Army) Corps of Engineers and MDE for any non-tidal wetland impacts or stream crossings prior to recordation.
• 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.

• A Bufferyard D is depicted between the proposed multiplex cinema and the adjacent townhouses. Nevertheless, a detailed lighting plan should be reviewed by the Town prior to final Site Plan approval.

• 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.

• Since Cecil County and the Town of Perryville have not signed an “Assigning Obligations Under the Forest Conservation Act” agreement, such reviews are performed as a courtesy to the Town.\textsuperscript{16} Nothing has yet been submitted.

• 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.

• This design includes a number of intersections in very close proximity to one another. A careful examination of MUTCD signage utilization is recommended.

• 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. There is an obvious conflict between the parking and traffic flow to the drive-through at restaurant #2. Therefore, the cited 24 spaces to the east of that restaurant may not be achievable.

• That is also the location of a dumpster access/parking/traffic flow conflict.

• The number of ADA parking spaces are required should be confirmed.

• 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 by the Perryville Volunteer Fire Company with respect to the development layout and fire hydrant locations.

• 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.

\textsuperscript{16} An FSD and an FCP were approved for this (Map 800, Parcel 622) and the adjacent parcel owned by Woodlands-Coudon, Inc. (Map 34, Parcel 43) on 7/18/02, but in conjunction with and for the limit of disturbance of the Perryville Connector Road project.
• Sewer allocation should be confirmed by the Town of Perryville’s 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.

• What is the significance of the 500’ highway corridor limit for this proposal? It doesn’t directly affect this project but they wanted to have it represented on the plat.

• When will the proposed zoning change be required? Is this design achievable without the zoning change? The zoning has already changed.

• It is recommended that any necessary variance or special exception numbers be shown on the plat.

• It is recommended that protective fencing be considered around the stormwater management ponds.

Mr. Hill asked if they see any problem with an excess to the stormwater coming off of the feeder road almost parallel to the school. Mr. Woodhull said DPW would prefer them to come off of school access road.

The April TAC meeting adjourned at 11:00 a.m.

Respectfully submitted,

Jennifer Bakeoven
CECIL COUNTY TECHNICAL ADVISORY COMMITTEE  
Wednesday May 2, 2007, 9:00 a.m.  
County Administration Building  
107 North Street, Elkton, Maryland

Present:   Di Giacomo, Tony (CCP&Z), Woodhull, Mark (CCDPW), Brown, Chris (CCSCS), Graham, Daniel (Citizen’s Representative), von Staden, Fred (DEH), Latham, Cynthia (MDE), Kyte, Jim (FA), Bakeoven, Jennifer (CCP&Z)

Absent:  Cwiek, Philip (USACoE), Ouano, Jun (Delmarva Power), Markwardt, Bob (CCBoE), King, Butch (SHA)

Mr. Di Giacomo called the meeting to order at 9:06 a.m.

1) **Lands of Ronald R. and Sarah F. King**, Lots 1-4, Firetower Road, Preliminary Plat, Will Whiteman Land Surveying, Inc., Sixth Election District.

Will Whiteman, Land Surveyor appeared and presented an overview of the project. This project consists of 25 acres of land to create 4 lots with each lot being over 2 acres. A sight distance was completed on Firetower Road based on information from DPW. They have more than enough at that design speed.

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

1. A SWM plan and a Mass & Final Grading plan must be approved by the CCDPW prior to submittal for Final Plat Approval. The fees for design review of this project must be provided at the time of first design submittals.
2. The proposed use of a Perpetual Road Maintenance Agreement (PRMA) to provide access to Lots 1 & 2 implies that these lots are to be conveyed to children or grandchildren of the property owner who would retain ownership of Lot 3.
3. The deed language for Lots 1-4 must include the rights and responsibilities of each lot owner in relationship to the common access provided either by PRMA or easement.
4. The following standard notes and requirements apply to this plat and project: The details of these notes and requirements will be identified in the record but will not be read at this time:
   4.1 The Final Plat Lot Grading Note and the Lot Grading Plan Construction Limits Note.
   4.3 Requirements for Stormwater Inspection and Maintenance Agreements
   4.4 Requirements for Driveways.

**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.
4. All driveways must be paved at least to the right of way.

Mr. Woodhull added that the department doesn’t believe there are any problems with sight distance but he encouraged the applicant to submit the report.

Mr. Brown, CCSCS read the comments of the department and provided the applicant with the soil report and maps. Mr. Brown asked the applicant to check the soils on Lots 1 & 2 that are mislabeled.

Mr. Graham, Citizen’s Representative received a comments from Owen Thorpe regarding the overdevelopment in Cecil County.

Mr. Kyte, FA asked if there was any way to have a midway in a tee turnaround for emergency vehicles. The lane is around 1800 ft to the back of the development. The larger emergency vehicles will need room to turn around to exit the development.

Ms. Latham, MDE said a Groundwater Appropriation Permit will not be required.

Mr. von Staden, DEH read the comments of the department. See attached.

Mr. Di Giacomo read the comments for the CCBoE and stated this project is not located on a state highway therefore SHA has no comment.

Mr. Whiteman questioned the comments made by CCBoE regarding the speed limit plus 15 MPH for sight distance.

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

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

Zoning: NAR

Density: The Concept Plat\(^1\) proposing 4 lots on 25.511 acres, at a proposed density of 1/6.38,\(^2\) was approved on 12/18/06, conditioned on:

1) The boundary line survey being completed prior to the TAC’s review of any Preliminary Plat;
2) Documentation of the JD’s completion being submitted prior to the Planning Commission’s review of the Preliminary Plat; and
3) The PFCP being approved prior to the Planning Commission’s review of the Preliminary Plat.

The Board of Appeals granted Variance request 3268 to permit the creation of lots on this parcel with less than minimum road frontage.

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\(^1\) Minor subdivision eligibility has been exhausted by the approval of Minor Subdivisions (343-P.6187), (676-P.501), (836-P.508), (1809-P.328, 553), (3024-P.616).

\(^2\) The NAR zone permitted a maximum base density of 1 du/5 ac.; thus, bonus density was not an issue.
Lot 1 is invoking the §170.5 road frontage exemption. Proposed Lot 2 will utilize a Perpetual Road Maintenance Agreement to create a second lot without road frontage. The 20’ wide access easement to Lot 4 across Lot 3 indicates that the existing lane will serve to access all four lots. As noted, proposed Lot 4 must be denied access to Firetower Road.

Per Note #5, the boundary line survey has been completed.

Per §4.1.22 (b) the block information must be included with the vicinity map, and an area table must be included, per §4.1.22 (r).

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.

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’.

The wetlands shown are within the proposed FRA. Therefore, provided those wetlands have been field-delineated, per the Planning Commission’s policy, established on 3/20/95 and revised on 1/16/96, a JD need not be done.

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 and no sidewalks are recommended in the NAR zone.

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

Per §187.2, the Planning Commission may require bufferyards to separate the adjacent RR-zoned properties.

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

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.

Per Note # 8, proposed Lots 1, 2 & 3 are invoking Forest Conservation Regulation exemptions per §3.2N (No new development – Lot 1) and §3.2K (Owner and Child’s lot –Lots 2&3).

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3 It permits lots being created around existing dwellings to be created without providing the minimum road frontage.
4 The Subdivision Regulations define steep slopes as “15 percent or greater incline.” The 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 Forest Conservation Regulations define steep slopes as “areas with slopes greater than 25 percent slope.”
The FSD (for Lot 4) was approved with the condition that the Natural Heritage Letter be submitted with the PFCP.

The 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, with the metes and bounds description of the FRA being shown on the Final and Record Plats.

A PRMA must be established 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.

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2) Mank’s Pond, Lots 5-35, Oldfield Point Road, Concept Plat, Will Whiteman Land Surveying, Inc., Fifth Election District.

Will Whiteman, Land Surveyor appeared and presented an overview of the project. A previous Concept plan was brought before TAC and Planning Commission. Due to problems that arose, the plat was withdrawn. A redesign of the plat now shows a connector road to the Lands of Boettcher (Preliminary Plat). That road is shown as a fifty (50) ft. wide ROW coming over from the Boettcher property that connects to a sixty (60) ft. wide Mank Drive then it is narrowed down for the cul-de-sac. In doing that, they were able to pick up one extra lot. At the Planning Commission, Mr. Ted Wilts, which lives on Gina Lane had questions regarding the sight distance and the alignment of the proposed road to Gina Lane. That suggestion came from DPW for the proposed road to be in alignment with Gina Lane. A sight distance study was done in April 2000 using what was then approved. Mr. Whiteman has an approval letter from an employee of DPW regarding the placement. Also, the minor subdivision was predicated upon that road being placed there. Other issues that some citizens were concerned about were the secondary SWM area was located. That has now been changed and put into open space.
Mr. Woodhull stated in regards to the connectivity, that had been shown as Meadowlark Lane on an earlier Concept plat but there was no name present on the presented plat. Mr. Whiteman said Meadowlark Lane was approved. He would like to keep it as Meadowlark. Mr. Woodhull said DPW would have no problem with the name remaining.

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

1. 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.

2. Section 3.07.15 of the Road Code directs that Oldfield Point Road must be upgraded for a distance of 100’ either side of the point of intersection between Oldfield Point Road and the proposed roads. 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 developer must make a legitimate good faith effort to obtain all ROW required to accomplish these improvements. This effort must conform to Section 3.07.15 of the Road Code Guidance Manual. The applicant may seek a variance to these requirements if after these efforts the applicant is unable to obtain the necessary ROW. Also if there were physical features with the mini road.

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

4. A Road Code Variance has been granted for the Private Mini road in regards to the use of the existing paving.

5. Sight distance measurements must be submitted for all entrances to the DPW to establish compliance with the Cecil County Road Code.

6. Lot 32 is denied direct access to Oldfield Point Road and this must be reflected on the preliminary & final plats as well as the final lot grading plan.

7. All easements for SWM conveyance, access, and inspection & maintenance must be identified on the preliminary plat.

8. The following standard notes and requirements apply to this plat and project: The details of these notes and requirements will be identified in the record but will not be read at this time:

   8.1 The Final Plat Lot Grading Note and the Lot Grading Plan Construction Limits Note.
   8.3 Requirements for Utility relocations.
   8.4 Requirements for Stormwater Inspection and Maintenance Agreements
   8.5 Requirements for Public Works Agreements.
   8.6 Requirements for Driveways.
   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 or 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. A Public Works Agreement is required for the streets & storm drainage constructions.

6. 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.

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. 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.

Mr. Brown, CCSCS read the comments of the department and provided the applicant with the soil reports and maps. There are also several areas where the soils are not labeled that will need to be.

Mr. Graham, Citizen’s Representative had no comments.

Mr. Kyte, FA asked if on the fifty (50) ft. wide road going to the Boettcher property there would be a tee turnaround at the end of it temporarily. Mr. Whiteman said depending on who develops first, there will either be a tee turnaround if the Boettcher property is not developed or it will connect to the Boettcher property. Mr. Kyte also asked what kind of fire suppression system was in the area. From previous experience, on Oldfield Point Road, the local fire departments have a hard time getting water down to that area. Mr. Whiteman said there has been two (2) previous Concept Plans submitted and approved and this question was never brought up before at this stage. Mr. Whiteman said he is not sure. Mr. Di Giacomo asked if a dry hydrant to the pond would be feasible. Mr. Kyte said it would be feasible if an underground pipe over to the other roadway. Mr. Whiteman said another possibility is a wet bottom pond with a dry hydrant.

Mr. Kyte said on any streets less than thirty (30) ft. wide the fire department would like to see no parking signs on the street. The streets will be open section. The department also asks for at least four (4) off street parking spaces.

Ms. Latham, MDE said a Groundwater Appropriation Permit will be required.

Mr. von Staden, DEH read the comments of the department. See attached.

Mr. Di Giacomo read the comments for the CCBoE and stated this project is not located on a state highway therefore SHA has no comment.

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

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

Zoning: SR

Density: The SR zone permits a maximum base density of 1 du/ 1 ac. This Concept Plat proposes 31 (new) lots on 76.991 acres, for a proposed density of 1/2.48.
Similar Concept Plats for this property were approved on 7/16/01 and 7/19/04. Per §4.0.9, since a Preliminary Plat was not subsequently approved within two (2) years of that date, those Concept Plats no longer have any status.

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’. As Woodstown Sandy Loam is a hydric soil, the stream buffer must be expanded – which will affect at least one SWM area location.

A 25’ buffer is required around all non-tidal wetlands present. Non-tidal wetlands or buffers are depicted on portions of several proposed lots and common open space. Permits are required from the (US Army) Corps of Engineers and MDE for all non-tidal wetland impacts prior to recordation. Documentation of the completed JD has been received.

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

15% (11.549 acres) common open space is required; 42.9% (33.0863 acres) 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 sensitive areas percentages must be verified on the Preliminary Plat submitted for TAC review.

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

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 stub road to the Boettcher Property, to the south, has been restored since the previous TAC review. The Boettcher Preliminary Plat shows the connecting road as “Meadowlark Spur.”

The proposed road names, Mank Drive & Pondside Court, have been approved.

Bufferyard Standard C is required, outside the right-of-way, along the road frontages of Oldfield Point 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 that was approved on 7/12/01 has expired; an extension must be requested.

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), 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.

A Homeowners’ Association for maintenance of common open space, cul-de-sac and mid-block turn-around islands must be established with $50 per recorded lot placed in escrow for improvements prior to recordation.

A mini-road maintenance association must also be established prior to recordation, with the owners of proposed lots 27-32 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.

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<tr>
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Mr. Whiteman asked if the road was named Meadowlark Spur. Mr. Di Giacomo said they have the Preliminary Plat approval with the name Meadowlark Spur included. Meadowlark Spur should be used.


Fred Scheckles with Morris & Ritchie Associates, Inc. and Bill Stritzinger, developer appeared and presented an overview of the project. This project was presented to TAC a few months ago. Some concerns came up at that meeting. Those concerns have been addressed. Significant changes prompted this project to come back to TAC. Those changes being the Aston Pointe Drive connection
to Cat Swamp Road has been eliminated and changes made to Lots 58, 59 and 60 that previously were panhandle lots. Right now Lot 60 has access to Medinah Drive and also an access easement across Lot 59.

Mr. Woodhull, DPW read the comments of the department:
1. A SWM plan, Road & Storm Drain plan, Sanitary Sewer and Water plan and a Mass and Final Grading plan must be approved by the CCDPW prior to submittal for Final Plat Approval.
2. Offsite Road improvements to Cat Swamp and Barksdale Roads are required of the Aston Pointe Developer per the conditions of the Aston Pointe April 2005 Preliminary Plat Approval. Also 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 Department of Public Works and Planning Commission.
3. Has the location and extent of the non-tidal wetlands shown adjacent to Lot 2 & Cat Swamp Road been verified?
4. With no direct access proposed onto Cat Swamp Road this development depends entirely on Country Club Drive and Medinah Drive in the proposed Aston Pointe development for ingress & egress. Until the Medinah & Club House Drives are constructed the Wohner Property will not enjoy connectivity to a County road. Therefore until these roads in Aston Point subdivision are constructed to acceptable County standards the DPW will not sign the record plat for the Wohner Property. Mr. Sheckles asked if that was base paved or surface and turned over to the county. Mr. Woodhull said base pave but he will check on that.
5. Has the Developer contacted the Ulrich’s concerning proposed connectivity between this development and their property? The Ulrich’s have no interest in connectivity. This connectivity and its potential to provide an additional access point onto Cat Swamp Road are very important to the success of this development.
6. Lots 1, 7, 26, 35, 40, & 44 are to be denied direct driveway access to Medina Drive. The driveways for lots fronting on collector roads must be designed with on-lot turn around capability due to the major collector road design standard.
7. What site restrictions preclude making Aston Pointe Drive a minor road? Nothing, they were hoping to reduce impervious coverage and make the cul-de-sac as small as possible. With the size of Lots 1-7 combined with the 12’ width of a private mini road insufficient space for parking is problematic. The Applicant must be prepared to justify the use of a private mini road where it appears a minor road can be used with a better result.
8. The proposed wetlands crossings for Medinah Drive will require permitting from the COE and MDE.
9. Pre-design geotechnical evaluation and borings along the proposed road stream and wetlands crossings is required, along with specific remedial recommendations for subsurface drainage and street sub grade placement. Additionally, the stream crossing structures must be approved as part of the road plan approval 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.
10. The public infrastructure required for this proposal does not exist at this time however the offsite sewer plan for Aston Pointe will address this infrastructure need. Public water & sewer allocation must be obtained from the DPW prior to final plat.
11. The easements, for SWM as well as utilities, required on the preliminary plat per Section 4.1.22 (n) of the Subdivision Regulations and are not shown. All easements must be shown with dimensions and purpose clearly noted.

12. The outfall from the proposed SWM pond adjacent to Lots 13 & 14 appears to direct pond discharge across the Kemp property (Parcel 41). Sections 251-13 & 251-15 D of the County’s SWM Ordinance apply and the Developer is responsible to obtain appropriate easements from affected property owners if this is the case.

13. 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.

14. The gas transmission line is routed across a County ROW therefore the Applicant must inform the gas main owner of the requirement to obtain a maintenance easement from the County to allow for work in the County’s ROW. This easement must be identified on the final plat. The DPW will not approve the final road & storm drain plans until written approval of the design has been received from the company owning the gas transmission lines. Mr. Di Giacomo asked Mr. Woodhull if it is assumed that Aston Pointe Drive will be a public road. Mr. Woodhull said yes, that is predicated on it becoming a minor road.

15. 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:

15.1 The Final Plat Lot Grading, Sidewalk Maintenance, and Lot Grading Plan Construction Limits Notes.
15.3 Requirements for Utility relocations.
15.4 Requirements for Public Works Agreements
15.5 Requirements for Stormwater Inspection and Maintenance Agreements.
15.6 Requirements for Final Plat - Public Sewer & Water Allocation.
15.7 Requirements for Sewer Service Cleanouts – Location.
15.8 Requirements for County Roads.
15.9 Requirements for Driveways.
15.10 Requirements for Private Mini Roads.

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.
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 street & storm drainage construction and the public & private sanitary sewer and water system construction.
5. An Inspection & Maintenance Agreement is required for the private SWM facilities.
6. Developer must request and obtain a public sewer and water allocation from the Department of Public Works before submitting a final plat for approval.
7. 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.

8. All requirements of the Road Code must be adhered to.

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 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. 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.

Mr. Brown, CCSCS read the comments of the department and provided the applicant with the soil reports and maps. He also asked that the soils around Lots 34 and 35 be labeled.

Mr. Graham, Citizen’s Representative received comments from Owen Thorne. Mr. Thorne has concerns regarding the lack of a second entrance to the development. Ed Cairns also had some concerns regarding this proposal. He believes this development should be combined with the proposed Aston Pointe Development to be considered as one (1) subdivision. Mr. Cairns is also concerned about the traffic egress and the lack of a second entrance. He believes a TIS needs to be completed.

Mr. Kyte, FA asked that the Aston Pointe Drive cul-de-sac be larger for the large fire equipment to be able to turn around. The size proposed is not adequate for turnaround. He also asked that the hydrant placement be approved by the local fire department. This subdivision will have a curb and sidewalk development. Mr. Kyte provided the applicant with information pertaining to county regulations for street parking, etc. Another concern is the lack of a secondary entrance other than through Aston Pointe. Lastly, he asked that during the construction of this property that they label the streets for EMS in case of an emergency.

Ms. Latham, MDE asked whose responsibility it will be if the waterline from the wastewater treatment plant to the golf course breaks. Mr. Stritzinger said it would be the responsibility of the golf course.

Mr. von Staden, DEH read the comments of the department. See attached.

Mr. Di Giacomo read the comments for the CCBoE and stated this project is not located on a state highway therefore SHA has no comment.

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

Zoning: SR
Density: The SR zone permits a density of 2/1 with community facilities – and Note # 11 indicates that this project is to be served by public water and sewer – consistent with an amendment to the Master Water and Sewer Plan – to include this property in the planned water and sewer service areas.

The Concept Plat, proposing 74 lots on 72.22 (now 74.6135) acres, at a density of 1.02/1, was approved on 3/20/06, 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;
3) “From the Department of Public Works, the timing of a filed plat submittal for the Wohner Concept shall not precede the approval an executed Public Works Agreement covering:
   a. The extension of Country Club Drive to Cat Swamp Road;
   b. The offsite road improvements for Cat Swamp and Barksdale Roads required for the Aston Pointe development;
   with this condition remaining subject to any subsequent phasing change or modification of the conditions of approval to the Department of Public Works and the County Planning Commission;” and
4) A future stub road access to be lands of Ulrich being fully explored prior to the TAC’s review of any Preliminary Plat.

This Preliminary Plat is generally consistent with the approved Concept Plat; however, the number of proposed lots has been reduced to 66. If the adjacent Aston Pointe project does not proceed as planned, then there would no access for any of these proposed lots.

A stub road is shown to the adjacent lands of Ulrich – has that property owner been made aware of this design? The Ulrich’s are not interested in connectivity.

The boundary line survey has been completed.

Per §4.1.22 (b) the block information must be included (with the vicinity map).

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′. Why doesn’t the stream behind proposed Lots 3-7 show a stream buffer? Mr. Sheckles said it wasn’t ruled a perennial stream. He said there is evidence that it has dried up in the summer. Mr. Di Giacomo asked if it would be an intermittent stream.

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. The Aston Pointe JD included this site.

A minimum of 15% common open space is required; 47.14% is proposed (was 47.44% and was 56.9 %). The sensitive areas thresholds have been calculated and shown on the plat.5

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5 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.

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

Sidewalks are recommended on at least one side of all internal roads, and 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 Forest Stand Delineation (FSD) was approved on 6/1/05.

The 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, SHA and the Newark Planning Department were informed of this proposal, and no additional Traffic Impact Study (TIS) was requested. A TIS was performed for the adjacent Aston Pointe project, and various road improvements put forward by CCDPW, SHA, and DelDOT were agreed to by the developer.

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. It was previously revealed at TAC review that these home owners would become members of the Aston Pointe HOA. Is that still the plan? Yes.

Water and sewer allocation must be confirmed by DPW prior to the review of any Final Plat(s).

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/homes offered for sale.

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Based upon Subdivision Regulations, there is precedent for allowing a separate Concept Plat for the Wohner property: Susquehanna and Susquehanna River View, the chronology being as follows:

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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.

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<td>% Utilization</td>
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4) **Chandlee Mill**, Lots 3-8, Chandlee Road, Preliminary Plat, McCrone, Inc., Ninth Election District.

Bud Felty with McCrone, Inc., and Clay McDowell appeared and presented an overview of the project. This project was originally approved for 8 lots. Two (2) of the lots on the south end are being processed separately. The configuration has changed slightly mainly due to percolation testing which was good in the northeast area of the property. They now have one (1) road front lot in order to try to maintain the approved density. Sight distance appears to be adequate both at the McDowell Farm Trace and for the driveway on the additional lot.

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

1. 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 fees for design review of this project must be provided at the time of first design submittals.
2. The required acceleration / deceleration lanes must be reflected on the preliminary plat.
3. Any Road Code Variances sought must be requested prior to submittal for Preliminary Plat approval.
4. The Chandlee Road frontage dedication note must read “Strip of land to be dedicated in fee simple to the Board of County Commissioners of Cecil County” and applies to the entire road frontage of this property.
5. The Department has made a site visit to determine in general if sight distance issues exist. This is not to be misconstrued as approval of final sight distance requirements for this project. Stopping sight distance measurements must still be submitted for review.
6. All easements for SWM conveyance, access, and inspection & maintenance must be identified on the preliminary plat.
7. 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:
   7.1 The Final Plat Lot Grading Note and the Lot Grading Plan Construction Limits Note.
   7.3 Compliance with Section 3.07.15 of the Cecil County Road Code.
   7.4 Requirements for Utility relocations.
7.5 Requirements for Public Works Agreements.
7.6 Requirements for Stormwater Inspection and Maintenance Agreements
7.7 Requirements for Private Mini Roads.
7.8 Requirements for Stopping Sight Distance

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 onto 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 Chandlee Road must be upgraded to a Minor Road 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 construction.
6. An Inspection & Maintenance Agreement is required for the private SWM facilities.
7. The private mini-road 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. 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.
8. Applicant must provide stopping sight distance measurements for the Chandlee Road access locations to DPW prior to preliminary plat submittal. Mark the proposed entrance locations in the field by a survey stake or paint.

Mr. Brown, CCSCS read the comments of the department and provided the applicant with the soil reports and maps.

Mr. Graham, Citizen’s Representative had no comments.

Mr. Kyte, FA asked if the McDowell Farm Trace is going to be gravel or black top. Mr. Felty said the code requires it to be gravel. Mr. Woodhull said paving is acceptable but at a minimum it will gravel. Mr. Kyte would also like to see the roadway large enough for emergency equipment to turn around. Mr. Felty asked what radius would be acceptable for a turnaround. Mr. Kyte said a minimum of 100ft but if you put a center open space they would like it to be around 120ft with at least 20ft roadway going around the center piece..

Ms. Latham, MDE said a Groundwater Appropriation Permit is not needed for this project.

Mr. von Staden, DEH read the comments of the department. See attached.

Mr. Di Giacomo read the comments for the CCBoE and stated this project is not located on a state highway therefore SHA has no comment.
Mr. Di Giacomo, P&Z read the comments of the department:
Upon inspection, this proposal was found to be in compliance with §3.8 of the Subdivision regulations regarding public notification signs.

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

Zoning: NAR

Density: The Concept Plat for 8 lots on 40.08 acres was approved on 5/15/06 at a density of 1/5.01, 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;
3) The proposed mini-road name, McDowell Farm Trace, being approved prior to the Planning Commission’s review of the Preliminary Plat; and
4) Bufferyard C requirements being waived as may be deemed necessary.

The Lots 1 & 2 Preliminary Plat was approved on 9/18/06, conditioned on:
1) Health Department requirements being met;
2) DPW requirements being met;
3) The Bufferyard C requirements being modified as necessary for safety considerations; and
4) The proposed mini-road name, McDowell Farm Trace, being approved prior to the Planning Commission’s review of the Preliminary Plat.

This Preliminary Plat is generally consistent with the approved Concept & Preliminary Plats.

The boundary line survey has been completed.

The plat indicates that there are no steep slopes on these proposed lots.

Stream and wetlands 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. 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 site is not home to any rare, threatened, or endangered species.

No common open space was required; 2.36 acres were proposed for a stormwater management facility – just to the north of proposed Lot 2. Will that stormwater management facility be necessary to support the development of these proposed lots? No.

No landscaping of the development envelope is required in the NAR zone, and no sidewalks are recommended.

A combined entrance on Chandlee Road is proposed for proposed Lots 1 & 2.

The approximate location of the Colonial Pipeline has been depicted.

Bufferyard Standard C is required, outside the right-of-way, along the Chandlee Road frontages, except as may be deemed necessary for safe sight distance.
A Bufferyard Standard A has been illustrated along the border of the adjacent Peoples property. 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 FSD was approved on 5/11/06.

The PFCP was approved on 9/11/06.

The 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, with the metes and bounds description of the FRA being shown on the Final and Record Plats.

The internal mini-road name, McDowell Farm Trace, has been approved.

Access to common open space between or 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.

The contiguous operating farms 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.

School information:

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Mr. Woodhull asked in regards to the discharge from the SWM facility that they identify that there is an existing or new conveyance for that discharge. Mr. Felty said there is an existing conveyance that leads to the North East Creek.

5) **Liberty Grove Reserve**, Lots 1-10, Liberty Grove Road, Preliminary Plat, Bay State Land Services, Sixth Election District.

John Mars with Bay State Land Services appeared and presented an overview of the project. This project consists of 10 lots on 31.93 acres.
Mr. Woodhull, DPW read the comments of the department:

1. 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.

2. The developer shall upgrade Liberty Grove Road for a distance of 100’ either side of the point of intersection between the proposed entrance and Liberty Grove Road. The design engineer must address the requirement for minimum acceleration, deceleration, and bypass lanes also. The developer must make a legitimate good faith effort to obtain all ROW required to accomplish these improvements. This effort must conform to Section 3.07.15 of the Road Code Guidance Manual. The applicant may seek a variance to these requirements if after these efforts the applicant is unable to obtain the necessary ROW.

3. The required acceleration /deceleration lanes must be identified on the preliminary plat.

4. How will runoff from Pine Needle Court East of the proposed inlets be addressed? A series of inlets. The Department will not allow runoff to be directed across Liberty Grove Road creating a hazard.

5. A 30’ wide strip of land along this site’s Liberty Grove Road frontage must be dedicated to the Board of County Commissioners of Cecil County in fee simple and be so noted on the preliminary & final plats.

6. The stopping sight distance measurements submittal is required at preliminary plat review. This Department has not received this submittal and we will not recommend approval to the Planning Commission until it has been received.

7. The preliminary plat must include slopes for all proposed roads in accordance with Section 4.1.22 (m) of the Subdivision Regulation. Identify them before submitting for preliminary plat review by the Planning Commission.

8. The cul-de-sac design as shown on the plat does not comply with Standard Detail R-14 of the Road Code. While the ROW radius is correct the radii for the island & street are not. The road & storm drain design submittal must reflect the correct configuration.

9. Horizontal curvature of the Pine Needle Court centerline adjacent to Lot 9 must have a minimum radius of 200’ to assure adequate sight distances are achieved.

10. 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).

11. In accordance with section 4.1.22. (n) of the Subdivision Regulation all easements for SWM facilities and/or conveyance must be identified on the preliminary plat. These easements are also required by section 251-15 A of the County’s SWM Ordinance.

12. Where do the proposed SWM ponds at the entrance discharge? Mr. Mars didn’t know. Does adequate conveyance exists from these ponds to Basin Run? 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.

13. How will SWM quantity & quality requirements be addressed for lots not draining to the proposed ponds? SWM will have to be addressed for Lots 5, 6, 7 & 10.

14. Where is the defined conveyance to Basin Run from the proposed storm drain pipe discharging across Lot 5? How will SWM quantity & quality requirements be addressed for this discharge? If the piped conveyance remains it must be extended to the common open space south of the Lot 5/6 property lines and be located within an easement.

15. 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:

15.1 The Final Plat Lot Grading and the Lot Grading Plan Construction Limits Note.

Compliance with Section 3.07.15 of the Cecil County Road Code.

15.4 Requirements for Utility relocations.

15.5 Requirements for Public Works Agreements.

15.6 Requirements for Stormwater Inspection and Maintenance Agreements.

15.7 Requirements for Stopping Sight Distance measurements.

15.8 Requirements for County Roads.

15.9 Requirements for Driveways.

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. Section 3.07.15 of the Road Code requires that Liberty Grove Road be upgraded to a Minor Collector Road or equivalent 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 construction.

6. An Inspection & Maintenance Agreement is required for the private SWM facilities.

7. Applicant must provide stopping sight distance measurements for the Liberty Grove Road access to DPW prior to preliminary plat submittal. Please mark the proposed entrance location in the field by flagging or stake on the roadside bank.

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. The internal street grade leaving Liberty Grove Road may not exceed 5% within the limits of the intersection right-of-way.

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.

Mr. Brown, CCSCS read the comments of the department and provided the applicant with the soil reports and maps. Additionally, the soils seem to have shifted slightly from what is on the map provided. Also, the line that goes through Lots 1-5 seems to be different on the plat then what is shown on the map provided.

Mr. Graham, Citizen’s Representative had no comments.

Mr. Kyte, FA asked that there be no parking signs put up on the roadway surface areas. This is a closed section roadway. He would also like them to consider installing a dry hydrant pond at the bridge on Basin Run Road.

Mr. Woodhull mentioned the Liberty Grove Road is slated to undergo repair/replacement.

Ms. Latham, MDE said a Groundwater Appropriation Permit is not required.
Mr. von Staden, DEH read the comments of the department. See attached.

Mr. Di Giacomo read the comments for the CCBoE and stated this project is not located on a state highway therefore SHA has no comment.

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

Upon inspection, this proposal was found not to be in compliance with §3.8 of the Subdivision regulations regarding public notification signs. It is now 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.

Zoning: NAR

Density: The Concept Plat, proposing 10 lots on 32.34 acres, for a bonus density of 1/3.234, was approved on 9/18/06, conditioned on:

1) Documentation of the completion of the JD being submitted prior to the Planning Commission’s review of the Preliminary Plat.

At the Concept Plat’s TAC review, it was revealed that the boundary line survey had already been completed, as is again confirmed by Note # 11.

However, the acreage has declined since Concept Plat approval, raising the density to 1/3.93. What accounts for this acreage/density change? Mr. Mars said within the last three (3) weeks two (2) of the property corners where done for Murphy’s subdivision. Subsequently, when they relocated these corners, the discrepancy surfaced.

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.7

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.8 Mr. Di Giacomo referenced the footnote regarding a JD. Mr. Mars said he called the Corp. of Engineers and was told the Corp. is no longer doing JD’s due to a pending lawsuit. Mr. Di Giacomo advised Mr. Mars to present this information to the Planning Commission for their review of this project.

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7 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.”

8 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.
15% common open space is required; approximately 30% is proposed. The proposed large lot, Lot 10, would consist of 40.99% (was 44.11%) of the total acreage, which, combined with 9.70 (was 9.51) acres of common open space would equal 71.37% (was 73.7 %) total open space, thus continuing to qualify for bonus density eligibility 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 Liberty Grove Road. A waiver is requested because of sight distance safety issues. This Concept Plat had four (4) conditions upon the approval. The minutes and the letter sent to the surveyor reflected only one (1) condition. Due to the error, the Office of Planning and Zoning will again request a waiver.

Rows of street trees with 10’ planting easements are required, outside the right-of-way, along both sides of the proposed Pine Needle 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 FSD was approved on 9/1/06.

The 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, with the metes and bounds description of the FRA being shown on the Final and Record Plats.

The proposed road name, Pine Needle Court, has 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.

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.
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The May TAC meeting adjourned at 10:34 a.m.

Respectfully submitted,

*Jennifer Bakeoven*
CECIL COUNTY TECHNICAL ADVISORY COMMITTEE
Wednesday June 6, 2007, 9:00 a.m.
County Administration Building
107 North Street, Elkton, Maryland

Present: Di Giacomo, Tony (CCP&Z), Woodhull, Mark (CCDPW), Brown, Graham, Daniel (Citizen’s Representative), von Staden, Fred (DEH), Latham, Cynthia (MDE), Kyte, Jim (FA), King, Butch (SHA), Dempsey, Gale (CCP&Z).

Absent: Cwiek, Philip (USACoE), Ouano, Jun (Delmarva Power), Markwardt, Bob (CCBoE), Brown, Chris (CCSCS)

Mr. Di Giacomo called the meeting to order at 9:00 a.m.

1) Lowe’s of North East, Courtesy Review for the Town of North East, MD Rte. 40 and Mauldin Ave., Preliminary Plat, Bohler Engineering, P.C., Fifth Election District.

Matthew Allen with Bohler Engineering appeared and presented an overview of the project. There is currently a shopping center on the site and there is an undeveloped area, about 20 acres. This property is zoned Highway Commercial in the Town of North East, MD. The building will be 170,000 sq. ft. including all the garden spaces, loading and unloading areas. There is an existing SWM facility that was made during the construction of the shopping center. A text amendment was approved by the town in regards to reducing the parking requirements on site.

Mr. Woodhull, DPW read the comments of the department:
1. A SWM 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 fees for design review of this project must be provided at the time of first design submittals.
2. 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-builts. All easements for the water lines must be reflected on the final plat.
3. Developer must request and obtain a public sewer allocation from the Department of Public Works before submitting a final plat to the Town of North East for approval.
4. The existing SWM pond serving this site was designed under the old SWM Ordinance. The required SWM plan must address the water quality as well as quantity control measures of the current Ordinance. A pond as-built on the hazard classification will need to be submitted to the DPW.
5. 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:
   5.1 The Final Plat Lot Grading and Lot Grading Plan Construction Limits Notes.
   5.3 Requirements for Public Works Agreements.
   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 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 onto 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 sanitary sewer.

4. An Inspection & Maintenance Agreement is required for the private SWM facilities.

Mr. King, SHA provided the applicant with his comments. See attached.

Mr. Graham, Citizen’s Representative had no comments.

Mr. Kyte, FA said DPW addresses his concerns of the hydrant placement.

Ms. Latham, MDE said a water appropriation permit is not required for final plat.

Mr. von Staden, DEH read the comments of the department. See attached.

The applicant was provided with a copy of the CCSCS comments and CCBoE.

Mr. Di Giacomo read the comments of Delmarva Power.

Mr. Di Giacomo asked if the Town of North East had any comments. Ms. Betsy Vennell said not at this time.

Mr. Di Giacomo stated that Kate Schmidt, Critical Area was sent a copy of this plat. Mr. Di Giacomo asked if Marianne Skilling was involved with the review of this plat. Mr. Allen said they have had several meetings with Marianne.

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

As a courtesy to the Towns in the County, the TAC occasionally reviews subdivision proposals and site plans – such as this.

Comments/questions are as follows:

- It should be confirmed that the Town’s Zoning Ordinances permits this proposed uses in the HC zone.

- It should be confirmed that the setbacks shown meet the requirements of the Town’s Zoning Ordinance and Subdivision Regulations.
• It should be confirmed that the number of parking spaces provided falls within the minimum and maximum number specified by the Town’s Zoning Ordinance and Subdivision Regulations.

• A detailed vehicular/pedestrian circulation and access plan should be submitted for the parking area. Potential pedestrian-vehicle conflicts should be identified, especially for any pedestrians accessing this site from other parts of the North East Station. Signage, other traffic control devices, and striping should be considered.

• Bicycle rack details are provided on sheet 24 of 26, but the location(s) could not be found elsewhere on the plats.

• A detailed lighting plan is included on sheet 23 of 26. It is recommended that a relative “dark spot” in the area of cart corrals and ADA parking be corrected prior to site plan final approval.

• Part of the site is within the Critical Area (CA). The specific CA designation should be added.

• Note # 7 on sheet 4 of 26 indicates that a portion of the property is within the 100-floodplain. It is recommended that the floodplain boundary, as determined by actual field survey, be clearly depicted on the plat prior to final site plan approval.

• It should be confirmed that the proposed design is consistent with the Town’s regulations governing floor area ratios.

• It should be confirmed that the proposed landscaping meets the landscaping requirements of the Town’s Zoning Ordinance and Subdivision Regulations. Care should be taken to ensure that the landscaping of the traffic islands not impede driver/pedestrian visibility.

• It is recommended that a Traffic Impact Study be completed and its recommendations accepted prior to final site plan approval. The entrance off of MD 272 appears to be the preferred truck entrance, and it should be determined if that entrance intersection warrants a traffic signal.

• It should be confirmed whether or not this proposal is exempt from the Forest Conservation Regulations. The FCP was reviewed by OPZ in the mid 90’s. The Town of North East and Cecil County signed an “Assigning obligations under the Forest Conservation Act” agreement on 2/4/00.

• It should be confirmed that any proposed signage is consistent with the requirements of the Town’s Zoning Ordinance for the HC zone.

• The matchline information is confusing inasmuch as the sheets referenced to not correspond to the site plan’s sheet numbering scheme.

• Consideration should be given to soliciting review and comment by the North East Fire Department with respect to emergency access issues and fire hydrant and standpipe locations and accessibility.
• Fire hydrant/standpipe locations should be consistent with the Town’s Zoning Ordinance and Subdivision Regulations.

• It should be confirmed whether or not the Town’s Zoning Ordinance and Subdivision Regulations require construction details to be included on site plans.

• How will trash be disposed of? It will be in the rear of the building. It will be labeled. Any dumpster locations should be clearly shown, and any resultant, potential traffic flow conflicts should be identified and corrected.

• It is recommended that the plat 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.

• 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.

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

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

• It is recommended that the Landscape Plan be approved, and the Landscape Agreement be executed, prior to final site plan approval.

• 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 all proposed building heights do not exceed the maximum height established in the Town’s Zoning Ordinance and Subdivision Regulations.

• Water allocation should be confirmed by the Town of North East prior to final site plan approval.

• Sewer allocation should be confirmed by the Cecil County Department of Public Works prior to final site plan 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 all/any variance numbers be shown on the plat.
2) Stanfield, Lots 9-21, Middle Road, Preliminary Plat, McCrone, Inc., Fourth Election District.

Mike Burcham with McCrone, Inc., and Gary Slagle, owner and developer appeared and presented an overview of the project. Mr. Burcham stated that this plat was reviewed previously by the TAC. At that time, this project was proposing 14 lots which was consistent with the Concept plat. After completing the boundary line survey, they were a half of an acre short from the acreage that was shown on the Concept plan. The layout has been revised and one lot was taken out.

Mr. Woodhull, DPW read the comments of the department:
1. A SWM plan, a Mass and Final Grading plan, and a Road & Storm drain plan must be approved by the CCDPW prior to submittal for Final Plat Approval. The fees for design review of this project must be provided at the time of first design submittals.
2. Why haven’t the proposed swales running behind Lots 9-14 & 15-18 been located in SWM conveyance easements? Mr. Woodhull said they will be needed on the Preliminary Plat. These easements as well as the access and inspection & maintenance easements for the SWM facility must be on this plat per Section 4.1.22 (n) of the Subdivision Regulations. An easement is also required for the conveyance of runoff from the roadside ditches directed between Lots 14 & 15. The Department will not recommend approval of the preliminary plat to the Planning Commission until requirements for such a submittal have been met.
3. The outfall from the proposed SWM pond is not shown. Conveyance from the pond to the existing stream must be provided with an easement. If that conveyance crosses any portion of Lot 20, its deed language must reflect this.
4. If the existing pond on Lot 20 is proposed to serve as a SWM BMP an as-built and a dam breach analysis will be required. This information must be provided with the SWM submittal for this project.
5. The driveway for Lot 9 must be located outside of the proposed pull off.
6. With the extent of roadside drainage ditching proposed it is important that the velocity in the channels not exceed the SHA Design Manual guidelines.
7. The formal submittal of sight distance measurements (intersection & stopping) for Lot 21 must be submitted and approved prior to submitting the preliminary plat to the Technical Advisory Committee for review. Why hasn’t it been submitted? Mr. Burcham will get this to the department. The measurements must be submitted to & approved by the Department prior to submitting this plat to the Planning Commission or we will recommend that the Planning Commission disapprove the preliminary plat.
8. The applicant must be aware that the Protocol Three road condition survey & improvement plan for Stanfield Drive must be submitted and approved prior to submitting the preliminary plat to the Planning Commission for review. If this does not happen we will recommend that the Planning Commission disapprove the preliminary plat.
9. The applicant should be aware that the Department will require improvements to Middle Road 100’ either side of the point of intersection with Standfield Drive to mitigate this development’s impact.
10. The extension to Stanfield Drive must have a 20’ pavement with if open section road is proposed.
11. 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:
   11.1 The Final Plat Lot Grading and Lot Grading Plan Construction Limits Notes.
   11.2 Requirements for Utility relocations.
   11.4 Requirements for Public Works Agreements.
   11.5 Requirements for Stormwater Inspection and Maintenance Agreements.
   11.6 Requirements for Driveways.
Notes and requirements identified for record:

1. 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. Where determined necessary by the utility companies, the owner, the designer, or DPW, utility poles must be relocated at the Developer’s expense.
3. 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.
4. A Public Works Agreement is required for the streets & storm drainage construction.
5. An Inspection & Maintenance Agreement is required for the private SWM facilities.
6. 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.

Mr. King, SHA had no comments.

Mr. Graham, Citizen’s Representative had no comments.

Mr. Kyte, FA asked what will serve for fire suppression in the area. Mr. Burcham said they will have to look into it. Mr. Kyte suggested putting a fire suppression tank in the development. A 20,000 gallon tank would be sufficient. He also asked if this was an open shoulder road. Mr. Burcham said yes.

Ms. Latham, MDE said a water appropriation permit will be required.

Mr. von Staden, DEH read the comments of the department. See attached.

The applicant was provided with the Soil Conservation report and Mr. Di Giacomo read faxed comments from CCBoE.

Mr. Di Giacomo stated that Delmarva Power had no comment.

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

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

Zoning: NAR
Density: This section’s Concept Plat\textsuperscript{1} was approved at a density of 1/5\textsuperscript{2} on 9/18/06, conditioned on:
1) The boundary line survey’s being completed prior to TAC review of the Preliminary Plat; and
2) Documentation of the JD’s completion being received prior to the Planning Commission’s review of the Preliminary Plat.

The boundary line survey resulted in the acreage dropping below 70; therefore, only 21 lots are now proposed to remain consistent with the Concept Plat’s density approval.

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.\textsuperscript{3} Slopes greater than 15% have been shown.

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. As the field-delineated wetlands are located in the proposed common open space, per the Planning Commission’s policy, established on 3/20/95 and revised on 1/16/96, a JD need not be done.

No landscaping of the development envelope is required and no sidewalks are recommended in the NAR zone.

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

The original FSD, approved on 7/8/94, expired. A new FSD was approved on 9/11/06.

The PFCP was approved on 2/20/07, but its details are at odds with this plat’s.

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.

\textsuperscript{1} The original Concept Plat, under the name “Lands of Stanley L. Barczewski” and zoned NAR, proposing bonus density, with 26 lots on approximately 84 acres, was approved on 7/18/94. It subsequently expired.

\textsuperscript{2} The original Preliminary and Final Plats, for Lots 1-8 only, were approved on 2/21/95 and 4/17/95, respectively. The fourth condition of the 4/17/95 Final Plat approval was “common open space being recorded with the next section.” Thus, based upon 83.971 acres, at least 12.6 acres of common open space must now be provided, regardless of whether the Planning Commission now grants bonus density, or not. In fact, 14.8 acres of common open space is now proposed.

\textsuperscript{3} The fifth condition of Final Plat approval was “the large lot being included on the plat for the final section.” If the Planning Commission does not now grant what amount to overall bonus density, then that condition will be moot. If it does, then proposed Lot 21 would serve as the large lot, and its 40 acres would consist of 47.64% of the original 83.971 acres.

Together, the proposed 14.8 acres (17.63%) of common open space and the large lot’s 40 acres (47.64%) comprise 65.27% of the original project area, and both of the above conditions have been satisfied – although the original Concept Plat’s density approval, upon which condition # 5 was based, has long since expired.

As approved by the Planning Commission, the total number of Stanfield lots would be 22 – 4 fewer than originally approved on 7/18/94 – and yielding an overall proposed density of 1/3.82.

\textsuperscript{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 ft\textsuperscript{2} or more. The Cecil County Forest Conservation Regulations define steep slopes as “areas with slopes greater than 25 percent slope.”
Deed restrictions for the long-term protection of the street trees and Forest Retention/ Afforestation Areas (FRAs) must be recorded and noted on the plat prior to recordation, with the metes and bounds description of the FRA being shown on the Final and Record Plats.

The road name Stanfield Drive was previously approved.

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

Covenants prohibiting the subdivision of the potential 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 as Note #15.

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

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Mr. Burcham asked if the Bufferyard Standard C be revised. He asks that the large lot, Lot 21 be exempt from the Bufferyard. Mr. Di Giacomo said the department has no problem with that.


Mike Burcham with McCrone, Inc. appeared and presented an overview of the project. Lot 3 was a previous minor subdivision and prior to December 2006, they had received Concept Plat approval to create one additional lot on this property that will front on Principio Road. That lot is a two acre lot proposing one house on it with the driveway on the north end of the lot. They are proposing a revised tree line to accommodate the house well and driveway and a portion of the septic area on Lot 3B. The entire septic area will be removed from the Natural Conservation Easement. A portion of it will be in the Forest Retention Area. Bufferyard C is shown along the road frontage of Principio Road and Jackson Park Road.

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

1. A SWM plan and a Mass & Final Grading plan must be approved by the CCDPW prior to submittal for Final Plat Approval. The fees for design review of this project must be provided at the time of first design submittals.

2. The formal submittal of sight distance measurements (intersection & stopping) for Lot 3B must be submitted and approved prior to submitting the preliminary plat to the Technical Advisory Committee for review. Why hasn’t it been submitted? Mr. Burcham said it will be marked. The measurements must be submitted to & approved by the Department prior to submitting this plat to
the Planning Commission or we will recommend that the Planning Commission disapprove the preliminary plat. The proposed driveway centerline location must be marked in the field.

3. The following standard notes and requirements apply to this plat and project: The details of these notes and requirements will be identified in the record but will not be read at this time:
   3.1 The Lot Grading Plan Construction Limits Note.
   3.3 Requirements for Utility relocations.
   3.4 Requirements for Stormwater Inspection and Maintenance Agreements
   3.5 Requirements for Driveways.

Notes and requirements identified for record:

1. 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. An Inspection & Maintenance Agreement is required for the private SWM facilities.

5. All driveways must be paved at least to the right of way.

Mr. King, SHA had no comments.

Mr. Graham, Citizen’s Representative had no comments.

Mr. Kyte, FA had no comments.

Ms. Latham, MDE said a water appropriation permit is not required.

Mr. von Staden, DEH read the comments of the department. See attached.

The applicant was provided a copy of the Soil Conservation report, and Mr. Di Giacomo read the comments from the CCBoE.

Delmarva Power had no faxed comments.

Mr. Di Giacomo, P&Z read the comments of the department:
This project was found to be 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.

Zoning: NAR
Density: The Concept Plat,\textsuperscript{4} proposing 2 lots on 19.6 acres, for a proposed density of 1/9.8,\textsuperscript{5} was approved on 11/18/06, conditioned on:

1) The boundary line survey being completed prior to the TAC’s review of any Preliminary Plat;
2) Documentation of the JD’s completion being submitted prior to the Planning Commission’s review of the Preliminary Plat; and
3) The PFCP being approved prior to the Planning Commission’s review of the Preliminary Plat.

Proposed Lots 3A - 3B would result from dividing Lot 3 of Minor Subdivision # 3546.\textsuperscript{6}

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.\textsuperscript{7}

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. The JD must be done prior to Preliminary Plat review by the Planning Commission.\textsuperscript{8} The approved Minor Subdivision # 3546 shows the wetlands on Lot 3. What is the status of the JD? Mr. Burcham said the JD is still in effect from the original minor subdivision of the property. The wetlands will still remain on Lot 3B in forest retention.

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 Jackson Park and Principio Roads. A Bufferyard A is shown on Lot 3A. The contiguous operating farms notice has been provided on the plat (Note 13).

An FSD was approved on 11/1/04.

\textsuperscript{4} This was treated as a major subdivision because all minor subdivision potential of the original parcel of record had been exhausted.

\textsuperscript{5} At that time, the NAR zone permitted a maximum base density of 1 du/5 ac.

\textsuperscript{6} The H. Barry Montgomery Lots 2A & 5 Preliminary-Final Plat was approved on 11/21/05, conditioned on:

1) Health Department requirements being met;
2) DPW requirements being met;
3) The FCP and Landscape Plan being approved prior to recordation;
4) The Landscape Agreement being executed prior to recordation; and
5) Deed restrictions for the long-term protection of any Forest Retention/Afforestation Areas (FRAs) being recorded and noted on the plat prior to recordation, with the metes and bounds description of any FRA being shown on the record plat.

\textsuperscript{7} The Cecil County Subdivision Regulations define steep slopes as “15 percent or greater incline.” The Cecil County Zoning Ordinance defines steep slopes as consisting of a grade of 25\% or more covering a contiguous area of 10,000 ft\textsuperscript{2} or more. The Cecil County Forest Conservation Regulations define steep slopes as “areas with slopes greater than 25 percent slope.”

\textsuperscript{8} 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 forest retention area, a JD need not be done.
An FCP for Lots 1-4 of the minor subdivision was approved on 1/13/05, in conjunction with Minor Subdivision 3546. Because the proposed lots are not shown, a revised PFCP must be approved prior to Planning Commission review of the Preliminary Plat ($6.2.B(1), Forest Conservation Regulations).

A revised FCP and Landscape Plan must be submitted. Technically, they cannot be approved because they are inconsistent with because a recorded plat. Therefore, although they ordinarily must be approved prior to the Planning Commission’s review of the Final Plat, in this case, they must be approved prior to recordation.

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.

Why does the 2nd unnumbered Note refer to street trees? Mr. Burcham said it isn’t necessary, it will be taken off.

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

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4) Old York Estates, Lots 10A & 10B, Shady Beach Road, Preliminary Plat, RJK Engineering & Associates, Fifth Election District.

Bob Blomquist with RJK Engineering appeared and presented an overview of the project. This is a portion of the Old York Estates subdivision. Intention is to subdivide existing Lot 10 into 2 lots, 10A and 10B. As for the sewage disposal system, they have an existing system shown on the south west portion of Lot 10B. It is in service currently to service the existing dwelling. The existing sewer pipes for that will be abandoned. That area will now service the proposed dwelling on Lot 10B. Last year seasonal perks were done. All perks were satisfactory. The existing entrance is going to be used to service Lot 10B. Mr. Blomquist asked for the thoughts of the DPW. Stopping sight distance has been done on this but intersection sight distance has been completed.

Mr. Woodhull, DPW read the comments of the department:
1. A SWM plan and a Mass and Final Grading plan must be approved by the CCDPW prior to submittal for Final Plat Approval. The fees for design review of this project must be provided at the time of first design submittals.
2. Due to sight distance constraints the Department will require that a common driveway access point on to Shady Beach Road be established for Lots 10A & 10B at the existing driveway location for Lot 10A. The layout of the intersection of the two driveways needs to be brought in at 90 degrees. The layout shown presents very difficult maneuvering to make right turns out and left turns into the proposed driveway for Lot 10B. The department will meet with Mr. Blomquist regarding this.
3. The following standard notes and requirements apply to this plat and project: The details of these notes and requirements will be identified in the record but will not be read at this time:

3.1 The Final Plat Lot Grading and Lot Grading Plan Construction Limits Notes.
3.2 Requirements for Utility relocations.
3.4 Requirements for Stormwater Inspection and Maintenance Agreements.
3.5 Requirements for Driveways.

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

3. 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.

4. An Inspection & Maintenance Agreement is required for the private SWM facilities.

5. 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.

Mr. King, SHA had no comment.

Mr. Graham, Citizen’s Representative had no comments.

Mr. Kyte, FA had no comments.

Ms. Latham, MDE said a water appropriation permit is not required.

Mr. von Staden, DEH read the comments of the department. See attached.

The applicant was provided with the Soil Conservation reports, and Mr. Di Giacomo read the comments from the CCBoE.

Delmarva Power had no faxed comments.

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

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

Density: The Concept Plat\(^9\) was approved on 11/20/06,\(^10\) conditioned on:

1) The acreage of proposed Lots 10A and 10B being included on all subsequent submittals;
2) Current documentation of the completion of the JD sufficing if acceptable to the Corps of Engineers; otherwise documentation being submitted prior to the Planning Commission’s review of the Preliminary Plat;
3) The PFCP being approved prior to the Planning Commission’s review of the Preliminary Plat; and
4) Any sight distance issues being resolved prior to the TAC’s review of any Preliminary Plat.

There are currently 23 major subdivision lots in Old York Estates, consistent with the 3/20/00 Concept Plat density approval of 1/5.2. If approved, this resubdivision would create the 24\(^{th}\) and final lot on the 120 Old York Estates acres, thus revising the overall density to 1/5.

The Concept Plat for the original parcel of which these proposed lots are a part (Joseph H. McKinney, \textit{etal}) was originally approved 3/15/99 (at a density of 1:3.0). Subsequently, along with 5 proposed lots on the south side of Shady Beach Road, these lots were included in a revised Concept Plat for “Shady Beach LLC.”

That Concept Plat was approved 3/20/00 at a density of 1/5.2 with 7 conditions.

1) That the Preliminary Forest Conservation Plan being approved prior to Preliminary Plat review by the Planning Commission,
2) A Landscape Plan for bufferyards and street trees being approved prior to Final Plat review by the Planning Commission,
3) A Landscape Agreement for bufferyards and street trees being executed prior to recordation,
4) Deed restrictions for long-term protection of the forest retention areas being recorded prior to recordation of the plat and the metes and bounds description of the forest retention areas being shown on the record plat,
5) The common open space access easements behind and between proposed lots being marked with concrete monuments,
6) A jurisdictional determination being done prior to Preliminary Plat review by the Planning Commission,
7) The 1300-foot cul-de-sac receiving a Road Code waiver from the Dept. of Public Works.

The Preliminary Plat for Section II, Lots 10-27, was approved 5/15/00 with the following conditions:

1) That Health Department requirements be met;
2) That DPW requirements be met;
3) That the owners of these lots 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,
4) That a Landscape Agreement for bufferyards and street trees be executed prior to recordation;

\(^9\) That Concept Plat actually a proposed resubdivision of the Old York Estates subdivision for the purpose of creating one additional lot.
\(^10\) At that time, the NAR base density remained at 1 du/ 5 ac.
5) That deed restrictions for long-term protection of the forest retention areas be recorded prior to recordation of the plat. The metes and bounds description of the FRA must be shown on the record plat,
6) That the common open space access easements behind and between proposed lots be marked with concrete monuments,
7) That permits be obtained from the (US Army) Corps of Engineers and MDE for all non-tidal wetland impacts prior to recordation,
8) That lot boundaries on the index sheets be rectified prior to Planning Commission review of the Final Plat.

At the Preliminary Plat stage, Section II consisted of proposed Lots 10-27. Proposed Lots 14-27 then proceeded separately, and they were considered to be in Section III.

Section I, Lots 5-9 was recorded on 8/11/00.

The Section II Final Plat, lots 10-13, was approved by the Planning Commission on 7/17/00 and recorded on 8/11/00.

The Section III Final Plat, lots 14-26, was approved by the Planning Commission on 9/18/00 and recorded on 2/12/01.

Subsequently, Lot 11 was subdivided into 11A and 27 with Preliminary-Final Plat approval on 6/18/01, conditioned on:
  1) That Health Department requirements be met;
  2) That DPW requirements be met;
  3) That the owners of these lots 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,
  4) That a landscape agreement for bufferyards be executed prior to recordation;
  5) That deed restrictions for long-term protection of the forest retention areas be recorded prior to recordation of the plat. The metes and bounds description of the FRA must be shown on the record plat, and
  6) The vicinity map and the legend being corrected.

The Lots 11A & 27 Record Plat was signed on 9/12/01. The recordation of the new Lot 27 was consistent with the Old York Estates Concept Plat’s density approval of 1/5.2.

A resubdivision plat was signed on 6/7/04 for Lot 10, involving modifications to the Forest Conservation Plan (FCP).

It is unclear why signature blocks have been included on a Preliminary Plat, but the applicant is advised that all sheets of any Final Plat shall have signature blocks and they shall appear in the lower left-hand corner.

Is there any reason that this Preliminary Plat has not been signed and sealed? Was a boundary line survey performed? Mr. Blomquist said the boundary wasn’t been sealed by the surveyor. It will be shown for the Planning Commission submittal.
No landscaping of the development envelope is required and no sidewalks are recommended in the NAR zone.

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.$^{11}$

The majority of the proposed Lot 10B is shown to be situated on steep slopes. Slopes greater than 25% have not been shown – as they must prior to review by the Planning Commission.

The Jurisdictional Determination (JD) performed in conjunction with the original subdivision may serve to satisfy the JD requirement for this resubdivision, if acceptable to MDE and the Corps of Engineers. Otherwise, documentation of a completed JD must be submitted prior to Preliminary Plat review by the Planning Commission.

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

The FSD (9/13/99), PFCP (4/24/00), FCP /Landscape Plan (6/13/00) were previously approved. The original FSD’s approval has expired, and revised FSD was approved on 11/6/06. A revised FCP must be approved before Final Plat review.

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

All Old York Estates’ recorded deed restrictions and HOA documents must be modified to include these lots and then be recorded prior to recordation. What steps have been taken in that regard? Mr. Blomquist said no.

Modified 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. The standard forest retention notes must be included on the record plat.

Safe sight distance for the proposed entrance must be verified by DPW.

The owners of the new lot must become members of the Homeowners’ Association that was created 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.

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$^{11}$ The Cecil County Subdivision Regulations define steep slopes as “15 percent or greater incline.” The Cecil County Zoning Ordinance defines steep slopes as consisting of a grade of 25% or more covering a contiguous area of 10,000 ft$^2$ or more. The Cecil County Forest Conservation Regulations define steep slopes as “areas with slopes greater than 25 percent slope.”
5) Lands of Herschell B. Claggett, Sr., Lots 4-6, Glebe Road, Concept Plat, Michael Scott, Inc., First Election District.

Michael Scott with Michael Scott Inc. appeared and presented an overview of the project. This is a farm that Mr. Claggett would like to develop into 3 lots.

Mr. Woodhull, DPW read the comments of the department:
1. A SWM plan, a Mass & Final Grading plan, and if the proposed access is made in a way other than by PRMA, a Street & Storm Drain plan, must be approved by the CCDPW prior to submittal for Final Plat Approval. The fees for design review of this project must be provided at the time of first design submittals.
2. What type of access are you proposing for these three lots (PRMA or private mini road)? Mr. Scott said it hasn’t been decided yet. They would like to know what DPW requires. Mr. Woodhull said they would require a private mini road.
3. A Perpetual Road Maintenance Agreement (PRMA) would require that the owners of Lots 5 & 6 be the children or grandchildren of the owner of Lot 4.
4. If you are proposing a private mini road the ROW must be 36’ wide and the road must be terminated in a cul-de-sac bulb in accordance with Standard Detail R-15 of the Road Code.
5. If the access road is a private mini road Section 3.07.15 of the Road Code will apply. It directs that Glebe Road must be upgraded for a distance of 100’ either side of the point of intersection between Glebe Road and the proposed road. The improvements required must address roadside drainage issues and pavement distress at a minimum. Additional improvements may be required if determined necessary by the DPW. Where these required improvements can be accommodated within the existing ROW or prescriptive right of maintenance, no new permanent fee simple ROW acquisition from adjoining property owners will be required.
6. If the access road is a private mini road 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 applicant must make a legitimate good faith effort to obtain all ROW required to accomplish these improvements. This effort must conform to Section 3.07.15 of the Road Code Guidance Manual. The applicant may seek a variance to these requirements if after these efforts the applicant is unable to obtain the necessary ROW.
7. The Department of Public Works requires that any Road Code Variances sought must be requested and the major road issues be resolved, to the Department’s satisfaction and shown on the preliminary plat prior to submittal of the preliminary plat to the Technical Advisory Committee. If no variances are requested & approved prior to the preliminary plat approval by the Planning Commission the applicant will be held to all Road Code requirements as dictated by the DPW.
8. If any access other than a PRMA is proposed sight distance measurements (intersection & stopping) for the proposed road entrance must be submitted and approved prior to submitting the preliminary plat to the Technical Advisory Committee for review.
9. What is the proposed disposition of the existing structures on site? All barns are torn down.
10. 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:
   10.1 The Final Plat Lot Grading and Lot Grading Plan Construction Limits Notes.
10.3 Requirements for Utility relocations.
10.4 Requirements for Public Works Agreements.
10.5 Requirements for Stormwater Inspection and Maintenance Agreements.
10.6 Requirements for Private Mini Road.

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. If a private mini-road is used a Public Works Agreement is required for the streets & storm drain construction.

5. An Inspection & Maintenance Agreement is required for the private SWM facilities.

6. If a private mini-road is used the 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. 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.

Mr. King, SHA had no comments.

Mr. Graham, Citizen’s Representative the owners of Pegasus Farms using the present road. This is in the front of Mr. McCarrin’s home. Mr. McCarrin said the road needs to be wider. When tracker trailers from the farm come out onto the road to make a left turn, they have too much difficulty due to the width of the road. When the road is used there is a blind spot. Mr. McCarrin is also concerned about when it rains hard, there is piping under his driveway, the water creates pools there.

Mr. Kyte, FA had no comments.

Ms. Latham, MDE said a water appropriation permit is not required.

Mr. von Staden, DEH read the comments of the department. See attached.

The applicant was provided with the Soil Conservation reports, and Mr. Di Giacomo read the comments of the CCBoE.

Delmarva Power had no faxed comment.

Mr. Di Giacomo, P&Z read the comments of the department:
Upon inspection, this proposal was found to be in compliance with §3.8 of the Subdivision Regulations regarding public notification signs.12

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

Zoning: SAR

Density: The SAR zone permits a maximum base density of 1 du/20 ac. This Concept Plat proposes 3 lots on 209.3 acres, for a proposed density of 1/69.77. Minor Subdivision #3682, Pegasus Farms LLC (m52, p487) was approved on 5/31/07; thus, there currently exists no more minor subdivision potential.

This plat is laid out in the fashion of a Preliminary-Final Plat, complete with signature block. §2.0 of the Subdivision Regulations allows for a combined Preliminary-Final Plat if there are from 1 to 5 lots.

However, §4.0.1 of the Subdivision Regulations allows for the elimination of a Concept Plat only for projects with fewer than 10 lots and 25 acres. With 209.3 acres, this project does not meet that test, and this must be considered a Concept Plat.

78.2 acres are reported to be in the Critical Area’s RCA designation, which also carries a density of 1/20. The proposed RCA density is 1/26.07.

An environmental assessment may need be submitted in accordance with §200.1.

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.

What is the rationale for the expanded CA buffer on proposed Lot 4 to extend outside the CA boundary? Mr. Scott said they were looking at slopes.

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

No more than 20% of the forest or developed woodland may be removed, and no more than 15% of the surface area can be converted to impervious surface in the RCA. In the critical area, no structure shall exceed 35’ in height.

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

A boundary line survey must be done in conjunction with the preparation of the Preliminary Plat13 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

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12 This project was submitted for April '07 TAC review under the name “Lands of Dana S. Corrin.” It had to be withdrawn because of failure to comply with §3.8 of the Subdivision Regulations.

13 §2.0 of the Subdivision Regulations allows for a combined Preliminary-Final Plat if there are from 1 to 5 lots.
shall be used to ensure sediment and erosion control and slope stabilization before, during and after disturbance activities.\textsuperscript{14}

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

A 110’ perennial stream buffer is required from all perennial streams present. Is a “blue line stream” the same as a perennial stream? The 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.\textsuperscript{15}

The habitats of rare, threatened, and endangered species must be avoided. This subdivision shall be subject to the habitat protection criteria of the County’s Critical Area Program.

No common open space is required. No landscaping of the development envelope is required and no sidewalks are recommended in the SAR zone.

The adjacent properties’ zoning has been shown.\textsuperscript{16}

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

Where feasible, the natural vegetative equivalent may be used to satisfy any bufferyard 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.\textsuperscript{17}

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, with the metes and bounds description of the FRA being shown on the Final and Record Plats.

Variance application #3312 has been approved.\textsuperscript{18} A PRMA must be executed. Why isn’t a private mini-road proposed? Mr. Scott said there has been no decision on that as of yet. They would like to keep the road the way it is. Mr. Woodhull said a private mini road can be a gravel drive.

\textsuperscript{14} The Cecil County Subdivision Regulations define steep slopes as “15 percent or greater incline.” The Cecil County Zoning Ordinance defines steep slopes as consisting of a grade of 25\% or more covering a contiguous area of 10,000 ft\textsuperscript{2} or more. The Cecil County Forest Conservation Regulations define steep slopes as “areas with slopes greater than 25 percent slope.”

\textsuperscript{15} 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.

\textsuperscript{16} Per §187.2, the Planning Commission may require bufferyards to separate different zoning districts from one another.

\textsuperscript{17} Per §5.1.C, Cecil County Forest Conservation Regulations.
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.

School information:  

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6) **Lands of Edd & Patsy Payne**, Lot 1, Frenchtown Road, Concept Plat, Will Whiteman Land Surveying, Inc., Seventh Election District.

Will Whiteman, Surveyor appeared and presented an overview of the project. This project consists of 9.8 acres of land. There is an existing dwelling, gravel drive, garage, existing septic area and well. They are proposing to cut a lot out for the Payne’s son of Edd and Patsy Payne. That would be the panhandle portion of the existing lot. Also provide a 20’ wide access easement for the remaining lands to the existing dwelling.

Mr. Di Giacomo asked if the current owners have access across parcel 693. Mr. Whiteman said this property was originally owned by the son (Richard Akers) of Kitty Sue Akers and his wife. His wife is the daughter of Mr. and Mrs. Payne. Richard Akers and his wife later divorced and Mrs. Akers kept the property, this property was then turned over to the Payne’s. Therefore, they do have the right to use the driveway that is crossing parcel 693.

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

1. A SWM plan and a Mass & Final Grading plan must be approved by the CCDPW prior to submittal for Final Plat Approval. The fees for design review of this project must be provided at the time of first design submittals.
2. Do the owners of Parcels 423 & 666 have an access easement allowing the use of the driveway on Parcel 693? Yes, there will be a recorded ROW with Mrs. Akers.
3. Will the proposed Lot 1 access Frenchtown Road using the existing driveway serving Parcels 423, 693, & 666? Yes.
4. Is a Perpetual Road Maintenance Agreement (PRMA) proposed to allow access to Lot 1? There is no PRMA. If so the proposed property lines indicate that Lot will own the road frontage on Frenchtown Road and would be the parcel granting access to the remaining lands of Parcel 423. As such the owner of Lot 1 would need to be the parent or grandparent of the owner of the remaining lands.
5. Show Parcel 666 on the plat and indicate its access to the shared driveway used by Parcel 423.
6. 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:
   6.1 The Final Plat Lot Grading and Lot Grading Plan Construction Limits Notes.
   6.2 Requirements for Utility relocations.

18 Proposed dwellings are depicted on all 3 proposed lots. If one contained an existing dwelling, then this design would be consistent §171.5.
Notes and requirements identified for record:

6. The Final Plat must include the Lot Grading Plan standard note. 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 or both the developer and/or Builder may be subject to the enforcement of the penalty provisions therein.”

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

8. 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.

9. An Inspection & Maintenance Agreement is required for the private SWM facilities.

Mr. King, SHA had no comments.

Mr. Graham, Citizen’s Representative received comments from Mrs. Bolen. She bought her property from Howard Montgomery. At that time, she was interested in getting that piece of property for some future development. Mr. Montgomery told Mrs. Bolen that the land could only perk in one spot. She would like to know how they can perk on 2 places now. Mr. Whiteman said it is hearsay from 18 years ago. Mr. von Staden said the holes in the back (21,22,23,24,25) were the holes that were done previously but they tested a different area.

Mr. Kyte, FA had no comment.

Ms. Latham, MDE said a water appropriation permit is not required.

Mr. von Staden, DEH read the comments of the department. See attached. Mr. von Staden said they had gone over this project in the office a number of times and driveway has been shown where it is but until this meeting he hadn’t heard about obtaining a ROW. Putting a ROW in the sewage area of Mrs. Akers is going to present problems. Mr. von Staden asked that they show the sewage area from the previous minor subdivision. Mr. Whiteman said they would shift the driveway to keep it out of the sewage area.

The applicant was provided with Soil Conservation reports, and Mr. Di Giacomo read the comments of CCBoE.

Delmarva Power had no faxed comment.

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

Upon inspection, this proposal was found to be in compliance with §3.8 of the Subdivision Regulations regarding public notification signs.
With regard to the posting of plats on the County’s website, notice is hereby given that submissions can be only 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. This Concept Plat proposes 1 lot plus remaining lands on 9.781 acres, for a proposed density of 1/4.89.

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

The grid information in the unlabeled vicinity map has been omitted.

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.¹⁹

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.²⁰

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

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

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

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

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

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

Per Note #6, this project is exempt from the Forest Conservation Regulations, per §3.2K.

Any Landscape Agreement must be executed prior to recordation.

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¹⁹ 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.”

²⁰ 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.
A PRMA must be established.

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.

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7) **Chestnut Point Marina**, Lots 1-104, Chestnut Point and Carpenter’s Point Roads, Concept Plat, Stantec, Fifth Election District.

Cindi King and Jim Gade with Stantec and Bob Welch, representative of the owner appeared and presented an overview of the project. They had previously had a cul-de-sac at the end of Chestnut Point Road then they had another internal road. The Planning Commission in April asked that they eliminate the cul-de-sac and create a looped road. That was done. Where the properties are along the river are shown on Kirk Road, the deed refers to it as Kirk Road but the owners that live on it use Chestnut Point Road as an address. A call was put into at EMS, Brian Jackson. There response was to rename that as Chestnut Point Road Extended. Where Scooner Lane intersects with Galleon Drive, the little curvature to the north has been evened out a little more to gain better site distance. They did meet with the DPW at the intersection of Carpenter’s Point and Chestnut Point Roads to talk about the sight distance concerns there. They felt that if some of the bank to the south was removed a little, it would be adequate sight distance. Some other questions that came up at the Planning Commission meeting were the comprehensive plan. It does meet the goals of the comprehensive plan as far as the quality, grow and desirable community characteristics. They have avoided development in the agricultural areas. There is no strip development. The land also permits a marina and those types of uses. For performance standards, they are looking into using pervious materials in order to help with the stormwater runoff. They will be providing a traffic impact study. Mr. Welsh stated the demolition and clean up is proceeding.

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

1. How is water to be supplied to this development? Private source, other than the county. The CCDPW assumes that the water supply for this development will be provided by a private source. Therefore we recommend that the Planning Commission condition any approval on the water system being designed and built to County Standards. The water lines must be reflected on the sanitary sewer plans and as-builts

2. 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.

3. How do you intend to address SWM quantity & quality control for lots down-gradient of the proposed SWM facilities? Less impervious surfaces. Careful design must be used in developing the individual lot grading plans to address stormwater run-off impacts on down stream lots as well as the marina area.
4. No SWM facilities may be located within the 100-Year Flood Plain.

5. While the 100-Year Flood Plain line has been shown the Department has a concern about possible impact on the SWM facility adjacent to Lot 67. Because it could potentially be within the floodplain, an engineering analysis must be completed to delineate the 100-year flood plain line by contour.

6. Identify all SWM conveyance easements on the preliminary & final plats.

7. We recommend that a TIS be required. Depending on the outcome of the TIS the Department may require upgrade to the northern portion of Carpenters Point Road. At a minimum Section 3.07.15 of the Road Code directs that Carpenters Point Road must be upgraded for a distance of 100’ either side of the point of intersection between Carpenters Point Road and the proposed roads. The improvements required must address roadside drainage issues and pavement distress at a minimum. Where these required improvements can be accommodated within the existing ROW or prescriptive right of maintenance, no new permanent fee simple ROW acquisition from adjoining property owners will be required.

8. 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 applicant must make a legitimate good faith effort to obtain all ROW required to accomplish these improvements. This effort must conform to Section 3.07.15 of the Road Code Guidance Manual. The applicant may seek a variance to these requirements if after these efforts the applicant is unable to obtain the necessary ROW.

9. The Department of Public Works requires that any Road Code Variances for offsite/entrance roads sought must be requested and the major road issues be resolved, to the Department’s satisfaction and shown on the preliminary plat prior to submittal of the preliminary plat to the Technical Advisory Committee. If no variances are requested & approved prior to the preliminary plat approval by the Planning Commission the applicant will be held to all Road Code requirements as dictated by the DPW.

10. The existing privately owned Chestnut Point Road will serve as a primary access for this development. This traffic loading indicates that Chestnut Point Road be classified a minor collector standard road from Carpenters Point Road to the intersection adjacent to Lots 56 & 94.

11. Therefore the CCDPW requires that the applicant upgrade Chestnut Point Road to a minor collector or equivalent standard from Carpenters Point Road to the intersection adjacent to Lots 56 & 94. From this intersection to the proposed intersection with Galleon Drive at Lots 69 & 90 the proposed Chestnut Point Road will be classified as a minor road and be upgraded/built to that or an equivalent standard. The applicant must deed entire length of all proposed roads to the Cecil County BOCC and maintain access to Kirk Road (private) and the dwellings it serves. Where the county ends the maintenance responsibility there will be a blue private road sign to acknowledge.

12. The approach angle geometry of the proposed intersection adjacent to Lots 13 & 14 and the intersection of Carpenters Point Road & Chestnut Point Road is of concern to the Department. Section 3.07.4 of the Road Code applies here.

13. The horizontal curvature of Galleon Drive adjacent to Lots 46-48 is also of concern to the Department as to the ability to obtain adequate sight distance along the curve. The requirements of Section 3.04 of the Road Code must be adhered to.

14. The roads & storm drains must be designed to maintain access for emergency vehicles in the 100-Year Flood Plain.

15. All proposed roads must be closed section design according to Section 2.07 of the Road Code. With the size of the lots proposed the Department will require a 30’ pavement width.

16. Section 3.08 B. of the Road Code requires that all driveways be a minimum of 75’ from intersections.
17. The sight distance measurements (intersection & stopping) for the proposed Carpenters Point Road intersections must be submitted and approved prior to submitting the preliminary plat to the Technical advisory Committee for review. The applicant must satisfactorily address the Department’s concerns for both proposed intersections.

18. The Department has serious concern over the lack of parking for the marina as well as insufficient parking for the clubhouse, pool & picnic area. Mr. Welch said the land occupants prior to this proposal never drove down. They mostly utilized boats. He then asked if the use of golf carts by the homeowners be a solution to the long walk to the slips. Mr. Di Giacomo to do that there are not enough parking spaces. Mr. Gade said he would be looking into it.

19. The Developer is responsible to submit an engineer’s preliminary layout for the subdivision public sewer, including any pumping stations, to the Department of Public Works at least thirty (30) days prior to TAC review of a preliminary plat.

20. The proposed sanitary sewer pump station must be located outside of the 100-Year Flood Plain and be on a fee simple lot dedicated to the Cecil County BOCC.

21. The sanitary sewer lines within this development must make maximum use of gravity flow.

22. Show all water lines, sewer lines, and access to the sanitary pump station within utility easements on the preliminary and final plats. The minimum easement width is 20’

23. Due to the proposed lot sizes, dwellings will be in close proximity to the side property lines. Therefore the Department will require that the gravity sewer into and the force main out of the proposed pump station be located in common open space not on individual lots.

24. All service connections must be at the road frontage of each lot.

25. A Benefit Assessment as well as Connection Fees will apply for these lots.

26. 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:

26.1 The Final Plat Lot Grading, and Lot Grading Plan Construction Limits Notes.
26.3 Requirements for Utility relocations.
26.4 Requirements for Public Works Agreements.
26.5 Requirements for Stormwater Inspection and Maintenance Agreements.
26.6 Requirements for County Roads.
26.7 Requirements for Driveways.
26.8 Requirements for Sewer Service Cleanouts – Location.
26.9 Requirements for Final Plat - Public Sewer Allocation.

Notes and requirements identified for record:

1. The Final Plat must include the Lot Grading Plan standard note and a note indicating that sidewalk maintenance will be required of the adjacent property owner (if sidewalks are required). The Lot Grading Plan must include the standard construction limits note.
   a. Final Plat:  “A lot grading plan has been approved by the CDPW for the construction shown hereon. A site construction as built shall be submitted to the CDPW prior to use and 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 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 streets & storm drainage and public water & 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 Carpenters Point 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. 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.

9. Developer must request and obtain a public sewer allocation from the Department of Public Works before submitting a final plat to the Cecil County Planning Commission for approval.

Mr. King, SHA read the comments of the department. See attached.

Mr. Graham, Citizen’s Representative said the neighbors are now satisfied with the proposal.

Mr. Kyte, FA said he understands there will be fire hydrants in the development approximately 500-600 ft. apart. The department would like to see a looped water system to make sure there is sufficient water flow. They will need at least 800-1000 gallons per minute water flow. The department asks that they have 4 parking spaces per house. Sidewalks are recommended for this development. They would like to see no parking signs on both sides of the streets. The department needs street signs up during the construction process.

Ms. Latham, MDE asked if they decided to go with Carpenter’s Point rather than Charlestown Manor for the water supply. Mr. Gade said that is what they believe will be available. If Artisan’s is going to be taking over, they haven’t applied to MDE to have the permit transferred to their name. The current permit doesn’t have any allocation for this project. The water company will have to apply for an increase which will require public notification.

Mr. von Staden, DEH read the comments of the department. See attached.

The applicant was provided with Soil Conservation reports, and Mr. Di Giacomo read the comments from the CCBoE.

Mr. Di Giacomo read the comments of Delmarva Power.

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

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

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

Zoning: SR, MH, MB & LDA

Per §4.0.13 (n) 7, the Critical Area (CA) acres have been provided (Notes 9 & 10) for each zoning classification. The aggregate CA acreage is stated as 29.442 (Note 18).
79 proposed lots are in the CA, resulting in a proposed CA density of 2.68/1, based on 29.442 acres. The LDA permits a density of up to 3.99/1. Note #10 must be revised to reflect the correct number of lots (from 75 to 79) in the Critical Area.

Note #19C now indicates the total CA impervious cover to be 15%. That figure does not include any sidewalks or marina parking. Given the 15% impervious cover limitation, the 1.825 acres of common open space outside the CA is curious. In addition, Note #19C’s representation that only 36.5% of the ROW would be paved is unreasonable: On the 50’ of ROW depicted, that would essentially amount to two 9’ traffic lanes.

The exact impervious cover calculation must be included on any Preliminary Plat, and a Growth Allocation may be necessary.

Density: The SR zone permits a density of 1 du/1 ac., or up to 2/1 with community facilities. This Concept Plat proposes 22 DR dwelling units on 11.053 acres, for a proposed density of 1.99/1. If the 11.053 acres includes the water acreage where the boat slips are depicted, then that acreage must be deducted from the land acreage. That would likely raise the proposed SR density above permissible limits, and it could also raise the proposed LDA density above permissible limits.

The MH zone permits a base density of 2 du/1 ac., or up to 4/1 with community facilities. This Concept Plat proposes 82 dwelling units on 24.221 MH-zoned acres, for a proposed density of 3.39/1. Again, if the 24.221 acres includes the water area where the boat slips are depicted, then that acreage must be deducted from the land acreage. That could raise the proposed MH and LDA densities above permissible limits.

No dwellings are proposed in the MB portion of the site – which is water, not land.

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.

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’.

Mixed Alluvial is a hydric soil, so the depicted CA buffer must be expanded – which would affect several proposed lots. As is, proposed Lot 67 would be difficult to achieve.

Proposed Lot 70 does not meet the minimum width requirement of the Zoning Ordinance.

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21 If any portion of a lot is in the Critical Area, then the whole lot is included in the density calculation.
22 The Cecil County Subdivision Regulations define steep slopes as “15 percent or greater incline.” The Cecil County Zoning Ordinance defines steep slopes as consisting a grade of 25% or more covering a contiguous area of 10,000 ft² or more. The Cecil County Forest Conservation Regulations define steep slopes as “areas with slopes greater than 25 percent slope.”
A 25’ buffer is required around all non-tidal wetlands 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 copy of the JD letter has been received, but not the referenced map.

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

15% common open space is required;23 the plat’s Lot Table, consistent with Site Data Note # 11,24 indicates that 10.57 acres (28.68%) of common open space are proposed.25 Minus the 1.58 MB-zoned acres, the revised common open space total would be 8.99 acres (24.39%).

Per previous comments, areas of “common open space” must be consistently labeled 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. The C.O.S. sensitive areas threshold must be calculated and included on the Preliminary Plat.

Strict conformity with §176.2.a, §176.2.c, and §176.2.d shall be required.

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

No more than 15% of the surface area can be impervious in the LDA.26 In the interest of limiting impervious cover, staff would support a proposal that did not include sidewalks, so long as there was pedestrian striping on the roads, for example.

No more than 20% of the forest or developed woodland may be removed. When less than 15% of the site is in forest cover, at least 15% of the gross site area shall be afforested. No structure shall exceed 35’ in height.

20% landscaping is required.

Bufferyard Standard C is required, outside the right-of-way, along the road frontages of Carpenter’s Point Road.

Rows of street trees with 10’ planting easements are required, outside the right-of-way, along both sides of all internal roads and Chestnut Point 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 FSD was approved on 4/11/07. An Environmental Assessment is required for the area in the LDA zone27, with a Preliminary EA being approved prior to the Planning Commission’s review of the Concept Plat.

23 Any other type of dwelling would require 20%, per §30 and §26.3.b.
24 Site Data Note # 11, on the other hand, refers only to “open space.”
25 The portion of the proposed 1.58 acres of “open space” that is zoned MB cannot be used to satisfy the common open space requirement of the SR and MH zones. No precedent could be found for a water area or marina to serve as common open space.
26 This must be demonstrated on any Preliminary Plat.
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), 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 proposed road names have been approved.

A Traffic Impact Study (TIS) must be completed prior to the TAC’s review of any Preliminary Plat.

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 includes this area as W1 and S2.

Verification of water allocation and sewer capacity must be received for the single family and duplex sections prior to the Planning Commission’s review of the Final Plat.

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 Final Plat review. Documentation of all approvals for the system and the operator required by the Public Service Commission must be submitted 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 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 condominiums and lots/houses offered for sale.

The proposed clubhouse must be served by water & sewer systems approved by the Health Department. If the clubhouse, 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 in either case.

Why is the clubhouse site proposed inside the CA buffer, contrary to §195.3.b & c? Mr. Welch met with the Critical Area Commission in Annapolis. They said they would entertain certain modifications.

The proposed marina portion of the project has a number of issues:

27 Which is exempt from the Forest Conservation Regulations per §3.2.B.

28 The beach, swimming pool, and community clubhouse each has a parking requirement which must be satisfied, per §274.5, §274.6, and §275.5. The 25 spaces currently proposed at the community clubhouse are inadequate.

29 If the proposed clubhouse is to be a private club, then it shall adhere to the requirements of §90, including a rezoning.
• As previously stated, if the former commercial marina is intended for a community recreational facility, then §’s 169 and 198 of the Zoning Ordinance must be adhered to. Pursuant to §198.2.a(2)(b), based upon 79 lots proposed in the Critical Area, no more than 39 slips could be permitted.

• The number of slips depicted might be achievable as a commercial marina, which would require a rezoning.\textsuperscript{30} The applicant is again reminded that Concept Plats proposing uses that are in conflict with the underlying zoning cannot be approved.\textsuperscript{31}

• §277 requires 0.5 parking spaces per slip. 39 slips would require 20 parking spaces, which would add to the impervious cover of the project.

Approximately 23 dwellings are proposed within the 100-yr. floodplain. Per §241.2.d (1), those building sites can be approved only after a Variance has been granted. What steps have been taken in that regard? Mr. Gade said he does know a variance will be required.

Mr. Gade added, as far as the comments above regarding the commercial marina, it is an existing marina. There is some grandfathering involved with it. Mr. Di Giacomo said the previous marina has not been in continuous use for more than 90 days, therefore the grandfathering has expired. Mr. Gade asked if there is a section that states the 90 day clause. Mr. Di Giacomo said he will check with the Zoning Administrator. Mr. Welsh said they are in the process of trying to get new docks built. Mr. Di Giacomo said to proceed they will need to comply with the Zoning Ordinance.

If the §241.2.d (1) variance application is successful, then the requirements of §243 must be strictly adhered to.\textsuperscript{32}

Fire hydrant locations must be selected in consultation with DPW and the Charlestown Fire Company.

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

What is the proposed disposition of the existing structures?

How will the marina area be accessed, especially emergency access?

The applicant was reminded of the Monday noon submission deadline for review by the Planning Commission this month. However, any significant redesign would require prior review by the TAC.

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8) Villages of Stoney Run, Lots 1-392, Nazarene Camp Road, Preliminary Plat, Morris & Ritchie Associates, Inc., Fifth Election District.

\textsuperscript{30} The pervious marina was then an existing, non-conforming use – which was “grandfathered.” The marina has not been in continuous use for more than 90 days; therefore, the grandfathering expired.

\textsuperscript{31} The rezoning, if it can be achieved, must precede the Planning Commission’s review of the Concept Plat.

\textsuperscript{32} §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.”
Jeff Matthai with Morris & Ritchie Associates and Peter O’Rourke, developer appeared and presented an overview of the project.

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

1. A SWM plan, Street and 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 fees for design review of this project must be provided at the time of first design submittals.

2. 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-builts. All easements for the water lines must be reflected on the final plat.

3. More clearly identify stream buffers on the plat. The Department has concerns that several of the proposed SWM facilities may be partially located within a stream buffer, which is not allowed.

4. The inspection & maintenance as well as stormwater conveyance easements must be shown on the preliminary plat. The minimum width is 20’ but may need to be wider depending on the type of conveyance proposed. These easements have not been identified on the plat. This must be done before submitting the preliminary plat for review by the Planning Commission.

5. Why have you combined access & conveyance easements for many of the proposed SWM facilities? There needs to be adequate width of the easement.

6. 3.07.15 of the Road Code nominally directs that Baron Road & Nazarene Camp Road must be upgraded for a distance of 100’ either side of the point of intersection with the proposed Old Brick Boulevard. However with the proposed impact of this development, off site road improvements will be required on both Baron Road & Nazarene Camp Road.

7. Sight distance measurements (intersection & stopping) for the Baron Road & Nazarene Camp Road access location to DPW prior to preliminary plat submittal to the Planning Commission. Mark the proposed entrance locations in the field by a survey stake or paint.

8. The extent of the offsite improvements, as discussed with the applicant, will run from the south side of the Baron Road CSX Bridge to the intersection of Nazarene Camp Road at MD 272. In that discussion the Department of Public Works identified the requirement for an offsite road condition survey to include borings at locations identified by the Department. The Department received a partial submittal on May 23, 2007. The boring data was omitted from the survey report.

9. The improvements required must address roadside drainage issues and pavement distress at a minimum. Additional improvements may be required if determined necessary by the DPW as a result of the survey findings. Where these required improvements can be accommodated within the existing ROW or prescriptive right of maintenance, no new permanent fee simple ROW acquisition from adjoining property owners will be required.

10. The Department of Public Works requires that any Road Code Variances sought for offsite/entrance road must be requested and the major road issues, including offsite road improvements required, be resolved, to the Department’s satisfaction and shown on the preliminary plat prior to submittal of the preliminary plat to the Planning Commission. If no variances are requested & approved prior to the preliminary plat approval by the Planning Commission the applicant will be held to all Road Code requirements as dictated by the DPW. Tim Whittie, DPW spoke on conditions.

11. Fire Brick Way serves as access to 118 townhouses plus as connectivity to future development on the Montgomery Brothers property. This connectivity if & when made would allow for access to
this development from Razor Strap Road. As such it can expect to see higher traffic loading than just that generated by the 118 townhouses.

12. The same holds true for Brickyard Lane with the exception of connectivity to the Jansen property.

13. The 3.06 parking spaces per townhouse unit better suits the fact that both Brickyard Lane & Fire Brick Way will serve as collector roads accessing future development on adjoining properties as well as serving as a future second access to the existing County road network than 2.67 seen at TAC. This is more in line with Persimmon Creek Section IV & V proposal of approximately 3.24 spaces per unit.

14. Remove the heavy dashed line separating the single family dwellings from the townhouses.

15. The Department has concern that the proposed Old Brick Boulevard provides sufficient queuing potential for the number of AM/PM peak hour traffic loading generated by this development. The Applicant’s engineer must provide a queuing analysis demonstrating the ability of the proposed entrance intersection to handle all loading in all directions prior to submitting the preliminary plat for TAC review. Why has no queuing analysis been submitted? This was sent in, a copy was given to Mr. Woodhull.

16. As previously cited the Department believes the location of Lots 10 & 11 on Old Brick Boulevard is very poor planning that will require the residents of these two lots to make turning movements in the main ingress & egress traffic flow of this development. How has this concern been addressed? The Department strongly recommends that the Planning Commission require that they no lots be allowed to front & access the boulevard entrance road. If the Planning Commission allows this access the Department recommends that the two lots be provided with turnaround capability on their driveways to allow for safer egress.

17. Lots 9 & 12 must be denied direct access to Old Brick Boulevard and this must be clearly indicated on the final & record plats as well as the lot grading plan.

18. Pre-design geotechnical evaluation and borings along the proposed road stream and wetlands crossings is required, along with specific remedial recommendations for subsurface drainage and street sub grade placement.

19. The structure on Railroad Lane crossing over the unnamed perennial stream must be approved as part of the road plan approval passing the 100 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.

20. Likewise the structures crossing streams on Fire Brick Way must be approved as part of the road plan approval passing the 25 year storm without overtopping.

21. Closed section road is required per Section 2.07 of the Road Code.

22. Railroad Lane and Brickyard Lane north of the proposed entrance must have 32’ wide pavement section while all minor roads serving single family detached dwellings must have 30’ pavement section.

23. What is proposed for the emergency access shown? A stone road with barricades.

24. All lots must access the least major road frontage available to it and be denied direct access to the more major road frontage. This must be clearly identified on the final & record plats as well as the lot grading plan.

25. The standard fee simple ROW dedication note is required for the Baron & Nazarene Camp Road frontages.

26. Lots 204 & 210 must access Red Brick Court and be denied direct access to Oriskany Circle. The owners of Lots 204-210 must become members of a mini road maintenance association for Red Brick Court and their rights and responsibilities must be identified in the deeds for these lots.

27. The Fire Brick court cul-de-sac bulb is in non-compliance with Road Code as to its radius.

28. Developer must request and obtain a public sewer allocation from the Department of Public Works before submitting a final plat to the Cecil County Planning Commission for approval.
request can be made once this project has received preliminary plat approval. Until allocation has been granted the Developer proceeds with any and all project engineering at his own risk.

29. Connection to the Stoney Run Interceptor line will be the Developer’s responsibility including obtaining all required easements and the installation of the sewer main between the site and the main. The applicant is also responsible for all costs in doing so.

30. The Developer must also analyze the existing sanitary sewer main from the proposed point of connection to the Washington Street Pump station to determine if adequate capacity exists in the line. This analysis must be submitted prior to the sanitary sewer plan submittal.

31. The preliminary layout of the proposed subdivision sewer system required at Concept Plat has been submitted. However, clarify the force main routing shown on the plat. The Developer is responsible to submit an engineer’s preliminary layout for the subdivision public sewer, including any pumping stations, to the Department of Public Works at least thirty (30) days prior to TAC review of a preliminary plat.

32. The pump station has been located in a fee simple lot as required by the Department. Any pump station required must be located on a lot dedicated in fee simple to the Cecil County BOCC.

33. All sanitary sewer lines located outside or County ROW or deeper than 15’ must be ductile iron.

34. All easements for sanitary sewer lines must be reflected on the preliminary plat presented to the TAC. Why aren’t they? This must be done before submitting the preliminary plat for review by the Planning Commission.

35. 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:

35.1 The Final Plat Lot Grading Note and the Lot Grading Plan Construction Limits Note.
35.3 Requirements for Utility relocations.
35.4 Requirements for Public Works Agreements.
35.5 Requirements for Stormwater Inspection and Maintenance Agreements
35.6 Requirements for County Roads.
35.7 Requirements for Driveways.
35.8 Requirements for Private Mini Roads
35.9 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 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 sanitary sewer construction and county streets & storm drain 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. All curves must comply with the Road Code (Section 3.04). The internal street grade may not exceed 5% within the limits of the intersection right-of-way.

7. 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.

8. The private mini-road 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. 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.

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.

Ms. Latham, MDE said a water appropriation permit is not required.

Mr. King, SHA read comments of the department. See attached.

Mr. Graham, Citizen’s Representative had no comments.

Mr. Kyte, FA stated that this development has a lot of 30’ wide streets. The department would like to
have no parking signs put on one side of the street. Two parking spaces per house is insufficient for
parking for this development. Street signs will be needed for EMS during the construction stages.
The fire company will review fire hydrant placement.

Mr. von Staden, DEH read the comments of the department. See attached.

The applicant was provided with Soil Conservation reports, and Mr. Di Giacomo read the comments
from Delmarva Power and the comments of the CCBoE.

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

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.

Zoning: RM

Density: The Concept Plat, proposing 234 single family and 162 townhouses on approx. 137 acres,
for a proposed density of 2.89/1,\footnote{With community facilities, the RM zone permits a density of 6 du/ 1 ac., or 12/1 for townhouses.} was approved on 3/19/07, conditioned on:
1) A boundary line survey being completed prior to the TAC’s review of the Preliminary Plat;
2) A TIS being completed prior to the TAC’s review of the Preliminary Plat;
3) A field-delineated 100-year floodplain boundary being used on the Preliminary Plat;
4) All road names being approved prior to the Planning Commission’s review of the
Preliminary Plat;
5) The PFCP being approved prior to the Planning Commission’s review of the Preliminary
Plat;
6) The JD being completed prior to the Planning Commission’s review of the Preliminary Plat;
7) All stream buffers being depicted prior to the TAC’s review of the Preliminary Plat;
8) At a minimum, access easements being designed for proposed lots 308-315 and 316-318 prior to the TAC’s review of the Preliminary Plat; and
9) A redesign to eliminate the three adjacent panhandle lots. Being 87, 88 & 89, as that type of design is prohibited by the Cecil County Subdivision Regulations.

Now proposing 233 single-family and 159 townhouse lots on 136.755 acres\(^{34}\) for a density of 2.87/1, this Preliminary Plat is generally consistent with the approved Concept Plat.

Note # 17 indicates that the boundary line survey has been completed. Is there any reason the plat has not been signed and sealed by a property line surveyor? The surveyor will sign the Mylar.

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.\(^{35}\)

Slopes greater than 25% have been shown; several proposed lots show significant steep slope encumbrance.

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’\(^{36}\).

The lines representing streams, wetlands, and their buffers frequently converge. The 100-year floodplain has been shown – including the stream running outside its floodplain. Note # 15 indicates that the 100-year floodplain boundary was taken from the FEMA Panel. Per condition #3 of Concept Plat approval, the Preliminary Plat must accurately depict the floodplain, per §4.1.22 (i) & §4.1.22 (p).

The SE-most SWM area appears to be 160’ from the stream, but there is no buffer labeled. A number of SWM areas are just outside intermittent stream buffers. If those buffers are within FRAs, then they must be expanded to 50’.\(^{37}\)

A 25’ buffer is required around all non-tidal wetlands and intermittent streams present. Several proposed lots show significant areas of wetlands or buffers (e.g., 9-11 & 27-29).

A number of proposed stream and wetland crossings are depicted. Permits are required from the (US Army) Corps of Engineers and MDE for all non-tidal wetland and stream impacts prior to recordation. What is the status of the JD?\(^{38}\)

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

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\(^{34}\) The lot, right-of-way, and common open space acreages actually total 137.08 acres, due to rounding.

\(^{35}\) The Cecil County Subdivision Regulations define steep slopes as “15 percent or greater incline.” The Cecil County Zoning Ordinance defines steep slopes as consisting of a grade of 25% or more covering a contiguous area of 10,000 ft\(^2\) or more. The Cecil County Forest Conservation Regulations define steep slopes as “areas with slopes greater than 25 percent slope.”

\(^{36}\) If necessary, 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, the Planning Commission may waive the expanded buffer if evidence is provided that this design would provide the same level of water quality or better.

\(^{37}\) If necessary, 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, the Planning Commission may waive the expanded buffer if evidence is provided that this design would provide the same level of water quality or better.

\(^{38}\) The JD must be completed prior to Preliminary Plat review by the Planning Commission.
15% common open space is required for the single family dwelling section; 20% is required for the townhouse section. 50.2% is proposed.

As previously stated, the County prefers fee-simple access to SWM areas – as has been provided in some cases, but not others (why not?). No reason given for that.

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 have been calculated and included.

§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.

Sidewalks are recommended on both sides of all internal roads.

A minimum 25% landscaping is required in the RM zone. The required (§29.5.a (2)) 25’ peripheral Bufferyard standard C has been shown. No parking areas, roadways, or accessory structures shall be permitted in the 25’ planted bufferyard.

Rows of street trees with 10’ planting easements are required, outside the right-of-way, along both sides of all internal roads. How will street tree plantings be implemented in the townhouse section? Mr. Matthai doesn’t know. 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.

Bufferyard Standard C is required, outside the right-of-way, along the road frontages of Baron Road. The fee-simple road dedication has been shown.

The FSD has been approved.

The PFCP must be approved prior to Planning Commission review of the Preliminary Plat.\[^{39}\]

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 road names Fire Brick Way, Fire Brick Court, and Railroad Lane were disapproved. Alternatives must be selected and approved by the County 911 Emergency Center prior to Planning Commission review of any Preliminary Plat. A suggestion was to drop one of the “Fire Brick” names.

The required TIS has been completed and it under review.

\[^{39}\] Per §6.2.B(1) of the Cecil County Forest Conservation Regulations.
Additional access points are proposed to the lands of Jansen and the lands of Montgomery Brothers. Also, emergency access has been proposed to Baron Road between proposed Lots 3 and 4. Has any coordination taken place with Jansen and Montgomery Brothers? Mr. O’Rourke said they looked at what Mr. Montgomery has and at the last meeting he was in the audience and he indicated that he wouldn’t have any objection to connection. There may be some further contact with Mr. Jansen.

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. Building heights have been provided, per §29.4(c). The minimum distance between townhouse structures shall be 60’ if the structures are face to face.

Contrary to condition # 8 of Concept Plat approval, townhouse clusters, because the peripheral bufferyard, or lack of fee simple access, or even access easements, do not have any direct access to their rear yards. Why? Mr. Matthai asked if bufferyards are acceptable. Mr. Di Giacomo said if they are planted bufferyards they aren’t preferred. 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. All clusters would benefit if access easements were included between buildings.

Per Site Data Note # 11, the number of proposed parking spaces is consistent with §’s 274 & 277 of the Zoning Ordinance.

Fire hydrant locations have been included. They must be finalized in consultation with the North East Volunteer Fire Company and DPW.

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 Master Water and Sewer Plan classifies this site as W-1 and S-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 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.

40. The RM zone’s maximum building height is 35’.
41. The point of measurement shall be the exterior walls of the structures and does not include balconies or other architectural features.
The applicant was reminded of the Monday noon submission deadline for review by the Planning Commission this month. However, any significant redesign would require prior review by the TAC.

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The June TAC meeting adjourned at 12:35 p.m.

Respectfully submitted,

_Jennifer Bakeoven_
CECIL COUNTY TECHNICAL ADVISORY COMMITTEE  
Wednesday July 5, 2007, 9:00 a.m.  
County Administration Building  
107 North Street, Elkton, Maryland

Present:   Di Giacomo, Tony (CCP&Z), Woodhull, Mark (CCDPW), Graham, Daniel (Citizen’s Representative), von Staden, Fred (DEH), Latham, Cynthia (MDE), West, Janel (CCPS), Schmidt, Kate (Critical Area Commission), Bakeoven, Jennifer (CCP&Z).

Absent:  Cwiek, Philip (USACoE), Ouano, Jun (Delmarva Power), Brown, Chris (CCSCS), Kyte, Jim (FA), King, Butch (SHA).

Mr. Di Giacomo called the meeting to order at 9:00 a.m.


Will Whiteman appeared and presented an overview of the project. The purpose of this subdivision is to create a lot for the Miller’s daughter, Mrs. Strohmaier. They have not done a boundary survey on the entire property but the acreage on the plat is taken from tax documents and deeds. A boundary line survey was performed on the easterly and southerly line of the property. The lot would be accessed by a perpetual road maintenance agreement between the Miller’s and the Strohmaier’s. Mr. Whiteman pointed out that note #4 (BRL) on the submitted plat would need to be changed. The BRL’s are different then what is shown on the plat. They have set a 100 ft. building restriction line off of the easterly most line which would keep it away from the Mahoney’s property and also keeping it to the north of the southerly most line away from the Orr property both being active agricultural lands. The agricultural note was also omitted from the plat which will be corrected.

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

1. A SWM plan and a Mass and Final Grading plan must be approved by the CCDPW prior to submittal for Final Plat Approval. The fees for design review of this project must be provided at the time of first design submittals.

2. The proposed access will be from a State Highway therefore the Department has no comment on the issue of road access.

3. The following standard notes and requirements apply to this plat and project: The details of these notes and requirements will be identified in the record but will not be read at this time:

   3.1  The Final Plat Lot Grading and Lot Grading Plan Construction Limits Notes.
   3.3  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. 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
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.

Ms. West, CCPS read the comments of the department. See file.

Mr. Graham, Citizen’s Representative remarked that Mr. and Mrs. Hovatter had a problem with the driveway. They would like to know how close the driveway would be to their line. Mr. Whiteman replied there is a fence line there. It will be north of the fence line but he can’t say exactly how close the driveway will be. A 20 ft wide strip has been shown. Mr. Whiteman stated that SHA may make comments to where they want access located but not give it in writing because they would like to see the county approve the subdivision first before approving an entrance.

Ms. Latham, MDE, said a Groundwater Appropriation Permit is not required.

Mr. von Staden, DEH read the comments of the department. See attached.

Mr. Di Giacomo provided the applicant with the copies of the Soil Conservation Service report as well as the OPZ comments. See file.

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

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

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

Zoning: NAR

Density: The NAR zone permits a density of 1 du/10 ac. This Concept Plat\(^1\) proposes 1 lot plus remaining lands on 45.0824 acres, for a proposed density of 1/22.54.

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.\(^2\)

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

\(1\) §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.

\(2\) The Cecil County Subdivision Regulations define steep slopes as “15 percent or greater incline.” The Cecil County Zoning Ordinance defines steep slopes as consisting of a grade of 25% or more covering a contiguous area of 10,000 ft\(^2\) or more. The Cecil County Forest Conservation Regulations define steep slopes as “areas with slopes greater than 25 percent slope.”
A 110’ perennial stream buffer is required from 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. 3

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

No common open space is required, and no landscaping of the development envelope is required in the NAR zone.

Per §187.2, the Planning Commission may require bufferyards to separate different zoning districts from one another. The adjacent properties’ zoning has not been shown.

A Bufferyard Standard A will be required adjacent to any adjoining property on which an agricultural operation is occurring. Where feasible, the natural vegetative equivalent may be used to satisfy any bufferyard requirements.

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

As stated in Note # 9, this project is exempt, per §3.2K.

Any Landscape Plan must be approved prior to Planning Commission review of the Final Plat (§6.3.B(1)(a), Cecil County Forest Conservation Regulations).

Any Landscape Agreement must be executed prior to recordation.

The PRMA must be executed prior to recordation.

What is the nature of the underground cable line? Mr. Whiteman said it belonged to Armstrong. A right of way was not found but they did have them come out to the site and mark it. Documentation of all necessary easement agreements with the underground cable line owner 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.

School information: Elementary Middle High School
Rising Sun Rising Sun Rising Sun

3 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.
FTE       819.5   709    1129  
Capacity     615   688     903  
% Utilization 133%   103%    125%  

Mr. Whiteman asked Mr. Di Giacomo if the Office of Planning and Zoning needs a boundary survey of the entire property or do they agree that they are in that threshold. Mr. Di Giacomo said they are within the threshold but they typically require a boundary line survey. Mr. Whiteman said a survey was done on the lands adjoined to the Mahoney, Orr and Hovatter properties. Mr. Whiteman than asked when they increase the BRL do they still need to put the planting buffer in there. Mr. Di Giacomo said yes but if they increase it to 300 ft then no. As far as the lack of an easement goes for Armstrong Cable, Mr. Whiteman said he could show an easement such as 5 or 10 ft on each side. Mr. Di Giacomo said it would be preferred for Mr. Whiteman to obtain something in writing from Armstrong stating that Mr. Whiteman is following proper procedure. Mr. Di Giacomo suggested that Mr. Whiteman write a letter to the Director of Planning and Zoning on the issue of the overall boundary line survey to get his thoughts on the subject and also to present the issue to the Planning Commission for their thoughts.

2. Lands of Denver & Rebecca Forrester, Jr., Lots 1 & 2 plus Remaining Lands, Simpers Road, Concept Plat, Will Whiteman Land Surveying, Inc., Third Election District.

Mr. Whiteman appeared and presented an overview of the project. The purpose of this subdivision is to create 2 lots for the Forrester’s children. Access for the purposed lots would be from the existing driveway via a Perpetual Road Maintenance Agreement.

Mr. Woodhull, DPW, read the comments of the department:
1. A SWM plan and a Mass and Final Grading plan must be approved by the CCDPW prior to submittal for Final Plat Approval. The fees for design review of this project must be provided at the time of first design submittals.
2. Is access to Lots 1 & 2 proposed via the existing driveway to what is referred to here as remaining lands? Yes.
3. The following standard notes and requirements apply to this plat and project: The details of these notes and requirements will be identified in the record but will not be read at this time:
   3.1 The Final Plat Lot Grading and Lot Grading Plan Construction Limits Notes.
   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.”
   3.3 Requirements for Stormwater Inspection and Maintenance Agreements.

Notes and requirements identified for record:

1. The Lot Grading Plan must include the standard construction limits note.
   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.
Ms. West, CCPS, read the comments of the department. See file.

Mr. Graham, Citizen’s Representative, had no comments.

Ms. Latham, MDE, said a Groundwater Appropriation Permit isn’t required.

Mr. von Staden, DEH, read the comments of the department. See attached.

Mr. Di Giacomo provided the applicant with a copy of the comments from Planning & Zoning and Soil Conservation Service. SHA had no comments for this project.

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

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

Zoning: SR

Density: The SR zone permits a density of 1 du/1 ac. This Concept Plat4 proposes 2 lots plus remaining lands on 3.951 acres, for a proposed density of 1/1.317.

Note #5 indicates that the boundary line survey has been completed.

Dwellings or impervious surfaces shall not occur on slopes with a grade of 25% or more covering a contiguous area of 10,000 ft² or more. On slopes between 15 and 25%, good engineering practices shall be used to ensure sediment and erosion control and slope stabilization before, during and after disturbance activities.5

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

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

A 25’ buffer is required around all non-tidal wetlands and intermittent streams present. Permits are required from the (US Army) Corps of Engineers and MDE for all non-tidal wetland and stream impacts prior to recordation. A Jurisdictional Determination (JD) must be done prior to preliminary plat review by the Planning Commission.6

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

4 §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.

5 The Cecil County Subdivision Regulations define steep slopes as “15 percent or greater incline.” The Cecil County Zoning Ordinance defines steep slopes as consisting of a grade of 25% or more covering a contiguous area of 10,000 ft² or more. The Cecil County Forest Conservation Regulations define steep slopes as “areas with slopes greater than 25 percent slope.”

6 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.
No common open space is required for fewer than ten lots.

20% landscaping of the development envelope is required in the SR zone, but no sidewalks are recommended in this case.

A Bufferyard Standard A will be required adjacent to any adjoining property on which an agricultural operation is occurring. Where feasible, the natural vegetative equivalent may be used to satisfy any bufferyard requirements.

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

Per Note #8, this project is exempt, per §3.2K.

The Landscape Plan must be approved prior to Planning Commission review of the Final Plat (§6.3.B(1)(a), Cecil County Forest Conservation Regulations).

The Landscape Agreement must be executed prior to recordation.

A PRMA must be executed 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.

School information:

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Tim Ryan, GW Stephens and Associates, appeared and presented an overview of the project. Lots 1-22 have been previously approved. This lot contains a little over 1 acre of land. It was designated in the previous approvals as “Land to be developed”.

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

All plans are technically complete and only administrative issues remain outstanding. The record plat must contain the standard lot grading 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. ") and reflect all easements identified on the design plans. Lot 23 must be denied direct access to Evan Drive and be so noted on the record plat. Submit a record plat check print to the Department for continuity review prior to submitting the mylars for signature. The DPW will not sign the record plat until these issues have been addressed to the satisfaction of the Department.

Ms. West, CCPS, read the comments of the department. See file.

Mr. Graham, Citizen’s Representative, had no comments.

Ms. Latham, MDE, stated that this project had just received a revise permit in the new owner’s name.

Mr. von Staden, DEH, asked if Mr. Ryan could clarify the correct owners of the property. Mr. Ryan said he believes the owners are Mardeline, LLC. Mr. von Staden read the comments of the department. See attached.

Mr. Di Giacomo provided the applicant with the Soil Conservation Report and the comments of the Office of Planning & Zoning. SHA had no comments for this project but had commented on the entirety of Stateline Farm Estates.

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

Density: The Concept Plat, proposing 28 lots7 on 33.1 acres, for a proposed density of 1/1.18,8 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.

The Preliminary Plat (proposing only 22 lots on 32.298 acres) was approved on 8/15/05, conditioned on:

1) Health Dept. requirements being met;

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7 29 lots were originally proposed on the Concept Plat submitted for TAC review.
8 The SR zone permits a maximum density of 1 du/1 ac.
2) DPW Requirements being met;
3) The common open space and acreage issues being satisfactorily resolved prior to Final Plat review;
4) The FCP and Landscape Plan being approved prior to Final Plat review; and
5) The dry hydrant being required per the location indicated on the Preliminary Plat between proposed lots 2 & 3.

What is now proposed as Lot 23 was shown as remaining lands on the approved Preliminary Plat.

Per §4.1.22 (b), a Preliminary Plat must include a vicinity map, and the tax map, block and parcel number must be shown.

Per §4.1.22 (d) 3, the title block must include the Election District.

It is unclear why signature blocks have been included on a Preliminary Plat.

Per §4.1.22 (e), a Preliminary Plat must be signed and sealed.

Pursuant to §4.1.22 (p), why hasn’t the drainage schematic been shown? Mr. Di Giacomo said if DPW is ok with the drainage schematic for this lot being shown and included on the plat for lots 1-22 then P&Z is comfortable with that as well.

Soils type(s) have not been shown, per §4.1.22 (t).

This Preliminary Plat is generally consistent with the approved Concept and Preliminary Plats.

§4.0.09 of the Subdivision Regulations provides that Concept Plats shall be valid for 2 years from date of approval, and that the approval of a Preliminary Plat extends the approval of the Concept Plat for 1 year from that date. Thus, the 8/15/05 Preliminary Plat approval extended Concept Plat approval until 8/15/06. Therefore, the applicant is advised to resubmit the Concept Plat for re-approval simultaneously with the Lot 23 Preliminary Plat submittal.9

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

Sidewalks continue to be recommended on at least one side of the internal streets; no details are shown.

The rows of street trees with 10’ planting easements, outside the right-of-way, along both sides of all internal roads that are required by §186, have not been depicted on the plat.

This proposed lot must be denied access to Evan Drive.

The FSD was approved on 8/11/04. This site contains no habitats of rare, threatened, and endangered species.

The PFCCP was approved on 8/9/05.

The FCP and Landscape Plan were approved on 5/17/07. The Landscape Agreement must be executed prior to recordation.

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9 Unless extended, the Preliminary Plat for lots 1-22 will expire on 8/15/07.
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.

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 this proposed lot must become members.

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

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4. Chestnut Point Marina, Lots 1-86, Chestnut Point and Carpenter’s Point Roads, Concept Plat, Stantec Consulting Services, Inc. Fifth Election District.

Cindi King and Jim Gade, Stantec, and Robert Welch, owner, appeared and presented an overview of the project. This Concept Plat is a revision to the last plat that was submitted for TAC review. The current plan shows 86 residential lots with 86 boat slips. Some changes that were made are at Chestnut Point Road where the lots are in front of the slips, they have pulled the road back a bit away from the buffer exemption area to allow more room between the road and the buffer exemption area. They also added parking. An intersection realigning was also done at the intersection of Chestnut Point Road and Carpenters Point Road. They believe this plan meets the goals of the Comprehensive Plan. They are aware that there are still some issues that they will be dealing with.

Mr. Woodhull, DPW, read the comments of the department:
1. The CCDPW assumes that the water supply for this development will be provided by a private source. Therefore we recommend that the Planning Commission condition any approval on the water system being designed and built to County Standards. The water lines must be reflected on the sanitary sewer plans and as-builts
2. 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.
3. How do you intend to address SWM quantity & quality control for lots down-gradient of the proposed SWM facilities? Careful design must be used in developing the individual lot grading plans to address stormwater run-off impacts on down stream lots as well as the marina area.
4. No SWM facilities may be located within the 100-Year Flood Plain.
5. While the 100-Year Flood Plain line has been shown the Department has a concern about possible impact on the SWM facility adjacent to Lot 67. Because it could potentially be within the floodplain, an engineering analysis must be completed to delineate the 100-year flood plain line by contour.
6. Identify all SWM conveyance easements on the preliminary & final plats.
7. We recommend that a TIS be required. Depending on the outcome of the TIS the Department may require upgrade to the northern portion of Carpenters Point Road. At a minimum Section
3.07.15 of the Road Code directs that Carpenters Point Road must be upgraded for a distance of 100’ either side of the point of intersection between Carpenters Point Road and the proposed roads. The improvements required must address roadside drainage issues and pavement distress at a minimum. Where these required improvements can be accommodated within the existing ROW or prescriptive right of maintenance, no new permanent fee simple ROW acquisition from adjoining property owners will be required.

8. The design engineer must address the requirement for minimum acceleration and deceleration lanes and if warranted a bypass lane. These must be reflected on the preliminary plat submitted for TAC review. Any right-of-way acquisition necessary shall be performed by the applicant and at the applicant’s expense. The applicant must make a legitimate good faith effort to obtain all ROW required to accomplish these improvements. This effort must conform to Section 3.07.15 of the Road Code Guidance Manual. The applicant may seek a variance to these requirements if after these efforts the applicant is unable to obtain the necessary ROW.

9. The Department of Public Works requires that any Road Code Variances for offsite/entrance roads sought must be requested and the major road issues be resolved, to the Department’s satisfaction and shown on the preliminary plat prior to submittal of the preliminary plat to the Technical Advisory Committee. If no variances are requested & approved prior to the preliminary plat approval by the Planning Commission the applicant will be held to all Road Code requirements as dictated by the DPW.

10. With the proposed looping of Chestnut Point Road in this layout, the Department’s previous concern that the existing privately owned Chestnut Point Road would likely serve as a primary access for this development has been reduced. This layout appears to allow for Chestnut Point Road to be considered as a minor road throughout the development. The requirement, identified in the Planning Commission minutes, that the road be built to minor collector road standard for a certain portion was based on the previous road layout and will no longer apply if the current concept plat is approved by the Planning Commission. Ms. King stated that she has spoken with Emergency Services regarding this and more than likely the northern entrance of Chestnut Point Road is going to be called Scooner Lane down to where it intersects with the existing Chestnut Point Road. They do not want two entrances onto Carpenters Point Road with that are called Chestnut Point Road. Mr. Di Giacomo said they should consider make one North Chestnut Point Road and the other South Chestnut Point Road.

11. The applicant must deed the entire length of all proposed roads to the Cecil County BOCC, in fee simple. The fee simple dedication shall be so noted on the plat.

12. The applicant must maintain access to Chestnut Point Road Extended (private) and the dwellings it serves.

13. The new road layout proposed appears to address the Department’s previous concerns about approach angle geometry of the Galleon Drive / Chestnut Point Road and the Chestnut Point Road / Carpenters Point Road intersections. The road design plan must assure that these intersections do in fact meet the requirements of Section 3.07.4 of the Road Code.

14. The horizontal curvature of Chestnut Point Road adjacent to Lots 65/66 & 53/86 are also of concern to the Department as to the ability to obtain adequate sight distance along the curve. The sight distance easements proposed to address these concerns must meet the requirements of Section 3.04 of the Road Code.

15. The roads & storm drains must be designed to maintain access for emergency vehicles in the 100-Year Flood Plain.

16. Chestnut Point Road & Galleon Drive must be closed section design according to Section 2.07 of the Road Code. With the size of the lots proposed the Department will require a 30’ pavement width.
17. Section 3.08 B. of the Road Code requires that all driveways be a minimum of 75’ from intersections.

18. Driveway access must be made from the least major road frontage for lots fronting two roads.

19. The sight distance measurements (intersection & stopping) for the proposed Carpenters Point Road intersections must be submitted and approved prior to submitting the preliminary plat to the Technical advisory Committee for review. The applicant must satisfactorily address the Department’s concerns for both proposed intersections.

20. The Department still has a concern over the provision for adequate parking for the marina as well as the clubhouse, pool, & picnic area. We defer to the Office of Planning & Zoning requirements as to the number of spaces required.

21. The Developer is responsible to submit an engineer’s preliminary layout for the subdivision public sewer, including any pumping stations, to the Department of Public Works at least thirty (30) days prior to TAC review of a preliminary plat.

22. The proposed sanitary sewer pump station must be located outside of the 100-Year Flood Plain and be on a fee simple lot dedicated to the Cecil County BOCC and has been so indicated on the plat.

23. The sanitary sewer lines within this development must make maximum use of gravity flow.

24. Show all water lines, sewer lines, and access to the sanitary pump station within utility easements on the preliminary and final plats. The minimum easement width is 20’ however they may need to be wider depending on the type & depth of conveyance as well as if conveyance & access easements are combined.

25. Due to the proposed lot sizes, dwellings will be in close proximity to the side property lines. Therefore the Department will require that the gravity sewer into and the force main out of the proposed pump station be located in common open space not on individual lots. This has been addressed on the plat.

26. All service connections must be at the road frontage of each lot.

27. A Benefit Assessment as well as Connection Fees will apply for these lots.

28. 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:

28.1 The Final Plat Lot Grading, and Lot Grading Plan Construction Limits Notes.


28.3 Requirements for Utility relocations.

28.4 Requirements for Public Works Agreements.

28.5 Requirements for Stormwater Inspection and Maintenance Agreements.

28.6 Requirements for County Roads.

28.7 Requirements for Driveways.

28.8 Requirements for Sewer Service Cleanouts – Location.

28.9 Requirements for Final Plat - Public Sewer Allocation.

Notes and requirements identified for record:

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

9. Developer must request and obtain a public sewer allocation from the Department of Public Works before submitting a final plat to the Cecil County Planning Commission for approval.

Ms. West, CCPS, read the comments of the department. See file.

Mr. Graham, Citizen’s Representative, said the citizen’s that currently live there asked who would be responsible for the maintenance of the portion of Carpenter’s Point Road that will remain a private road. Mr. Gade said they will probably work that into the HOA. Mr. Graham stated that the citizen’s that live on Kirk Road are maintaining that road. Mr. Di Giacomo asked Mr. Gade what HOA would be responsible for the maintenance. Mr. Gade said the HOA that will be created for this proposed development. Mr. Welch said he hopes that all of the homeowners can come to an agreement on the maintenance of the road. He would like to talk to them about this.

Ms. Latham, MDE, said if they plan to hook up to Carpenter’s Point then Carpenter’s Point will have to apply for additional appropriation.

Mr. von Staden, DEH said his comments are also the same as the last time this project came to TAC. Clarified the status of the Carpenters Point Water Treatment and whether it is considered public or private.

Mr. Di Giacomo provided the applicant with a copy of the Soil Conservation Service report, the SHA comments, a letter of comments from the Critical Area Commission dated July 2, 2007, the Planning & Zoning comments that were sent to Stantec dated July 3, 2007 as well as today’s comments from P&Z.

Mr. Di Giacomo stated there was a meeting two weeks ago regarding the issue of imperious pavers. A letter was received in the Office of Planning and Zoning via fax on 7/3/07 that had some inconsistencies regarding the use of the imperious pavers in the Critical Area from the Critical Area Commission.

At this point in the meeting Kate Schmidt from the Critical Area read her comments to the applicant. She stated that the Critical Area Commission believes the imperious pavers have maintenance issues that relate to them. Using those to meet an imperious surface limit, requirement and restriction is not something that they recommend at the Critical Area Commission. They recommend that the pavers are used for SWM purposes. If they already have the 15% common open space met and they want to use the pavers, that is acceptable but if they are trying to use the pavers to meet the 15% because it is
mainly for stormwater quality and unrelated to meeting your impervious surface area limit they do not recommend the use of the pavers. Mr. Di Giacomo stated in a previous letter she had indicated that the clubhouse which was shown just inside the buffer on this plat and previously shown inside the buffer, given the design this could not be pushed back. He asked if that still holds true. Ms. Schmidt said they are okay with the current placement of the clubhouse. They made a number of recommendations in the last letter sent to the applicants. They request a note on the plat that a buffer management plan will be developed as part of this application.

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

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

Zoning: SR, MH, MB & LDA

Per §4.0.13 (n) 7, the Critical Area (CA) acreages have been provided (Notes 9 & 10) for each zoning classification. On the previous submission, the CA acreage was 29.442. The aggregate CA acreage is now stated as 31.121 (Notes 10 & 18). What accounts for this change? Mr. Gade did not know.

59 proposed lots are in the CA, resulting in a proposed CA density of 1.896/1, based on 31.121 acres. The LDA permits a density of up to 3.99/1.

Site Data Note # 19 now indicates the total CA impervious cover to be 14.97%. That figure includes the use of pervious pavers. Because of soil compaction and other issues, we still doubt the efficacy of using pervious pavers. The exact impervious cover calculations and details must be included on any Preliminary Plat, and a Growth Allocation may still be necessary.

SR Density: The SR zone permits a density of 1 du/ 1 ac., or up to 2/1 with community facilities. This Concept Plat proposes 19 dwelling units on 11.666 (was 11.053) acres, for a proposed SR density of 1.629/1. What accounts for the change in SR acreage? Mr. Gade did not know.

If the 11.666 (was 11.053) acres includes the water acreage where the boat slips are depicted, then that acreage must be deducted from the land acreage. That would likely raise the proposed SR density above permissible limits, and it could also raise the proposed LDA density above permissible limits.

MH Density: The MH zone permits a base density of 2 du/ 1 ac., or up to 4/1 with community facilities. This Concept Plat proposes 67 dwelling units on 26.615 (was 24.221) acres, for a proposed MH density of 2.517/1. Again, what accounts for the change in MH acreage? Mr. Gade did not know.

Again, if the 26.615 (was 24.221) acres includes the water area, where the boat slips are depicted, then that acreage must be deducted from the land acreage. That could raise the proposed MH and LDA densities above permissible limits. Site Data Note 10 deducts .7 acres (26.615 - 0.700 = 25.915) of non-tidal wetlands for its density calculation (67 / 25.915 = 2.585/1). However, the non-tidal wetlands are not, and have never been, the issue.

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10 If any portion of a lot is in the Critical Area, then the whole lot is included in the density calculation.
MB Density: No dwellings are proposed in the MB portion of the site – which is water, not land. Here, too, the acreage has changed from 1.58 to 0.968. Why? Mr. Gade did not know.

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.\(^{11}\)

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’.

Mixed Alluvial is a hydric soil, so the depicted CA buffer must be expanded in the area of proposed Lot 41.

A 25’ buffer is required around all non-tidal wetlands 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 copy of the JD letter has been received, but not the referenced map.

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

15% common open space is required;\(^{12}\) the plat’s Lot Table, consistent with Site Data Note # 11, indicates that 15.23 acres, or 38.79% (was 10.57 acres, or 28.68%), of common open space are proposed.\(^{13}\)

The MB zoned area cannot be used to satisfy the common open space requirement because 1) it is a non-residential zone and 2) because it is a water area. Minus the 0.968 MB-zoned acres, the revised common open space total would be 14.259 acres (36.33%). Likewise, if any of the common open space acreage in the SR and MH zones includes water area, then the acreage of that portion must be deducted. As the water area acreages of those zones have still not been cited, it is unclear what the effect, if any, would be.

The aggregate C.O.S. acreages taken from the plat totaled 15.3, but Note # 11 indicates the figure to be 15.277. Note # 11 indicated that 4.876 acres of C.O.S. – not including the parking area – are proposed in the SR zone. That plat, on the other hand, shows the correct figure to be 4.866 acres, and it shows no parking area in the SR zone.

The C.O.S. sensitive areas threshold must be calculated and included on the Preliminary Plat.\(^{14}\) Strict conformity with §176.2.a, §176.2.c, and §176.2.d shall be required.

\(^{11}\) The Cecil County Subdivision Regulations define steep slopes as “15 percent or greater incline.” The Cecil County Zoning Ordinance defines steep slopes as consisting 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.”

\(^{12}\) Any other type of dwelling would require 20%, per §30 and §26.3.b.

\(^{13}\) The portion of the proposed 1.58 acres of “open space” that is zoned MB cannot be used to satisfy the common open space requirement of the SR and MH zones. No precedent could be found for a water area or marina to serve as common open space.
Access to common open space between lots must be marked with concrete monuments.

No more than 15% of the surface area can be impervious in the LDA.15 In the interest of limiting impervious cover, staff would support a proposal that did not include sidewalks, so long as there was pedestrian striping on the roads, for example.

No more than 20% of the forest or developed woodland may be removed. When less than 15% of the site is in forest cover, at least 15% of the gross site area shall be afforested. No structure shall exceed 35’ in height.

20% landscaping is required.

Bufferyard Standard C is required, outside the right-of-way, along the road frontages of Carpenter’s Point 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 was approved on 4/11/07. An Environmental Assessment is required for the area in the LDA zone16, with a Preliminary EA being approved prior to the Planning Commission’s review of the Concept Plat.

The approved FSD shows the drainage ditch between proposed Lots 65 and 66 as an intermittent stream with a 50’ stream buffer. The rear BRL’s on adjacent lots will need to be modified accordingly on any plat submitted to the Planning Commission.

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), 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 proposed road names have been approved.

A Traffic Impact Study (TIS) must be completed prior to the TAC’s review of any Preliminary Plat.

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14 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.

15 This must be demonstrated on any Preliminary Plat.

16 Which is exempt from the Forest Conservation Regulations per §3.2.B.
How will Kirk Road intersect with the proposed Chestnut Point Road? Mr. Gade said there will be a little bit of work on the existing private drive to make it more of a 90° angle. Is the proposed 20’-wide access easement to Parcel 349 consistent with the present easement? Mr. Gade believes that it is consistent.

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 includes this area as W1 and S2.

Verification of water allocation and sewer capacity must be received for the single family and duplex sections prior to the Planning Commission’s review of the Final Plat.

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 Final Plat review. Documentation of all approvals for the system and the operator required by the Public Service Commission must be submitted 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 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 condominiums and lots/houses offered for sale.

The proposed clubhouse must be served by water & sewer systems approved by the Health Department. If the clubhouse, 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 be required. Any major site plans must be approved prior to Final Plat approval(s). The requirements of §273.3, §291 and Appendix A of the Zoning Ordinance must be adhered to in either case.

Why is the clubhouse site proposed inside the CA buffer, contrary to §195.3.b & c? Mr. Welch said you have no vision if you set it back. You would see the Krueger’s house.

As to the issues relating to the proposed marina portion of the project:

- As previously stated, if the former commercial marina is intended for a community recreational facility, then §’s 169 and 198 of the Zoning Ordinance must be adhered to. Pursuant to §198.2.a(2)(b), based upon 59 lots proposed in the Critical Area, no more than 30 slips could be permitted.
- Graphically, 184 slips are depicted.
- The number of slips depicted might possibly be achievable as a commercial marina, which would require a rezoning. The applicant is again reminded that Concept Plats proposing uses that are in conflict with the underlying zoning cannot be approved. It is unclear what Site Data Note #30’s reference to 86 slips being “grandfathered” means, especially since parking for only 61 slips is later referenced.

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17 The beach, swimming pool, and community clubhouse each has a parking requirement which must be satisfied, per §274.5, §274.6, and §275.5. The 25 spaces currently proposed at the community clubhouse are inadequate.

18 If the proposed clubhouse is to be a private club, then it shall adhere to the requirements of §90, including a rezoning.

19 The previous marina was then an existing, non-conforming use – which was “grandfathered.” The marina has not been in continuous use for more than 90 days; therefore, the grandfathering expired.

20 The rezoning, if it can be achieved, must precede the Planning Commission’s review of the Concept Plat.
As to the issues relating to the required parking for the project:

- §277 requires 0.5 parking spaces per actual slip. Thus, 30 slips would require 15 parking spaces; 86 slips would require 43 parking spaces; and the depicted 184 slips would require 92 spaces.
- Based on 20 linear feet of beach and 2 employees, 4 spaces would be required.
- How was the figure of 20 linear feet arrived at? It is based on what is out there already. There appears to be potential for significantly more than just 20 feet.
- Based on 2 employees at the pool, 2 spaces would be required.
- Based upon 2,000 ft² the clubhouse would require 33 spaces (2000/60).
- 58 parking spaces are depicted, although Site Data Note #30 indicates that 57 are proposed.
- If the Board of Appeals grants a Variance for the additional 56 slips (86 proposed -30 allowed), then \(43 + 4 + 2 + 33\) 82 parking spaces would be required. If not, then 69 spaces \(30 + 4 + 2 + 33\) would be required.\(^{21}\) In either case, under their powers granted by §3.5, the Planning Commission must grant a modification to allow only 57 proposed spaces.\(^{22}\) However, this plat contains no compelling rationale why this modification should be granted.

As regards the number of boat slips and parking spaces, the number depicted must clearly and consistently match the number referenced on any plat submitted to the Planning Commission.

Approximately 20 dwellings are proposed at least partially within the 100-yr. floodplain. Per §241.2.d (1), those building sites can be approved only after a Variance has been granted. What steps have been taken in that regard? In addition, if the portion of the proposed Chestnut Point Road in the floodplain were actually flooded, access would become an issue for an additional 6 proposed lots.

If the §241.2.d (1) variance application is successful, then the requirements of §243 must be strictly adhered to.\(^{23}\)

The contiguous operating farms notice has been provided as Note #20.

Fire hydrant locations must be selected in consultation with DPW and the Charlestown Fire Company.

What is the proposed disposition of the existing structures?

How will the marina area be accessed, especially emergency access?

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

However, any significant redesign would require prior review by the TAC, and, as has been stated at all previous review, the water areas in the SR & MH zones must be deducted for density and C. O. S. calculations. So far, those acreages have not even been cited. Ms. Schmidt stated that water areas can’t be used when calculating any critical area requirements. Mr. Gade asked what section he can find that in. Ms. Schmidt said it is state law and that she would get that information to him.

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\(^{21}\) Assuming that the 20 linear feet of beach figure stands.

\(^{22}\) This should be done as a condition of Concept Plat approval. If the Concept Plat shows 86 slips, then the condition should be contingency upon a Variance being granted prior to Preliminary Plat review by the Board of Appeals for the additional boat slips.

\(^{23}\) §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.”
Ms. King stated that they provided the OPZ with the approval for the conceptual environmental assessment. Ms. King asked Mr. Woodhull, in relation to the 30 ft road width on the streets, is that something that can be worked out or if that is a set requirement. Mr. Woodhull recommended that Ms. King send an email to Tim Whittie in DPW and explain to him what they have in mind as far as the road width.

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5. Sumpter Woods, Lots 1-6, Frenchtown Road, Preliminary Plat, Frederick Ward Associates, Seventh Election District.

Mr. Di Giacomo asked if there was anyone present from the Town of Perryville. No one spoke.

Ed Steere, Frederick Ward Associates, appeared and presented an overview of the project. This project is located in the Critical Area. Mr. Steere stated that as far as SWM, they would like to try to roof top disconnect rather than doing a large structural SWM facility. Also, the town doesn’t have provisions for common driveways or private roads so he is asking for a design waiver from their Commission to do this project on this road because the road design. They have meet with the Planning Commission for a concept plan about a year ago and they requested this design as it is shown today. The uphill portion of the property is all forested and the lower portion is field which had a house on it until recently. What they are proposing is rather than reforestation this site in a conventional reforestation program on or off site, this forest is heavily impacted with vines and things that they are trying to clear out and reestablish the under story and the forest. The quality of this forest has decreased over the years.

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

1. The Department understands that this site is within the jurisdiction of the Town of Perryville who will provide the water distribution system and the sanitary sewer system for this development. The CCDPW recommends that the sanitary sewer system and water distribution system, including fire hydrant locations, be designed to meet or exceed the County’s standards.

2. A SWM plan and a Mass and Final Grading plan must be approved by the CCDPW prior to the Department recommending Final Plat Approval to the Town of Perryville. The fees for design review of this project must be provided at the time of first design submittals.

3. How do you plan to address storm water quantity control for this site? There is no evidence of direct discharge to tidal water. If you intend to connect to any existing drainage system you must analyze it for its ability to handle the additional flow. Mr. Steere said the water that drains down Frenchtown Road use to take a right turn into the basement of the house. The water didn’t get to the culvert under Sumpter Road. Across from the culvert between Sumpter Road and the sewage pump station there is a culvert that goes under Frenchtown Road out to the river.

4. The drywells proposed are limited to type A, B, & C soils.

5. The proposed driveways front on roads owned & maintained by the Town of Perryville. Therefore all access issues of will fall under the Town’s review.

6. 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:

   6.1 The Final Plat Lot Grading Note and the Lot Grading Plan Construction Limits Note.

6.3 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.

Ms. West, CCPS, read the comments of the department. See file.

Mr. Graham, Citizen’s Representative, had no comments.

Ms. Latham, MDE said a Ground Water Appropriation permit is not required.

Mr. von Staden, DEH read the comments of the department. See attached.

Mr. Di Giacomo provided the applicant with copies of the Soil Conservation Service reports and comments from SHA.

Mr. Di Giacomo, P&Z read the comments of the department:
This subdivision is proposed 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 Office of Planning & Zoning’s comments and questions relating to this Preliminary Plat are as follows:

- The plat’s Development Summary indicates that 5 residential lots are proposed, but the plat numbers the proposed lots 1-6.

- It should be determined if the Town’s Subdivision Regulations require the plat’s title block to indicate that the proposal is in the Town of Perryville.

- If a Concept Plat has not already been approved, then it should be determined if the Town’s Subdivision Regulations allow for a Preliminary Plat to be reviewed.

- Town Zoning: R1

- It should be determined if this proposed density is consistent with the Town’s Zoning Ordinance and Subdivision Regulations for the R1 zone.
According to the Lot Data box, the proposed mini-road would actually lie on portions of the proposed lots. Therefore, it should be determined if the Town’s Zoning Ordinance and Subdivision Regulations allow this, or if a PRMA should be used, instead.

If a private mini-road is thus acceptable, then it is recommended that a Mini-road Maintenance Association be established prior to recordation, with the owners of all lots accessing the mini-road becoming members.

If a PRMA is used, instead, then it is recommended that the PRMA be executed and recorded prior to recordation of the subdivision record plat.

It is recommended that sidewalks be given favorable consideration.

It should be confirmed that the setbacks, lot sizes, and lot widths are consistent with the Town’s Zoning Ordinance for the R1 zone.

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 non-tidal wetlands, as shown. Permits are required from the (US Army) Corps of Engineers and MDE for any non-tidal wetland impacts or stream crossings prior to recordation.

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.

It should be confirmed that the Critical Area buffer is 100’ and not 110’.

Since Cecil County and the Town of Perryville have not signed an “Assigning Obligations Under the Forest Conservation Act” agreement, FSD, FCP, or Environmental Assessment reviews will be performed as a courtesy to the Town.

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 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 by the Perryville Volunteer Fire Company with respect to the development layout and fire hydrant locations.

• Any 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 plat review.

• Sewer allocation should be confirmed by the Town of Perryville’s Department of Public Works prior to final approval.

• It is recommended that any necessary variance or special exception numbers be shown on the plat.

• Will common open space or municipal parkland be required? No.

• It is recommended that the plat’s graphics be made less confusing. The graphics for “proposed right-of-way dedication” and “proposed access easement” appear identical. The same is true for “25% slopes” and “proposed common drive easement.”

• The multiplicity of dry wells begs the question of soils type(s) and 1) whether that information is required and 2) whether basements are proposed for these homes.

The July TAC meeting adjourned at 10:35 p.m.

Respectfully submitted,

Jennifer Bakeoven
Present: Di Giacomo, Tony (CCP&Z), Woodhull, Mark (CCDPW), Graham, Daniel (Citizen’s Representative), von Staden, Fred (DEH), White, Stu (DEH), West, Janel (CCPS), Kyte, Jim (FA), Brown, Chris (CCSCS), Bakeoven, Jennifer (CCP&Z).

Absent: Cwiek, Philip (USACoE), Ouano, Jun (Delmarva Power), King, Butch (SHA), Latham, Cynthia (MDE).

Mr. Di Giacomo called the meeting to order at 9:05 a.m.

1) Chesapeake Cove, Lots 2-11, Oldfield Point Road and Schneider’s Lane, Concept Plat, Morris & Ritchie Associates, Inc., Third Election District.

James Keefer, Morris and Ritchie Associates, appeared and presented an overview of the project. This parcel contains approximately 158 acres. Currently Lot 1 is for review and approval of a minor subdivision. Lot 1 is not part of this proposed project. This project is Lots 2-11 which constitutes about 100 of the 158 acres. Chesapeake Cove Lane is proposed as a private mini road on the location of the existing driveway that comes into the site. There is also a panhandle driveway which is an existing gravel road to serve Lots 1 – 4. The zoning is SR which would permit 158 residential units on this site with 6 of which would be permitted in the Critical Area. They are proposing 6 lots in the Critical Area including Lot 1 and 5 lots outside of the Critical Area.

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

1. 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 fees for design review of this project must be provided at the time of first design submittals.

2. How do you propose to address SWM for this site? Mr. Keefer said they are still looking into SWM. It does have tidal discharge so they will have to look at water quality and how they can put in conveyance easements over the lots.

3. As configured, stormwater runoff from Lots 6-10 is likely to be directed across Lots 1, 5, or 11 reach the Elk River. The applicant is reminded that if stormwater runoff or discharge is directed off of a lot on to an adjacent lot it is the responsibility of the applicant to provide all conveyance easements necessary on the affected lots.

4. With eleven (11) lots, the Department’s policy to limit access points on collector roads such as Oldfield Point Road and sight distance issues associated with the driveway for Lots 9 & 10 the Department finds the use of a private mini road and two additional driveway access points unacceptable. **All proposed lots must access an internal minor road.** The access point where Chesapeake Cove Lane is proposed is probably the most ideal location for that minor road to come out also.

5. With Chesapeake Cove Lane a county minor road, all driveways accessing it 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 proposed road 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.

6. Section 3.07.15 of the Road Code directs that Oldfield Point Road must be upgraded for a distance of 100’ either side of the point of intersection between Oldfield Point Road and Chesapeake Cove Lane. The improvements required must address roadside drainage issues and pavement distress at a minimum. Where these required improvements can be accommodated within the existing ROW or prescriptive right of maintenance, no new permanent fee simple ROW acquisition from adjoining property owners will be required.

7. The design engineer must address the requirement for minimum acceleration and deceleration lanes and if warranted a bypass lane. These must be reflected on the preliminary plat submitted for TAC review. Any right-of-way acquisition necessary shall be performed by the applicant and at the applicant’s expense. The applicant must make a legitimate good faith effort to obtain all ROW required to accomplish these improvements. This effort must conform to Section 3.07.15 of the Road Code Guidance Manual. The applicant may seek a variance to these requirements if after these efforts the applicant is unable to obtain the necessary ROW.

8. The Department of Public Works requires that any Road Code Variances for offsite/entrance roads sought must be requested and the major road issues are resolved, to the Department’s satisfaction and shown on the preliminary plat prior to submittal of the preliminary plat to the Technical Advisory Committee. If no variances are requested & approved prior to the preliminary plat approval by the Planning Commission the applicant will be held to all Road Code requirements as dictated by the DPW.

9. Sight distance measurements (intersection & stopping) must be submitted for all proposed access points on to Oldfield Point Road. The applicant must mark the centerline of these points in the field. The sight distance submittal must be made to the Department prior to submitting the preliminary plat to the TAC for review.

10. Any common driveway access to Chesapeake Cove Lane must be provided with the requisite access easements. The deed language for effected lots must reflect all rights & responsibilities associated with the common driveway. The applicant must submit a copy of the proposed deed language to the Department prior to submitting the final plat to the Planning Commission for review.

11. All access easements must be identified on the preliminary plat submitted for TAC review.

12. The following standard notes and requirements apply to this plat and project: The details of these notes and requirements will be identified in the record but will not be read at this time:

12.1 The Final Plat Lot Grading and Lot Grading Plan Construction Limits Notes.
12.3 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. 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.
Ms. West, CCPS said there is a possible bus stop at the point where Oldfield Point Road and Chesapeake Cove Lane meet. Ms. West asked Mr. Keefer what the size of the turnaround will be. Mr. Keefer said it was a standard 50 ft diameter of the ROW. Mr. Woodhull said the bulb would be 38 ft in diameter. Ms. West believes a bus could make a turnaround but she does not believe a bus could travel on the other smaller roads. Ms. West will be confirming this information with Bob Markwardt, Supervisor for the transportation department for CCPS.

Mr. Brown, SCS, provided the applicant with soil maps and reports.

Mr. Graham, Citizen’s Representative, received a call from Jason Powell. Mr. Powell’s concerns include the heavy traffic that is already on Oldfield Point Road and the added traffic that this project would bring. He was also concerned with Oldfield Point Road being in poor condition and this project putting more strain on the road. The speed on the road is also a danger to the children that live near by. Mr. Powell does not have a problem with the number of homes for this project. He also questioned the owner, Oldfield Point Investments.

Mr. Kyte, FA, asked what was planned for fire suppression, whether they had thought about having a fire suppression tank and where the closest source of water for this project was located. Mr. Keefer said there is water available in the Elk River. As far as a tank, they have no plans for a fire suppression tank or installing a dry hydrant. Mr. Kyte said the cul-de-sac will not be large enough for fire equipment to turn around. The proposed driveways may also be hard for fire equipment to maneuver. In the curve areas, Mr. Kyte requests that they be expanded out at least 12 to 14 feet so turns can be made. He also asked that the tree lines for the driveway be kept back from the actual driveway allowing more room for the fire equipment. Mr. Keefer said part of this project is in the Critical Area so they are going to try to clear as many trees as possible. In conclusion, Mr. Kyte asks that the cul-de-sac be increased and to have some sort of fire suppression for the subdivision.

Mr. White, DEH, read the comments of the Health Department. See attached.

Mr. Di Giacomo, stated on behalf of MDE, a Groundwater Appropriation Permit is required for this subdivision.

Mr. Di Giacomo, stated on behalf of SHA, that no comments were given as this subdivision is not located on a state road.

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

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

Zoning: SR

Density: The SR zone permits a density of 1 du/1 ac. This Concept Plat proposes 10 lots (2-11) on 99.98 acres, for a proposed density of 1/9.99. Since the Minor Subdivision approval for proposed Lot
1 is being pursued separately through the minor subdivision process, it would not be included in the major subdivision density calculation. Why is it on a separate path? The investment company has a potential buyer for Lot 1. Mr. Di Giacomo reminded the applicant of §3.4 regarding advertising, negotiating or anything for a lot before it has been approved.

5 lots are proposed in the Critical Area RCA overlay zone, which has a permitted density of 1/20. Site Data Note # 4 tells us that there are 121.25 CA acres overall, but that includes proposed minor subdivision Lot 1. Site Data Note # 6 tells us that the overall proposed CA density is 1/20.2, but the major subdivision’s CA acreage still isn’t provided.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.²

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.³

The habitats of rare, threatened, and endangered species must be avoided. The concentric protective zones around 2 Bald Eagle’s Nests have been shown, with Zone 3’s critical dates being cited.

§25.3.a and §176.1 require that this proposal include 15% common open space.

Per §176.2.c & d, 15% of the required C.O.S. 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 any Preliminary Plat.

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

Interior sidewalks will not be recommended in this case.

¹ If the minor subdivision is pursued separately, then there may not be enough major subdivision Critical Area acreage to achieve a CA density of 1/20.

² The Cecil County Subdivision Regulations define steep slopes as “15 percent or greater incline.” The Cecil County Zoning Ordinance defines steep slopes as consisting of a grade of 25% or more covering a contiguous area of 10,000 ft² or more. The Cecil County Forest Conservation Regulations define steep slopes as “areas with slopes greater than 25 percent slope.”

³ 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.
Bufferyard Standard C is required, outside the right-of-way, along the road frontages of Oldfield Point Road, as shown.

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

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

No more than 15% of the surface area can be impervious in the RCA overlay zone. The 15% impervious cover threshold applies to the entire portion of the subdivision within the Critical Area and those proposed lots greater than one acre in size. For any proposed lots one acre or less in size the impervious cover limitation is 25% (§200.8.a).

No more than 20% of the forest or developed woodland may be removed. When less than 15% of the site is in forest cover, at least 15% of the gross site area shall be afforested. No structure shall exceed 35’ in height.

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

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

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

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

The FSD and Conceptual Environmental Assessment 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 street trees and Forest Retention/ Afforestation Areas (FRAs) must be recorded and noted on the plat prior to recordation, with the metes and bounds description of the FRA being shown on the Final and Record Plats.

Proposed Lot 9 exceeds the 3:1 length to width ratio established in §7.4.2.

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4 This must be demonstrated on any Preliminary Plat.
Per Article VI, proposed Lots 9, 10 and 11 require 100’ of road frontage as designed, since Oldfield Point Road is functionally classified as a collector road. Why are Lots 8-10 proposed to directly access Oldfield Point Road, rather than an interior road (§7.2.12.F.4)? Mr. Keefer said having access directly onto a public road made more sense for those lots.

Why is Lot 11 proposed to be accessed via easements across proposed Lots 4 & 5? This was decided by the client that from a marketing standpoint this would be better. Why is Lot 5 proposed to be accessed via easements across proposed Lots 2, 3 & 4? It was thought that it would be better to come off of a common driveway that is being created for Lots 1-4 verses taking another separate driveway up to Chesapeake Cove Lane. Why hasn’t direct access to these lots been included in the design?

4 panhandle lots are proposed. Pursuant to §7.2.12.F.5, “Where a proposed development is planned to utilize more than two panhandle lots on the original parcel, the approving authority may, at its discretion, require alternative means of access in the form of a road constructed to an appropriate county standard when it would lead to a more harmonious design, a better utilization of land, or the elimination of safety hazards.”

Why does the well location for proposed Lot 9 show only a 50’ setback radius, and why does that setback radius extend into proposed Lot 8’s septic reserve area? That should have been moved northerly so it is 50 ft off of Lot 8’s septic reserve area and it is 50 feet because it is coastal plain.

The road name Chesapeake Cove Lane 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.

A notation indicates that Chesapeake Cove Lane is proposed as a private mini-road. The plat shows that minor subdivision Lot 1 and Lots 2-7 and 11 are proposed to access Chesapeake Cove Lane. That’s 8 lots. Given the design, only 6 can be permitted, or 7, if proposed Lot 1 were included as part of the major subdivision.

Has a looped road been considered? No, they are working with several constraints. One being the soils are restrictive in terms of septic reserve areas and the other being the desire to preserve forest in and around the Critical Area. They are trying to do this with as little disturbance as possible.

The GAP must be provided by the applicant 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.

The applicant was reminded of the Monday noon submission deadline for review by the Planning Commission this month. However, significant redesign or density modification will require prior review by the TAC.
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Lastly, Mr. Woodhull commented that if this project comes before the Planning Commission with this current design, DPW will not be able to recommend approval due to the road layout. The use of the private mini road that has too many lots applied to it plus the two private driveways coming out onto Oldfield Point Road is not acceptable. Mr. Woodhull said it is in their policy to limit access points on collector roads. Mr. Keefer asked if that is policy. Mr. Woodhull said yes. Mr. Di Giacomo reminded Mr. Keefer about common open space.

The August TAC meeting adjourned at 9:35 a.m.

Respectfully submitted,

*Jennifer Bakeoven*
CECIL COUNTY TECHNICAL ADVISORY COMMITTEE
Wednesday September 5, 2007, 9:00 a.m.
County Administration Building
107 North Street, Elkton, Maryland

Present: Di Giacomo, Tony (CCP&Z), Woodhull, Mark (CCDPW), von Staden, Fred (DEH), West, Janel (CCPS), Kyte, Jim (FA), Davis, Gary (SHA), Bakeoven, Jennifer (CCP&Z).

Absent: Cwiek, Philip (USCoE), Ouano, Jun (Delmarva Power), Latham, Cynthia (MDE), Graham, Daniel (Citizen’s Representative).

Mr. Di Giacomo called the meeting to order at 9:01 a.m.

1) Lands of Kenneth R. & Dorothy Anne Miller, Lot 1, MD Rte. 274, Preliminary Plat, Will Whiteman Land Surveying, Inc., Sixth Election District.

Will Whiteman appeared and presented an overview of the project. Mr. Whiteman addressed some of the comments made to him at the Concept level of this project. The first being the concern of the non-tidal wetlands. This project is out in the middle of a cultivated field; there are no hydric soils that they could find. They did not observe any wetlands. The percolation test results were not included on the plat. After receiving Concept approval for this plan, the Miller’s expressed their desire to turn the proposed lot sideways. Mr. Whiteman does not see the house, septic or well changing position as a result of this move. Nothing should change position except the lot will run long ways along the Mahoney property instead of along the Hovatter property. The reasons being the daughter that is getting this property does not want to put her pool along side the Hovatter’s property. She would rather put it along side the house where it would not have anyone around. There was an issue in the beginning concerning the roadside entrance that the Miller’s have used forever to get their equipment off of MD Rte. 274 into their field. That entrance way is off of the road at a 90º angel. There were some questions back and forth between the Hovatter’s and Miller’s as to who is going to use that entrance. The driveway in that area will be entirely in the state road right of way. It will not cross the Hovatter’s property. The Hovatter’s could probably use it to get onto their property as well. Lastly, Mr. Whiteman was previously asked to set up a ROW for the underground utility line which belongs to Armstrong. Mr. Whiteman has contacted Armstrong but has not heard back from them.

Mr. Woodhull, DPW, read the comments of the department:
1. A SWM plan and a Mass and Final Grading plan must be approved by the CCDPW prior to submittal for Final Plat Approval. The fees for design review of this project must be provided at the time of first design submittals.
2. The proposed access will be from a State Highway therefore the Department has no comment on the issue of road access.
3. The following standard notes and requirements apply to this plat and project: The details of these notes and requirements will be identified in the record but will not be read at this time:
   3.1 The Final Plat Lot Grading and Lot Grading Plan Construction Limits Notes.
   3.3 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. 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. Davis, SHA, read the comments of the department. See attached.

Mrs. West, CCBoE, read the comments of the department and provided the applicant with a copy of the Cecil County BoE’s Bus Stop Guidelines. See file.

Mr. Kyte, FA, stated that the driveway is going to be approximately 500 ft. He asked if the applicant’s had planned to plant trees along side the driveway. Mr. Kyte requests if trees are planted, that the owner plant the trees back a distance from the driveway. Trees close to the driveway may hinder the fire trucks responding to an emergency call. Mr. Whiteman said he doesn’t believe the Miller’s plan to plant trees on their side of the driveway. He does not know what the Hovatter’s plan to do on their side of the driveway.

Mr. von Staden, DEH, read the comments of the department. See attached.

Mr. Di Giacomo stated on behalf of MDE, a water appropriation permit is not required for this project.

Mr. Di Giacomo read the comments given from Delmarva Power. See file.

Mr. Di Giacomo provided the applicant will the soil reports and maps for CCSCS.

Mr. Di Giacomo, P&Z, read the comments of the department:
This proposal was found to be in compliance with §3.9.1 of the Subdivision Regulations regarding public notification signs.

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

Zoning: NAR

Density: The NAR zone permits a density of 1 du/ 10 ac.

The Concept Plat, proposing 1 lot plus remaining lands on 45.0824 acres, for a proposed density of 1/22.54, was approved on 7/16/07, conditioned on:

1) The boundary line survey of the proposed lot being completed prior to Preliminary Plat review by the TAC;
2) Any further subdivision requiring a boundary line survey of the entire property; and
3) The JD being completed prior to the Planning Commission’s review of the Preliminary Plat.
Has the boundary survey been completed around the proposed lot? Yes and the boundary line survey will reflect in the metes and bounds of the proposed lot.

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.¹

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.

Considering the Planning Commission’s policy,² and given that no wetlands are shown on the wetlands maps or the USGS quad maps, and given that the soils are not hydric, and based on Note 11’s information, staff will recommend that a Jurisdictional Determination (JD) not be required, pending no objection from MDE or the Corps of Engineers.

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

No common open space is required, and no landscaping of the development envelope is required in the NAR zone.

The required Bufferyard Standard A has been shown. Where feasible, the natural vegetative equivalent may be used to satisfy the bufferyard requirements.

As stated in Note # 9, this project is exempt, per §3.2K.

The Landscape Plan must be approved prior to Planning Commission review of the Final Plat (§6.3.B(1)(a), Cecil County Forest Conservation Regulations).

The Landscape Agreement must be executed prior to recordation.

The PRMA must be executed prior to recordation.

Documentation of all necessary easement agreements with the underground cable line owner 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.

The contiguous operating farm notice has been provided in Note # 10.

The applicant was reminded of the Monday noon submission deadline for review by the Planning Commission this month. Subsequently, per Appendix B of the Subdivision Regulations, the deadline

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.”

² 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.
to submit plats for Planning Commission review shall be the 3rd Thursday of the previous month at 4:30 p.m. The October 2007 Planning Commission agenda will be thus affected.

School information: Elementary Middle High School  
Rising Sun Rising Sun Rising Sun  
FTE 819.5 709 1129  
Capacity 615 688 903  
% Utilization 133% 103% 125%

Mr. Whiteman asked Mr. Di Giacomo if he saw a concern with bringing the new configuration of the lot to the Planning Commission. Mr. Di Giacomo said the Office of Planning and Zoning would not have a problem with it provided the information is there for the percolation test.

2. Land of Edd and Patsy Payne, Lot 1, Frenchtown Road, Preliminary Plat, Will Whiteman Land Surveying, Inc., Seventh Election District.

Will Whiteman appeared and presented an overview of the project. The owners of this land are creating a lot for their son. An outstanding issue from the Concept Plat was the access to the property. They would like to access one ROW; one driveway which is an existing driveway. They have shown the access easement dropped down below the septic area that is shown on Parcel 693 which would mean moving the driveway down a little bit. The major concern at the last TAC regarding this project was the driveway. They have changed it to a 20’ Perpetual Road Maintenance Agreement in the dotted area on the plat. They have shown that across the remaining lands of Edd and Patsy Payne. The actual ROW that will be granted by the owner of Parcel 693, Mrs. Akers, will be a ROW that will be granted for the use of the Payne’s and their son. Mr. Whiteman believes they have made the changes that they were asked to make. There is one thing that they do show on the plat that was not shown on the Concept Plat. That is the 110’ stream buffer off of the stream that runs along the rear property line.

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

1. A SWM plan and a Mass & Final Grading plan must be approved by the CCDPW prior to submittal for Final Plat Approval. The fees for design review of this project must be provided at the time of first design submittals.

2. Will the proposed Lot 1 access Frenchtown Road using the existing driveway serving Parcels 423, 693, & 666?

3. The following standard notes and requirements apply to this plat and project: The details of these notes and requirements will be identified in the record but will not be read at this time:

   3.1 The Final Plat Lot Grading and Lot Grading Plan Construction Limits Notes.
   3.2 Requirements for Utility relocations.
   3.4 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 CCD PW 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.  Where determined necessary by the utility companies, the owner, the designer, or DPW, utility poles must be relocated at the Developer’s expense.

3.  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.

4.  An Inspection & Maintenance Agreement is required for the private SWM facilities.

Mr. Woodhull commented that DPW does not have any issues with the access for this project.

Mr. Davis, SHA, stated this project is not located on a state highway therefore he has no comment.

Mrs. West, CCBoE, had no comments. She did provide the applicant with a copy of the Bus Stop Guidelines.

Mr. Kyte, FA, had no comment.

Mr. von Staden, DEH, read the comments of the department. See attached.

Mr. Di Giacomo provided the applicant with soil maps and reports from CCSCS.

Mr. Di Giacomo also read the comments for Delmarva Power and MDE. See file.

Mr. Di Giacomo, P&Z, read the comments for the department:
Upon inspection, this proposal was found to be in compliance with §3.9.1 of the Subdivision Regulations regarding public notification signs.

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

Zoning: DR

Density: The DR zone permits a base density of 1 du/1 ac.

The Concept Plat, proposing 1 lot plus remaining lands on 9.781 acres, for a proposed density of 1/4.89, was approved on 6/18/07, conditioned on:

1)  The boundary line survey being completed prior to the TAC’s review of the Preliminary Plat; and

2)  The JD (if any) being completed prior to the Planning Commission’s review of the Preliminary Plat.

Note # 8 indicates that the boundary line survey has been completed.

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% have been shown.
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’.

Permits are required from the (US Army) Corps of Engineers and MDE for all non-tidal wetland and stream impacts prior to recordation. What is the status of the JD? Mr. Whiteman said there is no JD. They did not observe anything in this particular area of proposed construction. It is wooded and there is a swale running down through there. The feeling is if the JD is necessary then a check for wetlands should be made. Mr. Di Giacomo said there are hydric soils present and there is a swale.

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

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

Per Note # 6, this project is exempt from the Forest Conservation Regulations, per §3.2K.

Any Landscape Agreement must be executed prior to recordation.

A PRMA must be established.

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. Subsequently, per Appendix B of the Subdivision Regulations, the deadline to submit plats for Planning Commission review shall be the 3rd Thursday of the previous month at 4:30 p.m. The October 2007 Planning Commission agenda will be thus affected.

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Will Whiteman and Jeff Foster, owner, appeared and presented an overview of the project. Due to this project consisting of only 1 lot, they ask that this be considered as a Preliminary – Final Plat. Mr. Foster had the opportunity to subdivide a lot through the HOA. Mr. Foster owns Lot 3, what was Lot 12 and what was Lot 4. Lot 12 is located in another subdivision. Lots 3 and 4 are located in the Fox Valley Farm subdivision. Through the add-on process Lot 7 was created. Mr. Whiteman asked Mr. Woodhull about whether sight distance would be required. Mr. Woodhull said the department will not require a sight distance submittal. The percolation tests were omitted from this plat.

3 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.
Mr. Woodhull, DPW, read the comments of the department:
Stormwater Management has been addressed for this project and the Department has no objection to
the approval of this plat.

Mr. Davis, SHA, stated this project is not located on a state highway therefore he has no comment.

Mrs. West, CCBoE, provided the applicant with a copy of the Bus Stop Guidelines.

Mr. Kyte, FA, had no comment.

Mr. von Staden, DEH, read the comments of the department. See attached.

Mr. Di Giacomo provided the applicant with a copy of the soil maps and reports from CCSCS.

Mr. Di Giacomo read the comments of Delmarva and MDE. See file.

Mr. Di Giacomo, P&Z, read the comments of the department:
Upon inspection, this proposal was found to be in compliance with §3.9.1 of the Subdivision
regulations regarding public notification signs.

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

Zoning: SAR

Density: The SAR zone currently permits a maximum base density of 1 du/ 20 ac.  

The Concept Plat, proposing 1 additional lot on the original 257.032 Fox Valley Farm acres, for a
proposed revised, nominal density of 1/36.72, was approved on 9/18/06, conditioned on:

1) The FSD not being required, based upon the submitted documentation of intent.

Based on the “Foster & Foster” Mobile Trust Partners resubdivision, resulting in a reduction of
55.674 acres from Fox Valley Farms, the proposed density would be based upon 7 lots on 201.358
acres, or 1/28.77.

The RCA overlay zone permits a density of 1/20. Based on the “Foster & Foster” Mobile Trust
Partners resubdivision and this proposed resubdivision of Lot 3, 3 lots on 76.990 acres, yields a
proposed Critical Area density of 1/25.663.

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

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4 At the time of Concept Plat approval, the SAR zone permitted a density of 1/8.
5 Signed 4/28/06.
shall be used to ensure sediment and erosion control and slope stabilization before, during and after disturbance activities. 6

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’.

Permits are required from the (US Army) Corps of Engineers and MDE for all non-tidal wetland and stream impacts prior to recordation. Considering the environmental information gathered for previous iterations of Mobile Trust Partners subdivisions, and given that no wetlands are shown on the wetlands maps or the USGS quad maps, and given that the soils are not hydric, staff will recommend that a Jurisdictional Determination (JD) not be required, pending no objection from MDE or the Corps of Engineers. 7

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 and no sidewalks are recommended in the SAR zone.

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

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

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.

Ordinarily, a revised FSD and conceptual environmental assessment must be approved prior to Planning Commission review of the Concept Plat. However, provided that revised FCPs and Landscape Plans are submitted to show the newly proposed lot and associated changes, and provided that no clearing of forest is proposed, as has been formally proposed in writing, staff recommended that a revised FSD or PFCP not be required. As the Critical Area portion of the property is exempt under §3.2B, a note to that effect must appear on the Preliminary-Final Plat.

The revised FCP and Landscape Plan must be approved prior to Planning Commission review of the Preliminary-Final Plat (§6.3.B(1)(a), Cecil County Forest Conservation Regulations).

6 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.”

7 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.
No more than 20% of the forest or developed woodland may be removed. In the critical area, no structure shall exceed 35’ in height.

A Landscape Agreement must be executed prior to recordation.

Per Note #10, field-run topographic information has been used on the plat, but Note #10 appears incomplete and must be completed prior to the Planning Commission’s review of the Preliminary-Final Plat.8

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 Preliminary-Final and Record Plats.

Fox Valley Road is a private mini-road. A revised Mini-road Maintenance Association for maintenance of the mini road may need to 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. Subsequently, per Appendix B of the Subdivision Regulations, the deadline to submit plats for Planning Commission review shall be the 3rd Thursday of the previous month at 4:30 p.m. The October 2007 Planning Commission agenda will be thus affected.

School information: Elementary Middle High School
                  Ches. City Bo Manor Bo Manor
FTE 287.5 513 717
Capacity 331 -----------------1244----------------
% Utilization 87% 99% 99%

Mr. Whiteman stated when Fox Valley Farm was created, there was a FCP done. The wood lines on the plat were the forest retention areas. He asked, since they are not proposing to affect those in any way, can they just piggy back on to the original FCP. Mr. Di Giacomo said he believes they can but referred Mr. Whiteman to Amanda Gordon in the Office of Planning and Zoning for that information. Mr. Whiteman asked if Ms. Gordon does say it is okay, there are already deed restrictions in place therefore would they have to bring in new deed restrictions. Mr. Di Giacomo said if the deed restriction specifically references lot numbers then it may need to be amended. Mr. Foster asked questions regarding the FSD, the revised FSD and landscape plans, if that is for the landscaping design for the mini road. Mr. Di Giacomo said there is no landscaping required in that zone. A revised FSD may be required. Mr. Foster said there is existing landscaping.

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8 Estimation from USGS data is permitted but not interpolation, per §4.1.22 (i).
4. **Lands of Denver & Rebecca Joyce Forrester, Jr., Lots 1 & 2, Simpers Road, Preliminary Plat, Will Whiteman Land Surveying, Inc., Third Election District.**

Will Whiteman appeared and presented an overview of the project. Mr. Forrester is creating two lots for his children. There were some concerns at the Planning Commission meeting regarding the sketch plat. There were also some questions as to where Simpers Road ended. Simpers Road, the blacktop portion, ends at the gravel driveway that leads into the remaining lands of Forrester. The land is grown up in that area. The previous minor subdivision / add on plat shows a widening and utility easement.

Mr. Woodhull gave suggestions to the applicant on clarifying the plat to show Simpers Road.

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

1. A SWM plan and a Mass and Final Grading plan must be approved by the CCDPW prior to submittal for Final Plat Approval. The fees for design review of this project must be provided at the time of first design submittals.

2. Is access to Lots 1 & 2 proposed via the existing driveway to what is referred to here as remaining lands? Yes.

3. The following standard notes and requirements apply to this plat and project: The details of these notes and requirements will be identified in the record but will not be read at this time:
   - 3.1 The Final Plat Lot Grading and Lot Grading Plan Construction Limits Notes.
   - 3.3 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 onto 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. Davis, SHA, stated this project is not on a state highway, therefore SHA has no objection to approval.

Mrs. West, CCBoE, provided the applicant with a copy of the Bus Stop Guidelines.

Mr. Kyte, FA, had no comments.

Mr. von Staden, DEH, read the comments of the department. See attached.

Mr. Di Giacomo provided the applicant with a soil maps and reports from CCSCS.
Mr. Di Giacomo read the comments of Delmarva and MDE. See file.

Mr. Di Giacomo, P&Z, read the comments of the department:
Upon inspection, this proposal was found to be in compliance with §3.9.1 of the Subdivision Regulations regarding public notification signs.

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

Zoning: SR

Density: The SR zone permits a density of 1 du/1 ac. The Concept Plat, proposing 2 lots plus remaining lands on 3.951 acres, for a proposed density of 1/1.317, was approved on 7/16/07, conditioned on:
  1) Different graphics being used for proposed wells, septic tanks, and concrete lids on all future submissions; and
  2) The JD being completed prior to the Planning Commission’s review of the Preliminary Plat.

Note #5 indicates that the boundary line survey has been completed.

What is the scale of the vicinity map? Mr. Whiteman did not know. Mr. Di Giacomo asked Mr. Whiteman to provide that 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.¹⁰

Slopes greater than 25% have been shown.

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’.

Considering the Planning Commission’s policy,¹¹ and given that no wetlands are shown on the wetlands maps or the USGS quad maps, and given that the soils are not hydric, and based on Note 10’s information, staff will recommend that a Jurisdictional Determination (JD) not be required, pending no objection from MDE or the Corps of Engineers.

No common open space is required for fewer than ten lots.

20% landscaping of the development envelope is required in the SR zone, but no sidewalks are recommended in this case.

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

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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.”

¹¹ 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.
Per Note #8, this project is exempt, per §3.2K.

The Landscape Plan must be approved prior to Planning Commission review of the Final Plat (§6.3.B(1)(a), Cecil County Forest Conservation Regulations).

The Landscape Agreement must be executed prior to recordation.

A PRMA must be executed 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.

A new graphic for proposed wells has been used.

The applicant was reminded of the Monday noon submission deadline for review by the Planning Commission this month. Subsequently, per Appendix B of the Subdivision Regulations, the deadline to submit plats for Planning Commission review shall be the 3rd Thursday of the previous month at 4:30 p.m. The October 2007 Planning Commission agenda will be thus affected.

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5. Delyn Acres (f/k/a Lands of Janet E. Cullen), Lots 1-3, Glebe Road, Preliminary Plat, Michael S. McAllister, Surveyor, First Election District.

Michael McAllister appeared and presented an overview of the project. The Concept Plat for this project was approved in December 2006. A boundary line survey has been conducted on the property. The PFCP has been approved. A well variance has been requested for Lot 3. There was a 50’ buffer that was verbally created by Mr. Cullen several years ago for the owners of Bohemia Estates to plant trees along the buffer shown. Mrs. Cullen has continued that agreement with the residence of Bohemia Estates. A 30’ road widening utility strip has been provided.

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

1. A SWM plan and a Mass & Final Grading plan must be approved by the CCDPW prior to submittal for Final Plat Approval. The fees for design review of this project must be provided at the time of first design submittals.

2. The 30’ wide Road Widening and Utility Strip along the Glebe Road frontage must be identified as “30’ wide strip of land to be dedicated in fee simple to the Board of County Commissioners of Cecil County”. Modify the legend by removing the reference to R.W.U.S.

3. There are drainage concerns on Glebe Road @ proposed driveway entrance for Lots 2 & 3 that must be addressed by the applicant in the final grading plan.

4. While Note 16 refers to an approval, by the Department in an 11/26/06 letter, of the entrance locations shown, the actual sight distance measurements for the proposed common driveway
access point for Lots 2 & 3 and the driveway for Lot 1 have must be submitted for the Department’s files.

5. 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:

5.1 The Final Plat Lot Grading Note and the Lot Grading Plan Construction Limits Note.
5.3 Requirements for Utility relocations.
5.4 Requirements for Stormwater Inspection and Maintenance Agreements.
5.5 Requirements for Driveways.

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. An Inspection & Maintenance Agreement is required for the private SWM facilities.

5. All driveways must be paved at least to the right of way.

Mr. McAllister and Mr. Woodhull discussed the use of R.W.U.S on the plat.

Mr. Davis, SHA, stated this project is not on a state highway therefore, SHA has no objection to approval.

Mrs. West, CCBoE, provided the applicant with a copy of the Bus Stop Guidelines.

Mr. Kyte, FA, had no comments.

Mr. von Staden, DEH, read the comments of the department. See attached.

Mr. Di Giacomo provided the applicant with soil maps and reports from CCSCS.

Mr. Di Giacomo read the comments of Delmarva and MDE. See file.

Mr. Di Giacomo, P&Z, read the comments of the department:
This proposal was found to be in compliance with §3.9.1 regarding public notification signs.

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

Zoning: SAR
Density: The SAR zone permits a maximum base density of 1 du/20 ac. The Concept Plat,\textsuperscript{12} proposing 3 lots on 27.91 acres, for a proposed density of 1/9.3,\textsuperscript{13} was approved on 12/21/06, conditioned on:

1) The boundary line survey being completed prior to the TAC’s review of any Preliminary Plat;
2) Documentation of the JD’s completion being submitted prior to the Planning Commission’s review of the Preliminary Plat; and
3) The PFCP and any preliminary environmental assessment being approved prior to the Planning Commission’s review of the Preliminary Plat.

Note #6 indicates that the boundary line survey has been completed.

Dwellings or impervious surfaces shall not occur on slopes with a grade of 25% or more covering a contiguous area of 10,000 ft\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.\textsuperscript{14}

15% slopes have been shown.

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’.

What is the status of the JD? Mr. McAllister said there is none at this point. To his understanding, JD were not being conducted. Mr. Di Giacomo suggested the Mr. McAllister submit for a JD. Permits are required from the (US Army) Corps of Engineers 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.\textsuperscript{15}

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

No landscaping of the development envelope is required and no sidewalks are recommended in the SAR zone.

Bufferyard Standard C is required, and has been provided, along the road frontages of Glebe Road.

Per §187.2, bufferyards to separate the different zoning districts from one another are depicted and noted (Note #14).

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

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

\textsuperscript{12} Parcel 408 has exhausted minor subdivision eligibility with the approval of Minor Subdivision 708 (Parcel 438 1/25/80) and major subdivision known as Lands of Lilley & Surgent (Parcel 460 Lots 1B, 1C, 2A, 2F, 3B, & 4A).
\textsuperscript{13} At that time, the SAR density was 1/8, so bonus density was not an issue.
\textsuperscript{14} The Cecil County Subdivision Regulations define steep slopes as “15 percent or greater incline.” The Cecil County Zoning Ordinance defines steep slopes as consisting of a grade of 25% or more covering a contiguous area of 10,000 ft\textsuperscript{2} or more. The Cecil County Forest Conservation Regulations define steep slopes as “areas with slopes greater than 25 percent slope.”
\textsuperscript{15} 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.
Any tree removal within a public right-of-way requires approval from the Maryland Department of Natural Resources.

The FSD was approved on 12/11/06.

The PFCP must be approved prior to Planning Commission review of the Preliminary Plat (§6.2.B(1), Cecil County Forest Conservation Regulations). Mr. McAllister said it had been approved.

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, with the metes and bounds description of the FRA being shown on the Final and Record Plats.

The contiguous operating farms notice has been provided in Note # 12.

The applicant was reminded of the Monday noon submission deadline for review by the Planning Commission this month. Subsequently, per Appendix B of the Subdivision Regulations, the deadline to submit plats for Planning Commission review shall be the 3rd Thursday of the previous month at 4:30 p.m. The October 2007 Planning Commission agenda will be thus affected.

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6. Cinnamon Woods, Phase Two and Three, 137 Lots, Mt. Zoar Road, Revised Preliminary Plat, Bay State Land Services, Eighth Election District.

Reed Taylor and Mitch Enzer, Bay State Land Services appeared and presented an overview of the project. Due to final design issues it had been determined a realignment and reconfiguration of some of the lots would be appropriate. Most of the road networks are very similar to what was previously approved. They tried to maintain all of the fire hydrant spacing distances for the site. They also attempted to reconfigure the site as to not encounter and have the need for any sort of wetland or wetland buffer impacts. They have contact Steve Ulinski with the Army Corp of Engineers to try to determine the status of the request for the JD. They are still waiting to hear from him.

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

1. It is the Department of Public Works understanding that the water treatment & distribution system and wastewater treatment & collection in this development will be privately owned and maintained. The Cecil County 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 of Public Works 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.

2. The proposed internal roads are private and therefore must be at a minimum designed in accordance to Section 6.6.6 of the Cecil County Subdivision Regulations. These plans must be submitted for review by the DPW to assure compliance.

3. A SWM plan, Entrance 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 fees for design review of this project must be provided at the time of first design submittals.

4. The existing onsite stormwater management (SWM Pond #1) facility shall be analyzed by the engineer and a retrofit design provided as necessary to meet the current stormwater management requirements as well as the additional inflow generated in Phases 2 & 3.

5. Portions of Phase 2 drain to SWM Ponds #2 & #3 located in Phase 3. This will require that these ponds be constructed as part of Phase 2 development.

6. SWM Inspection & Maintenance easements for all proposed ponds in Phases 2 & 3 must be shown on the preliminary plat.

7. The Department understands that access to SWM Pond #2 will be provided off of Mt Zoar Road. Is that correct? Mr. Enzer said it will be located beside site #59 just to the left side.

8. The developer shall upgrade Mt Zoar Road as described by the Department during the road site visit with the developer.

9. The applicant has submitted the Protocol 2 Road Condition Survey and Road Improvement Plan for Mount Zoar Road. These address Mt. Zoar Road from Maryland Route 222 to the site’s westernmost property line as described in Note #15 on the plat. The applicant/developer is responsible for all right-of-way acquisition and any costs associated with the same.

10. No Road Code Variance request has been received therefore the proposed entrance geometry design must meet all requirements of the Road Code.

11. The Acceleration/deceleration lanes required per Sections 3.07.6 & 3.07.7 of the Road Code for the proposed entrance onto Mt. Zoar Road must be indicated on the preliminary plat.

12. Have the proposed fire hydrant locations been reviewed by the serving fire company? Mr. Enzer said no but they did replicate the spacing distances on the previously approved plan and based on the analysis of the previously approved plan, those spacing were down in the vicinity of 400 ft. The proposed fire hydrant locations appear acceptable to the Department of Public Works.

13. Water & sewer laterals must be shown for each site proposed. Sewer line clean outs should be located outside of any paved or concreted areas. The water & sewer connections to each site must be separated a minimum of 10’.

14. 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:

   14.1. The Final Plat Lot Grading Note and the Lot Grading Plan Construction Limits Note.
   14.3. Requirements for Utility relocations.
   14.4. Requirements for Public Works Agreements.
   14.5. Requirements for Stormwater Inspection and Maintenance Agreements.
   14.6. 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, Forestration, 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 road & storm drain work on Mt. Zoar Road and sanitary sewer and water construction.

5. An Inspection & Maintenance Agreement is required for the private SWM facilities.

6. The sight distance measurements (intersection & stopping) for the proposed intersections must be submitted.

Mr. Davis, SHA, stated that this project is not located on any state highway, therefore, SHA has no objection to approval.

Mrs. West, CCBoE, stated that the schools that would serve this development would be Conowingo Elementary, Rising Sun Middle and High Schools. Given the fact that both Conowingo and Rising Sun High are currently over capacity, the BoE would like to know the size, the pricing and the approximate dates of completion on this project. Mr. Enzer said it is an age restricted community for 55 years and older. There will be no bus service needed. Mrs. West did provide the applicant with the Bus Stop Guidelines.

Mr. Kyte, FA, stated there is a county guideline as far as size of the roadway and whether on – street parking is allowed. He said if the streets are down to a minimum size he would like to see no parking signs be put up. As far as the cul de sac size at 75’, the fire trucks do have a difficult time turning around within that size. If any parking will be allowed in that cul de sac it will further restrict the department’s equipment. Mr. Kyte asked the applicant to look into increasing the size of the cul de sac especially the ones that go back a long distance. For a fire truck to have to back out of the cul de sac would be troublesome. During construction the fire department asks that street signs be in placed in case of an emergency. Lastly, the fire hydrant issue has been handled except he would like the applicant to give the Port Deposit Fire Company an analysis of water flow from the hydrants. Mr. Kyte provided the applicant with guidelines.

Mr. von Staden, DEH, read the comments of the department. See attached.

Mr. Di Giacomo provided the applicant with soil maps and reports from CCSCS.

Mr. Di Giacomo read the comments of MDE. See file. Delmarva had no comments for this project.

Mr. Di Giacomo, P&Z, read the comments of the department:
This proposal is in compliance with §3.9.1 of the Subdivision Regulations regarding public notification signs.

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

Zoning: MH
Density: Manufactured home parks are permitted a density of 6/1.

Formerly known as the Mt. Zoar Mobile Home Park, a Concept Plat was approved by the Planning Commission on 8/17/98 at a density of 2.59 units per acre.

The Mt. Zoar Mobile Home Park, Phases I, II, & III Preliminary Plat for 158 sites was approved on 10/19/98 by the Planning Commission with the following conditions:

1) Health Department requirements being met,
2) Department of Public Works requirements being met,
3) Plan for the private water and sewer system being approved by the Department of Public Works and the Health Department prior to final plat approval,
4) Plans for the wastewater treatment plant being approved by the Health Department and the Maryland Department of the Environment prior to final approval,
5) Maryland Department of the Environment issuing a permit to construct the wastewater treatment plant prior to final plat approval,
6) Bufferyard D being modified to fill in gaps on School House Road,
7) Outparcels being labeled as future development,
8) All references to lots being changed to sites,
9) Permits being obtained from the Corps of Engineers and the Maryland Department of the Environment for wetland impacts prior to recordation,
10) Setbacks being shown correctly,
11) Open space areas being shown,
12) Groundwater Appropriation Permit being issued by the Maryland Department of the Environment prior to final approval,
13) Accel, decel, and by-pass lanes being provided at both entrances,
14) A JD being done prior to final plat review,
15) “t” turn arounds being provided at the end of the streets adjacent to the future development areas.

A Final Plat was disapproved by the Planning Commission review in March 2000, but the Phase I Final Plat, proposing 63 manufactured home sites, was approved on 4/17/00, conditioned on:

1) That Health Department Requirements be met;
2) That DPW requirements be met;
3) That a deed restriction for the long-term protection of the Forest Retention/ Afforestation Areas (FRAs) 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 forest retention areas must be clearly shown.
4) That the standard forest retention/street tree note be placed on the plat.
5) That a landscape agreement be executed prior to recordation,
6) That any changes to the water or sewer plants be approved by DPW;
7) That the owner-operator of the community water and sewer service be approved by MDE and the Board of County Commissioners prior to recordation;
8) That permits from the Corps of Engineers and MDE for all wetland impacts prior to recordation;
9) That if any tot lots are to be included in Phase I, then details of the kinds of equipment will need to be included in the Public Works agreement;
10) That the gap in the Bufferyard D be filled in on the landscape plan for subsequent phases,
11) That access to open space between sites must be marked with concrete monuments,
12) That the word “Community” be replaced with “Park” in the title block on the Record Plat,
13) That the Master Water and Sewer Plan be amended prior to recordation.

Because of a pending appeal, the applicant sought and was granted a one-year extension of Preliminary Plat approval on 8/21/00. The Preliminary Plat’s validity would have expired on 10/19/00 without an extension the recordation of Phase I – which was in doubt because of the pending appeal.

The Phase I Record Plat was recorded on 8/5/03. Per §4.1.17, that extended Preliminary Plat validity until 8/5/05.

The original Concept Plat approval expired on 8/21/01. The original FSD also had expired (on 10/16/03), so a new FSD was submitted and approved on 6/13/06.

The Phase II & III Concept Plat, proposing 137 new, plus the 63 existing Phase I manufactured home sites on 79.27 acres, was approved at the new proposed overall density of 2.52/1 on 6/19/06, conditioned on:

1) The boundary line survey being completed prior to the TAC’s review of the Preliminary Plat;
2) Documentation of the JD’s completion being submitted prior to the Planning Commission’s review of the Preliminary Plat;
3) A sensitive species survey being completed prior to approval of the PFCP; and
4) All references to “lots” being changed to “sites.”

The boundary line survey was completed prior to the 10/19/98 Preliminary Plat approval.

The Phase II & III Preliminary Plat was approved on 9/21/06 (the date in General Note # 14 must be corrected), conditioned on:

1) Health Department requirements being met;
2) DPW requirements being met;
3) The site plan for the clubhouse facility being approved prior to Final Plat review;
4) Verification that the proposed water and wastewater systems are capable of serving these proposed sites being received from MDE prior to Final Plat review;
5) Sewer capacity to serve these proposed sites being verified by the Department of Public Works prior to Final Plat review;
6) Documentation of the completed JD being submitted prior to Final Plat review if JDs are once again performed by the Corps of Engineers;
7) The Final and Record Plats containing a statement signed by the Health Department, approving authority, to the effect that use of the community water supply and community sewerage system is in conformance with the Master Water and Sewer Plan;
8) The Final and Record Plats containing a statement, signed by the owner, to the effect that such facilities will be available to all sites offered for lease; and
9) The FCP and Landscape Plan being approved prior to Final Plat review.

This plat seeks to revise that Phase II & III Preliminary Plat with evolved layout changes only. Therefore, the Concept Plat does not have to be revisited.

If approved by the Planning Commission, this development will require that the existing Manufactured Home Park license be amended to include the additional sites.

Since the details of the clubhouse facility proposed in what was Phase II are not shown on this Preliminary Plat, the applicant has opted to submit a separate site plan application pursuant to the
provisions of §291 and Appendix A of the Zoning Ordinance. Therefore, the issuance of a clubhouse building permit will be contingent upon site plan approval.

Note #16 states that the Site Plan will be submitted “prior to Final Plat.” It must be approved prior to Final Plat review, per the Phase II & III Preliminary Plat approval.

Steep slopes 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.\(^{16}\)

Stream and wetland 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.

Note #10 on the approved Preliminary Plat indicated that the JD was applied for on 5/16/06; General Note #12 indicates that usage review is still pending.

The Corps of Engineers advises that JDs are on “hold” pending resolution of the implications of a recent Supreme Court decision. Under those uncertain circumstances, staff recommends that any approval of a Preliminary Plat prior to said resolution contain a condition that documentation of the completed JD be submitted if JDs are once again performed. Our latest understanding is that JDs may again be done in the very near future.

Not less than 15% of the gross area shall be devoted to open space and recreational area.\(^{17}\) The total proposed open space is 28.646 (was 28.871 and 28.646) acres.\(^{18}\) Since the open space acreage has changed, the OS sensitive areas threshold re-calculations have been included, but the steep slopes figure is missing, and the “site area” figure of 21.06 acres must be clarified.\(^{19}\)

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.

There are no habitats of any rare, threatened, or endangered species on site.

The PFCP was approved on 8/16/06\(^{20}\) and revised on 7/19/07. Since the plat does not depict FRAs, it cannot be checked for consistency with the PFCP.

The final Forest Conservation Plan (FCP) and Landscape Plan must be approved prior to Planning Commission review of the Final Plat (§6.3.Bi(1)(a), Cecil County Forest Conservation Regulations).

A Landscape Agreement must be executed prior to recordation.

\(^{16}\) The Cecil County Subdivision Regulations define steep slopes as “15 percent or greater incline.” The Cecil County Zoning Ordinance defines steep slopes as consisting of a grade of 25% or more covering a contiguous area of 10,000 ft\(^2\) or more. The Cecil County Forest Conservation Regulations define steep slopes as “areas with slopes greater than 25 percent slope.”

\(^{17}\) Not including roads and bufferyards.

\(^{18}\) Based on 79.27 acres, that was 36.14% of the total acreage.

\(^{19}\) 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.

\(^{20}\) As cited on page 2, the original FSD had expired on 10/16/03, so a new FSD was submitted and approved on 6/13/06.
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.

All proposed road names were previously approved.

As noted, each manufactured home site shall measure not less than 4000 ft² in area, and the minimum width at the setback line must be 50’, and the minimum setbacks shall be 15’ front and rear, 10’ on each side, as depicted.

Proposed sites 40, 46, 156, 179 & 181 do not appear to meet the minimum width requirement (50’ @ setback line).

As noted (Development Summary), the minimum road frontage is 25’ for interior roads.

Proposed sites 195 & 196 do not have the required minimum road frontage.

Fire hydrant final locations must be established in consultation with the Port Deposit Fire Company and DPW.

§6.6.6 of the Subdivision Regulations requires local access streets be 34’ wide, 28’ paved, with curb & gutter. The required new Traffic Impact Study (TIS)²¹ shows that all affected links and intersections will operate at acceptable levels of service (LOS).

Verification must be received from MDE prior to Final Plat review that the proposed water and wastewater systems are capable of serving these proposed sites.

The proposed sites must be served by water & sewer systems approved by the Health Department.

Any Site Plans required in conjunction with providing adequate sewer or water facilities for this project must be approved prior to the Planning Commission’s review of the Final Plat. Otherwise, the plans should be submitted with construction drawings to the DPW.

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 Master Water and Sewer Plan classifies the “Mount Zoar” Manufactured Home Park area as W-1 and S-2.

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.

Details of proposed amenities such as gazebos and any recreational equipment will need to be included in the Public Works agreement.

All the requirements of §’s 30 & 78 of the Zoning Ordinance and §6.6 of the Subdivision Regulations must be met.

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²¹ A TIS was conducted in the spring of 1998 in conjunction with the original Concept Plat.
§4.1.22 (r) requirements have not been met in the Development Summary on this revision. The site areas were provided on the Phase II & III Preliminary Plat.

The applicant was reminded of the Monday noon submission deadline for review by the Planning Commission this month. Subsequently, per Appendix B of the Subdivision Regulations, the deadline to submit plats for Planning Commission review shall be the 3rd Thursday of the previous month at 4:30 p.m. The October 2007 Planning Commission agenda will be thus affected.

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James Keefer, Morris & Ritchie Associates, appeared and presented an overview of the project. This project was previously presented by a different engineering firm. The Concept Plat prior to this had previously been approved by the town. Some revisions have been made. Those being, they have revised the plan so that North East Isles Drive remains intact. They have left the open space area that is south of Route 1 near the railroad tracks. There is a total of 162 units, 9 being single family detached homes, 81 are rear loaded townhouses and 72 are condominium buildings.

Betsy Vennell from the Town of North East was also present at the meeting.

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

1. The Department understands that the Town of North East will own the water distribution system and internal streets 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 sewer lines must be reflected on the final plat.

2. The CCDPW also recommends that the roads & storm drains be designed to meet or exceed the Department’s Road Code. Including maintaining access for emergency vehicles in the 100-Year Flood Plain.

3. The Cecil County Department of Public Works requests that the Town Of North East not approve the final plat until the County has approved the SWM and Sanitary Sewer plans.

4. A SWM 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 fees for design review of this project must be provided at the time of first design submittals.
5. The Department will not approve the SWM plan until the COE & MDE approve building in the 100-Year Flood Plain.

6. BMPs within the Intensely Developed Area must meet the 10% rule identified in Appendix D. 4 in Volume 2 of the MDE Design Manual.

7. No SWM facilities may be located within the 100-Year Flood Plain.

8. Identify all SWM conveyance, access and Inspection & Maintenance easements on the preliminary & final plats.

9. 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, the amount of public sewer allocation to be available for this project is in question 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 his own risk.

10. The proposed sanitary sewer pump station must be designed and constructed to keep equipment protected from water levels associated with the 100-Year Flood. The sewer pump station must be located on a fee simple lot dedicated to the Board of County Commissioners of Cecil County.

11. Easements will be required for all the proposed county sanitary sewer lines located within the ROW of the Town’s roads. Similar easements will be required for County sewer proposed in private alleys and open space.

12. The following standard notes and requirements apply to this plat and project: The details of these notes and requirements will be identified in the record but will not be read at this time:

12.1 The Final Plat Lot Grading Note and the Lot Grading Plan Construction Limits Note.


12.3 Requirements for Final Plat - Public Water and Sewer Allocation.

12.4 Requirements for Sewer Service Cleanouts – Location.

12.5 Requirements for Public Works Agreements.

12.6 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. A Public Works Agreement is required for the county sanitary sewer construction.

4. The Developer must request and obtain a public sewer allocation from the Department of Public Works.

5. 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.

6. An Inspection & Maintenance Agreement is required for the private SWM facilities.

Mr. Keefer asked about the # 7 comment from Mr. Woodhull. He said they would be doing a tidal discharge for quantity management so any of the SWM facilities on site would be quality. He asked if that is a problem in the flood plain. Mr. Keefer explained this is a tidal flood plain not a non-tidal flood plain which goes to the comment on # 5. The CoE does not regulate the flood plains but MDE’s
regulations concerning tidal flood plains are different than they are for non-tidal. In his opinion, fill in a tidal flood plain does not make any difference. It will not change the tidal flood elevation. Mr. Di Giacomo asked if he was sure about that in every case. Mr. Keefer said it could be a Critical Area issue but the water is coming up in the tidal flood. You are not substantially changing it. The volumes of water are so large, to his understanding, they are not concerned unless they are doing huge amounts of fill. Mr. Di Giacomo said he was not convinced of that. He believes it depends on the amount of fill they add. Mr. Keefer said they have received confirmation from MDE that they are not concerned with what they are doing from a tidal flood plain standpoint. Ms. Vennell said that MDE does want to be involved in the planning process of this project. Mr. Keefer, Ms. Vennell and MDE are going to hold a workshop regarding this project and extended an invitation to DPW. Mr. Woodhull asked that Ms. Vennell contact the office with the information concerning the workshop. Ms. Vennell said this is a very strong concern from the public.

Mr. Davis, SHA, read the comments of the department. See attached.

Ms. Vennell believes an updated TIS was completed recently and sent to SHA for review.

Mrs. West, CCBoE, asked for the size, price and an estimated start date for this project. Mr. Keefer said the price and size has not yet been determined. The estimated start date is 1 year. Mrs. West also asked if sidewalks were proposed. Mr. Keefer said yes. The applicant was provided a copy of the Bus Stop Guidelines.

Mr. Kyte, FA, said the only issue would be parking issues. He is concerned with the location of the overflow parking area and the limited parking for the homes.

Mr. von Staden, DEH, read the comments of the department. See attached.

Mr. Di Giacomo provided the applicant with a soil maps and reports from CCSCS.

Mr. Di Giacomo read the comments for Delmarva and MDE.

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

This subdivision is proposed in the Town of North East. The Cecil County TAC, as a courtesy to the towns in the County, reviews site plans and subdivision proposals within the towns’ corporate limits. Under the name Harborside Village, the TAC previously reviewed a Concept Plat on 12/7/05 and a Preliminary Plat on 7/5/06.

The Office of Planning & Zoning’s comments and questions relating to this Preliminary Plat are as follows:

- Town Zoning: R-3 (existing)
- Proposed zoning: PRD (Planned Residential Development Overlay)
- The Critical Area designations are IDA and LDA.
- 162 dwelling units are proposed on 59.36 acres, for a proposed density of 2.73/1. It should be confirmed that the proposed density is consistent with that permitted by the underlying zoning.
• It is recommended that any necessary rezoning be completed as early as possible, but definitely no later than prior to Final Plat approval.

• Where is the line of demarcation between the IDA and the LDA? Mr. Keefer said it is the Critical Area Buffer line.

• It should be confirmed that the stream/Critical Area Buffers do not need to be expanded.

• It was previously recommended that an Environmental Assessment be completed prior to the review of any Preliminary Plat. It was also 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 any proposed revisions to the 100-year and 500-year tidal floodplain boundaries resulting from fill be shown on the Preliminary Plat. How much fill will be involved, and what impacts are anticipated? Mr. Keefer said he is not sure yet they are in the process of doing a preliminary grading study and SWM strategy plan.

• It is recommended that any proposed floodplain boundary changes be approved by MDE and FEMA, and that any variances required for filling be obtained as early as possible in the Town’s development review and approval process.

• All road names except Blue Heron Blvd. and Red Knot Road have been approved. It is strongly recommended that no Preliminary Plat be approved until and unless road names have been approved by the County 911 Emergency Center.

• The entrance is proposed to incorporate the entrance to North East Isles, making for a boulevard entrance intersection at a right angle. The additional entrance on MD Rte. 7 is proposed for emergency access only.

• A previously-recommended Traffic Impact Study (TIS) has been done. Is it considered complete by the Town and SHA? Ms. Vennell said no, they do not have all of the comments yet.

• 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. Where are the limits of the 500-year floodplain? Mr. Keefer said he does not know.

• The Town of North East and Cecil County signed an “Assigning obligations under the Forest Conservation Act” agreement. Since this site is shown to be entirely within the Critical Area, the project is exempt under §3.2B. It is recommended that a note to that effect be placed on the plat.

• 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.
• 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 #20 indicates that the JD has already been completed; its documentation should be provided to the Town.

• What appears to be a hiking trail around a SWM pond should be labeled.

• Per Note # 21, there are no habitats of any rare, threatened, and endangered species on site.

• 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 on only one side of all internal streets should be considered – to reduce impervious cover in the Critical Area as that would result in environment and/or SWM benefits.

• 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.

• Some overflow parking spaces appear to be in 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.

• It is strongly recommended that consideration be given to soliciting review and comment on the subdivision layout by the North East Volunteer Fire Company.

• It is strongly recommended that the fire hydrant/standpipe locations be shown and be 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 to the Town for approval.

• It is recommended that all Variance numbers, if any, be shown on future plats.

• 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.

• It is recommended that it be determined if the condominium portion of the project requires a different review and approval procedure.

Mr. Di Giacomo asked if the Town of North East had any comments. Ms. Vennell said no.


James Keefer, Morris & Ritchie Associates, appeared and presented an overview of the project. This project was brought before TAC last month. Mr. Keefer has since had meetings with Planning and Zoning, DPW and DEH regarding this project. This plat has been revised. This project no long has private mini roads proposed but they are proposing a public road, Chesapeake Cove Lane. All eleven lots will access off of the public road. It is located at the location of the existing driveway that goes into the site. The project continues to be served by on lot private wells and septic systems. It is located in the Critical Area.

Mr. Woodhull, DPW, read the comments of the department:
1. 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 fees for design review of this project must be provided at the time of first design submittals.
2. How do you propose to address SWM for this site? Mr. Keefer said direct discharge for tidal waters for quantity management, quality will be done through a series of swales and other offline procedures.
3. Any SWM conveyance easements and/or inspection & maintenance easements must be shown on the preliminary and final plats.

4. With Chesapeake Cove Lane proposed as a county minor road, all driveways accessing it 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 proposed road 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.

5. Lots 1, 8, & 9 must be denied access to Oldfield Point Road and be so noted on the final plat and the Lot Grading Plan.

6. Section 3.07.15 of the Road Code directs that Oldfield Point Road must be upgraded for a distance of 100’ either side of the point of intersection between Oldfield Point Road and Chesapeake Cove Lane. The improvements required must address roadside drainage issues and pavement distress at a minimum. Where these required improvements can be accommodated within the existing ROW or prescriptive right of maintenance, no new permanent fee simple ROW acquisition from adjoining property owners will be required.

7. The design engineer must address the requirement for minimum acceleration and deceleration lanes and if warranted a bypass lane. These must be reflected on the preliminary plat submitted for TAC review. Any right-of-way acquisition necessary shall be performed by the applicant and at the applicant’s expense. The applicant must make a legitimate good faith effort to obtain all ROW required to accomplish these improvements. This effort must conform to Section 3.07.15 of the Road Code Guidance Manual. The applicant may seek a variance to these requirements if after these efforts the applicant is unable to obtain the necessary ROW.

8. The Department of Public Works requires that any Road Code Variances for offsite/entrance roads sought must be requested and the major road issues are resolved, to the Department’s satisfaction and shown on the preliminary plat prior to submittal of the preliminary plat to the Technical Advisory Committee. If no variances are requested & approved prior to the preliminary plat approval by the Planning Commission the applicant will be held to all Road Code requirements as dictated by the DPW.

9. Sight distance measurements (intersection & stopping) have been submitted for the proposed access point on to Oldfield Point Road.

10. Any common driveway access to Chesapeake Cove Lane must be provided with the requisite access easements. The deed language for effected lots must reflect all rights & responsibilities associated with the common driveway. The applicant must submit a copy of the proposed deed language to the Department prior to submitting the final plat to the Planning Commission for review.

11. All access easements must be identified on the preliminary plat submitted for TAC review.

12. The sewage pressure lines for Lots 4 & 5 run under the cul-de-sac bulb of Chesapeake Cove Lane must be routed through an 8” ductile iron pipe (DIP) with removable water tight seals on both ends. The DIP pipe will be extended 2’ outside of the County ROW. Concrete monuments will be provided at either end of the pipe and shall have a brass plate indicating the septic line. The minimum cover for the 8” DIP is 42”. Private utility easements for these lines must be provided across County ROW and be so indicated on the preliminary & final plats.

13. The following standard notes and requirements apply to this plat and project: The details of these notes and requirements will be identified in the record but will not be read at this time:

13.1 The Final Plat Lot Grading and Lot Grading Plan Construction Limits Notes.
13.3 Requirements for Stormwater Inspection and Maintenance Agreements.
13.4 Requirements for Public Works Agreements.
13.5 Requirements for Utility relocations.
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. An Inspection & Maintenance Agreement is required for the private SWM facilities.
4. A Public Works Agreement is required for the proposed county road and all work done on Oldfield Point Road.
5. Where determined necessary by the utility companies, the owner, the designer, or DPW, utility poles must be relocated at the Developer’s expense.

Mr. Davis, SHA, stated this project is not located on a state highway, therefore, SHA has no objection to approval.

Mrs. West, CCBs, read the comments of the department. The applicant was provided a copy of the Bus Stop Guidelines.

Mr. Kyte, FA, asks that the cul de sac be large enough for the equipment. As far as fire suppression, he asked them to consider a dry hydrant or a tank. The driveways are long, Mr. Kyte asked Mr. Keefer to consider not planting trees too close to the driveways for they hinder accessibility for the fire engines. Driveways need to be at least standard width. Mr. Woodhull said the county does not have a standard width for driveways.

Mr. von Staden, DEH, read the comments of the department. See attached.

Mr. Di Giacomo provided the applicant with soil maps and reports.

Mr. Di Giacomo read the comments of Delmarva and MDE. See file.

Mr. Di Giacomo, P&Z, read the comments of the department:
Upon inspection, this proposal was found to be in compliance with §3.9.1 of the Subdivision Regulations regarding public notification signs.

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

Zoning: SR

Density: The SR zone permits a density of 1 du/1 ac. This Concept Plat proposes 10 lots (2-11) on 99.98 acres, for a proposed density of 1/9.99. Site Data Note # 4 is confusing; Lots 2-11 cannot, at the same time, be proposed as lots and as “remaining lands.”
Since the proposed Lot 1 approval is being pursued separately through the Minor Subdivision process, it would not be included in the major subdivision density calculation. Why is it on a separate path? Mr. Keefer said the owners of the property were seeking to have it subdivided faster for sale purposes.

5 lots are proposed in the Critical Area RCA overlay zone, which has a permitted density of 1/20. Site Data Note # 4 tells us that there are 121.25 CA acres overall, but that includes proposed minor subdivision Lot 1. Site Data Note # 6 tells us that the overall proposed CA density is 1/20.2, but the major subdivision’s CA acreage still isn’t provided, and it does not account for the common open space.

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. The concentric protective zones around 2 Bald Eagle’s Nests have been shown, with Zone 3’s critical dates having been cited.

Site Data Note # 8 must reference “common open space” as such, and it incorrectly bases its calculation on the combined minor and major subdivision acreages. §25.3.a and §176.1 require 15% common open space (which, based upon the 99.98 major subdivision acres, is 14.997 acres). 24.12 acres, or 24.12%, of common open space is proposed.

Per §176.2.c & d, 15% of the required C.O.S. 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 any Preliminary Plat.

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

22 If the minor subdivision is pursued separately, then there may not be enough major subdivision Critical Area acreage to achieve a CA density of 1/20.
23 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.”
24 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.
Interior sidewalks will not be recommended in this case.

Bufferyard Standard C is required, outside the right-of-way, along the road frontages of Oldfield Point Road, as shown.

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

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

No more than 15% of the surface area can be impervious in the RCA.25 The 15% impervious cover threshold applies to the entire portion of the subdivision within the Critical Area and those proposed lots greater than one acre in size. For any proposed lots one acre or less in size the impervious cover limitation is 25% (§200.8.a).

No more than 20% of the forest or developed woodland may be removed. When less than 15% of the site is in forest cover, at least 15% of the gross site area shall be afforested. No structure shall exceed 35’ in height.

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

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

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.

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

The FSD and Conceptual Environmental Assessment 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 street trees and Forest Retention/ Afforestation Areas (FRAs) must be recorded and noted on the plat prior to recordation, with the metes and bounds description of the FRA being shown on the Final and Record Plats.

25 This must be demonstrated on any Preliminary Plat.
Proposed Lots 7 & 9 exceed the 3:1 length to width ratio established in §7.4.2.

It appears that the septic line for proposed Lot 4 would need to cross at least 1 driveway.

6 panhandle lots are proposed. Pursuant to §7.2.12.F.5, “Where a proposed development is planned to utilize more than two panhandle lots on the original parcel, the approving authority may, at its discretion, require alternative means of access in the form of a road constructed to an appropriate county standard when it would lead to a more harmonious design, a better utilization of land, or the elimination of safety hazards.”

Well locations have been omitted from this submittal. Mr. von Staden pointed out the well locations are the triangles on the plat. DEH asked that the circle around the symbol be removed.

The Chesapeake Cove Lane road name has been approved. Its location is consistent with §7.2.12.E.4. Has a looped road been considered? Mr. Keefer said yes, but it was determined not to use that design.

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 GAP must be provided by the applicant 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.

The applicant was reminded of the Monday noon submission deadline for review by the Planning Commission this month. Subsequently, per Appendix B of the Subdivision Regulations, the deadline to submit plats for Planning Commission review shall be the 3rd Thursday of the previous month at 4:30 p.m. The October 2007 Planning Commission agenda will be thus affected.

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The September TAC meeting adjourned at 11:27 a.m.

Respectfully submitted,

Jennifer Bakeoven
CECIL COUNTY TECHNICAL ADVISORY COMMITTEE  
Wednesday October 3, 2007, 9:00 a.m.  
County Administration Building  
107 North Street, Elkton, Maryland

Present: Di Giacomo, Tony (CCP&Z), Whittie, Tim (CCDPW), von Staden, Fred (DEH), West, Janel (CCPS), Tilley, James (MDE), Brown, Chris (CCSCS), Bakeoven, Jennifer (CCP&Z).

Absent: Cwiek, Philip (USCoE), Ouano, Jun (Delmarva Power), Latham, Cynthia (MDE), Graham, Daniel (Citizen’s Representative), Kyte, Jim (FA), Davis, Gary (SHA).

Mr. Di Giacomo called the meeting to order at 9:00 a.m.

1) Orchard Hill, Lots 1-7, Russell Road, Preliminary Plat, P.E.L.S.A Company, Inc., Fourth Election District.

Mike Paraskevich, Sr., Mike Paraskevich, Jr., P.E.L.S.A and Doug Galyen, owner appeared and presented an overview of the project. This project consists of 7 lots on a mini road subdivision.

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

1. 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 fees for design review of this project must be provided at the time of first design submittals.

2. How will SWM be addressed for these lots? The preliminary plat must show all SWM easements as well as any storm drain easements associated with the private mini road drainage requirements. Any and/or all such easements must be reflected on the preliminary plat presented to the Planning Commission for review or the Department of Public Works will not recommend approval.

3. We remind the applicant that 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 required easement must be obtained prior to submitting the final plat for Planning Commission review.

4. Applicant must provide stopping sight distance measurements for the Russell Road access location to DPW prior to submitting the preliminary plat to the Planning Commission for review or the Department of Public Works will not recommend approval. Mark the proposed entrance locations in the field by a survey stake or paint.

5. Private mini road proposed must comply with Section 2.13 of the Road Code including the following note on the final plat:
   a. “The proposed internal road will not be dedicated for public ownership or maintenance. The Mini Road Maintenance Association shall retain title to the road and all maintenance responsibilities.”

6. Brewster Bridge Road is a County road. Identify the 30’ wide strip to be dedicated to the Board of County Commissioners of Cecil County along the Brewster Bridge Road frontage of this site. This must be done prior to submitting the preliminary plat to the Planning Commission for review or the Department of Public Works will not recommend approval.
7. The existing 10’ ingress / egress easement on Lots 7 & 1 beyond that which is intended for use by Lands of N/F of Roger L. Simper’s driveway must be extinguished. This must be clearly identified on the preliminary plat submitted to the Planning Commission for review.

8. The following standard notes and requirements apply to this plat and project: The details of these notes and requirements will be identified in the record but will not be read at this time:
   8.1 The Final Plat Lot Grading Note and the Lot Grading Plan Construction Limits Note.
   8.3 Requirements for Utility relocations.
   8.4 Requirements for Stormwater Inspection and Maintenance Agreements
   8.5 Requirements for Stopping Sight Distance
   8.6 Compliance with Section 3.07.15 of the Cecil County Road Code.
   8.7 Requirements for Public Works 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. 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. Applicant must provide stopping sight distance measurements for the Russell Road access location to DPW prior to preliminary plat submittal for Planning Commission review. Mark the proposed entrance locations in the field by a survey stake or paint.

6. Section 3.07.15 of the Road Code requires that Russell Road be upgraded to a Minor Road or equivalent standard for 100’ either side of the proposed intersection location. The design engineer must address the requirement for minimum acceleration, deceleration, and bypass lanes. The developer must make a legitimate good faith effort to obtain all ROW required to accomplish these improvements. This effort must conform to Section 3.07.15 of the Road Code Guidance Manual. The applicant may seek a variance to these requirements if after these efforts the applicant is unable to obtain the necessary ROW. Any right-of-way acquisition necessary shall be performed by the applicant and at the applicant’s expense.

7. A Public Works Agreement is required for the streets & storm drainage constructions.

Mr. von Staden, DEH, read the comments of the department. See attached.

Mrs. West, CCBoE, asked what the diameter is of the proposed cul-de-sac bulb. Mr. Paraskevick said it is per the county’s code. It is less than 100 ft. in diameter. Mrs. West provided the applicant with the CCBoE transportation and bus stop guidelines. She stated that one of the five qualifiers for new development to qualify for interior service is that either a loop road or a 100 ft. minimum diameter cul-de-sac is present. Mr. Paraskevich said it is a private mini road so buses would not be allowed to utilize the road.

Mr. Brown, CCSCS, provided the applicant with soil maps and reports and asked the applicant to review the locations of the soils as he believes they have shifted.
Mr. Tilley, MDE, said if there are any proposed impacts to non tidal wetlands, 25 ft. non tidal wetland buffer, any waterways which exceeds the 100 year frequency flood plain, or tidal wetlands, you can submit a joint permit application to MDE. The other comments are when he did a prescreening on the GIS data base, there was a Maryland Historical Trust hit on the site and also a sensitive and endangered species hit on the site. Mr. Tilley recommended to the applicant to checking with Maryland Historical Trust and the Maryland Department of Natural Resources regarding the above matters. Mr. Paraskevich said to do the FSD they sent those to all agencies and no one responded within their window of time. That was part of the FSD report. The CoE was out and gave them a JD on this site also. They believe they are okay.

Mr. Di Giacomo, read the comments of Cindy Latham, MDE and Delmarva. See file.

Mr. Di Giacomo stated SHA had no comment as this project is not located on a state highway.

Mr. Di Giacomo asked where the closest water supply was for fire suppression. Mr. Paraskevich said he would look into it. Mr. Galyen said the Big Elk Creek is about ¼ of a mile down Brewsters Bridge Road and Russell Road also has a smaller stream. Mr. Paraskevich said he does not know if there is a dry hydrant on site.

Mr. Di Giacomo, P&Z, read the comments of the department:
Upon inspection, this proposal was found to be in compliance with §3.9.1 of the Subdivision Regulations regarding public notification signs.

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

Zoning: NAR

Density: The Concept Plat, invoking the density provisions of §2.4.1 to propose 4 minor subdivision lots and 3 major subdivision lots on 17 acres, for a proposed density of 1/5.66\(^1\), was approved on 11/20/06, conditioned on:
   1) The boundary line survey being completed prior to the TAC’s review of any Preliminary Plat; and
   2) Documentation of the JD’s completion being submitted prior to the Planning Commission’s review of the Preliminary Plat.

This Preliminary Plat is generally consistent with the approved Concept Plat.

General Note #1 indicates that the project area is now 20.01995 acres. Is that the result of the boundary line survey? Mr. Paraskevich said yes.

The additional acreage is not a problem from the perspective of the approved density, but the acreages in the area table, provided to fulfill the §4.1.22 (r) requirements, total only 19.21877. What accounts for the discrepancy of 0.80118 acres? Mr. Paraskevich said this was an administrative error.

Although a steep slopes graphic has been provided in the legend, it does not appear to have been used. That must be rectified on any plat submitted to the Planning Commission. On slopes between 15 and 25%, good engineering practices shall be used to ensure sediment and erosion control and slope

\(^1\) At that time, the NAR zone permitted a maximum base density of 1 du/ 5 ac.
stabilization before, during and after disturbance activities. \(^2\) Slopes greater than 25% must be shown on the Preliminary Plat submitted for review by the Planning Commission.

The graphic used to depict septic areas must be consistent and unvarying.

This Preliminary Plat must be signed and sealed, per §4.1.22 (e).\(^3\)

Documentation of the JD has been received.\(^4\)

No common open space is required, though it is still recommended for SWM facilities.

No landscaping of the development envelope is required, and no sidewalks are recommended in the NAR zone.

Bufferyard Standard C is required, outside the right-of-way, along the road frontages of Brewster Bridge and Russell Roads.

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

The FSD was conditionally approved on 11/3/06.\(^5\)

The PFCP was approved on 9/19/07.

The final Forest Conservation Plan (FCP) and Landscape Plan must be approved prior to Planning Commission review of the Final Plat (§6.3.B1(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, with the metes and bounds description of the FRA being shown on the Final and Record Plats.

The proposed Orchard Hill Lane mini-road name has been approved.

As previously stated at TAC and Planning Commission reviews, Minor Subdivision # 172 must be cited on the plat.

The design is consistent with §7.2.12.E.5.

Access to any common open space between lots would need to be marked with concrete monuments.

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.

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\(^2\) The Cecil County Subdivision Regulations define steep slopes as “15 percent or greater incline.” The Cecil County Zoning Ordinance defines steep slopes as consisting of a grade of 25% or more covering a contiguous area of 10,000 ft\(^2\) or more. The Cecil County Forest Conservation Regulations define steep slopes as “areas with slopes greater than 25 percent slope.”

\(^3\) It is unclear why signature blocks are included on a Preliminary Plat.

\(^4\) 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.

\(^5\) The Natural Heritage Service Letter needed to be received prior to PFCP review.
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.

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2. Fieldstone, Lots 1-6, Stoney Battery Road, Preliminary Plat, P.E.L.S.A Company, Inc., First Election District.

Mike Paraskevich, Sr., Mike Paraskevich, Jr. with P.E.L.S.A and Doug Willard, owner, appeared and presented an overview of the property.

Mr. Whittie, DPW, read the comments of the department:
The Department of Public Works has no comments at this time. We did not complete the review of the project based on the fact that as part of the approval of the Concept Plat by the Planning Commission, a Protocol 3 road survey was to be submitted prior to TAC’s review of the Preliminary Plat. Once that is submitted to the department, the county will then review the project.

Mr. von Staden, DEH, read the comments of the department. See attached.

Mrs. West, CCBoE, stated that this development would not qualify for interior bus service. She provided the applicant with the CCBoE transportation and bus stop guidelines.

Mr. Brown, CCSCS, provided the applicant with soil maps and reports.

Mr. Tilley, MDE, said the proposed road has been submitted to MDE Non Tidal Wetlands and Waterways division for approval. They have received MDE’s comments regarding the road. As far as the lots go, they ask for protection to be placed on the non tidal wetlands on the property. MDE does not want to see in the future any additional impacts, they would like to see in the application a complete project. Their primary concern is any LOD lines associated with wells or structures that may impact the non tidal wetlands, non tidal wetland buffer, any of the frequency flood plain or any waterways.

Mr. Di Giacomo read the comments for Cindy Latham from MDE and Delmarva.

Mr. Di Giacomo stated SHA had no comment as this project is not located on a state highway.

Mr. Di Giacomo stated that he had received an email from Roy Dietz. Mr. Dietz’s concern was regarding the boundary line survey. See file.

Mr. Di Giacomo asked where the closest water source is located for fire suppression. Mr. Willard said there is a pond and multiple streams.
Mr. Di Giacomo, P&Z, read the comments of the department:

Upon inspection, this proposal was found to be in compliance with §3.9.1 of the Subdivision regulations regarding public notification signs.

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

Zoning: SAR & RCA

Density: The Concept Plat, proposing 7 lots on 56.03 acres, for a proposed density of 1/8.00, was approved on 10/16/06, conditioned on:
1) The boundary line survey’s being completed prior to the TAC’s review of the Preliminary Plat;
2) The PFCP/preliminary Environmental Assessment being approved prior to the Planning Commission’s review of the Preliminary Plat;
3) A JD being completed prior to Preliminary Plat review by the Planning Commission; and
4) The Protocol 3 road survey, as described by DPW, being required prior to the TAC’s review of the Preliminary Plat.

Mr. Di Giacomo said due to the fourth condition not being met, this project will have to come back to the TAC one more time upon completion of that Protocol 3 survey. Then it will go to the Planning Commission for approval.

The Critical Area RCA overlay zone permits a density of 1/20. Only the 22-acre Lot 1 is proposed in the Critical Area. Per §200.1, an Environmental Assessment must be submitted.

Is the new acreage (57.19 - Note # 6) the result of the completed boundary line survey? Mr. Willard said yes, a boundary line survey was completed.

This Preliminary Plat is generally consistent with the approved Concept Plat, except that only 6 lots are now proposed, for a revised density of 1/9.53.

§4.1.22 (r) requires the acreages be accounted for in table form. The acreages provided in the unlabeled table below General Note # 16 total 57.18 acres, which is at odds with General Note # 6 and does not account for the acreage of the proposed mini-road.

General Notes 11-16 are missing their first digit, thus appearing as redundant notes 1-6.

The block, or grid, number has not been provided with the vicinity map.

This Preliminary Plat must be signed and sealed, per §4.1.22 (e).

It is unclear why signature blocks are included on a Preliminary Plat, but Final Plats shall conform to §4.2.13 (b).

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

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*The SAR zone then permitted a base density of 1 du/8 ac. Bonus density eligibility carried with it a permitted density of 1/5.*
shall be used to ensure sediment and erosion control and slope stabilization before, during and after disturbance activities.7

Slopes greater than 25% must be shown on the Preliminary Plat. The steep slopes need to be differentiated between those greater than 25% and those between 15% and 25%. Some areas appear to be steep, but they are not shaded.

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. A portion of the buffer depicted on proposed Lots 5 & 6 is only 20’ wide. Permits are required from the (US Army) Corps of Engineers and MDE for all non-tidal wetland and stream impacts prior to recordation. What is the status of the JD?8 Mr. Paraskevich said someone from MDE has been on site and has approved the wetlands lines as delineated in the field. They are still waiting for the final permitting. Mr. Tilley said this application was submitted last winter and it was handled by another reviewer who did go out and, in the file, noted that she confirmed the boundaries of the wetlands. Mr. Di Giacomo stated they are going through a few gyrations with the Corp of Engineers right now. They had a system that was basically insisted on by the Corp. that every, with the few exceptions, JD would be required prior to Preliminary Plat approval. Then two years ago, there was a Supreme Court case which put the whole JD question in limbo. Now, the JD’s are once again being done but based on a conversation that he had with Steve Elinsky with the Corp on 9/11/07, the new policy, which he has not received yet in writing, which states if it were clear that there were no wetland or stream impacts and if what was represented on the plat was consistent with the approved FSD and if what was shown was consistent with our wetlands and also with the USGS quad maps, then the Corp would not require a JD. This project does not qualify, a JD is required. Mr. Paraskevich asked if they do get a permit from MDE, will a JD still be required. Mr. Tilley said yes.

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

Though preferred for SWM facilities, no common open space is required for only 6 lots.

No landscaping of the development envelope was required and no sidewalks were recommended in the SAR zone.

Bufferyard Standard C is not required along the Stoney Battery Road frontages.

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

The FSD and conceptual environmental assessment were approved on 5/4/06.

The PFCP and preliminary Environmental Assessment were approved on 9/19/07.

The final Forest Conservation Plan (FCP), Environmental Assessment, and Landscape Plan must be approved prior to Planning Commission review of the Final Plat (§6.3.B(1)(a)).

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7 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.”

8 A Jurisdictional Determination (JD) must be done prior to preliminary plat review by the Planning Commission.
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 proposed road name has been approved.

Minor Subdivision # 2355 must be cited on the plat.

School information: Elementary  Middle  High School
Cecilton  Bo Manor  Bo Manor

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The October TAC meeting adjourned at 9:30 a.m.

Respectfully submitted,

Jennifer Bakeoven
CECIL COUNTY TECHNICAL ADVISORY COMMITTEE
Wednesday November 7, 2007, 9:00 a.m.
County Administration Building
107 North Street, Elkton, Maryland

Present: Di Giacomo, Tony (CCP&Z), Whittie, Tim (CCDPW), Woodhull, Mark (CCDPW), von Staden, Fred (DEH), West, Janel (CCBoE), Latham, Cindy (MDE), Brown, Chris (CCSCS), Graham, Daniel (Citizen’s Representative), Bakeoven, Jennifer (CCP&Z).

Absent: Cwiek, Philip (USCoE), Ouano, Jun (Delmarva Power), Kyte, Jim (FA), King, Butch (SHA).

Mr. Di Giacomo called the meeting to order at 9:03 a.m.

1) The Estates at Woodcrest Shores, Lots 1-3, Oldfield Point Road, Preliminary – Final Plat, American Engineering and Surveying, Inc., Fifth Election District.

Stan Granger, American Engineering and Jeff Tyrie, owner, appeared and presented an overview of the project. Mr. Granger believes they have finalized everything with the Health Department, DPW and the last two items they are working on are the offsite forestation for the non Critical Bay and the offsite forestation requirements for the Critical Bay part of the project.

Mr. Di Giacomo explained the requirements for a Preliminary – Final plat being reviewed. He noted this project does meet those requirements.

Mr. Woodhull, DPW, read the comments of the department:
All plans are technically complete and only administrative issues remain outstanding. All easements identified on the design plans must be reflected on the record plat. Submit a record plat check print to the Department for continuity review prior to submitting the mylars for signature. The DPW will not sign the record plat until these issues have been addressed to the satisfaction of the Department.

Mr. von Staden, DEH, read the comments of the department. See attached. Included in Mr. von Staden’s comments was the fact that the percolation holes were not placed on the submitted plat therefore, DEH could not review this plat. At the conclusion of Mr. von Staden’s comments, Mr. Di Giacomo asked Mr. von Staden if the Health Department would want to see this project come back for another TAC review or could a corrected plat be submitted prior to going before the Planning Commission. Mr. von Staden said the plat submitted does not meet the definition of a Preliminary Plat for Health Department requirements.

Mrs. West, CCBoE, provided the applicant with a copy of the Cecil County Public Schools Bus Stop Guidelines.

Mr. Brown, CCSCS, provided the applicant with the soil maps and report. See file.

Mr. Graham, Citizen’s Representative, had no comments on this project.
Mr. Di Giacomo stated Mr. Kyte, FA, had no comment.

Ms. Latham, MDE, referred to the Health Department comments.

Mr. Di Giacomo stated SHA had no comments.

Mr. Di Giacomo read the comments for Delmarva Power. See file.

The applicant was provided a copy of the comments from the Critical Area Commission.

Mr. Di Giacomo, P&Z, read the comments of the department:
This proposal was found to comply with §3.9.1 regarding public notification signs.

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

Zoning: SR & LDA

Density: The SR zone permits a density of 1/1. The Concept Plat, proposing 3 lots on 3.794 acres, for a proposed density of 1/1.265, was approved on 3/20/06, conditioned on:
1) The boundary line survey being completed prior to the TAC’s review of the Preliminary Plat;
2) The JD being completed prior to the Planning Commission’s review of the Preliminary Plat;
3) The Natural Heritage letter’s being received prior to PFCP approval;
4) The plat’s noting that the Critical Area portion of the project is exempt under §3.2.B; and
5) The Critical Area density’s being included on the Preliminary Plat prior to TAC review.

Two of the proposed lots are in the Critical Area. The LDA overlay zone permits a density of up to 3.99/1 or the underlying density, whichever is the more restrictive. The Critical Area density has been shown.

As noted (#16), the Critical Area portion of the project is exempt under §3.2.B. An Environmental Assessment must be completed prior to the TAC’s review of the Preliminary Plat.

The boundary line survey has been completed.

Dwellings or impervious surfaces shall not occur on slopes with a grade of 25% or more covering a contiguous area of 10,000 ft² or more. On slopes between 15 and 25%, good engineering practices shall be used to ensure sediment and erosion control and slope stabilization before, during and after disturbance activities.¹

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

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.”
impacts prior to recordation. What is the status of the Jurisdictional Determination (JD)? A JD must be done prior to Preliminary Plat review by the Planning Commission.² Mr. Granger stated he was advised that a JD was not needed by Brad at Vortex Environmental. Mr. Di Giacomo stated the OPZ has been operating under the assumption that so long as the approved FSD shows that there could be no wetlands or stream impacts and as long as the FSD’s details are consistent with the wetlands and USGS Quad maps, then the Corp. would not required a JD therefore the county would not require a JD.

No common open space is required for 3 proposed lots.

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

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.

No more than 15% of the surface area can be impervious in the LDA.³ The impervious cover calculation does not appear to have been included. The 15% impervious cover threshold applies to the entire portion of the subdivision within the Critical Area and those proposed lots greater than one acre in size.⁴

No more than 20% of the forest or developed woodland may be removed. When less than 15% of the site is in forest cover, at least 15% of the gross site area shall be afforested. No structure shall exceed 35’ in height.

No more than 15% of the surface area can be converted to impervious surface in the LDA. No more than 20% of the forest or developed woodland may be removed. In the critical area, no structure shall exceed 35’ in height.

The FSD and conceptual Environmental Assessment have been approved. Because the Natural Heritage Service exceeded their 30 days in which to respond, the plans were approved conditioned upon receiving the Heritage letter prior to PFCP approval.

As this is a Preliminary-Final Plat, the Environmental Assessment must be approved prior to TAC review, and the FCP and Landscape Plan must be approved prior to Planning Commission’s review (§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, with the metes and bounds description of the FRA being shown on the Final and Record Plats.

The proposed mini-road name Woodcrest Way has been approved.

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.

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² 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.
³ This must be demonstrated on any Preliminary Plat.
⁴ For any proposed lots one acre or less in size the impervious cover limitation is 25% (§200.8.a).
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 4:30 p.m. submission deadline on the 3rd Thursday (November 15, 2007) for review by the Planning Commission the following month.

Mr. Di Giacomo said that due to the missing impervious surface calculation and the concerns of the Health Department, the applicant should bring this project back to TAC for another review.

2. The Lands of Edd and Patsy Payne, Lot 1, Frenchtown Road, Preliminary Plat, Will Whiteman Land Surveying, Inc., Seventh Election District.

Will Whiteman, Surveyor, appeared and presented an overview of the project. The purpose of this subdivision is for the Payne’s to convey a lot to their son. There are a few issues with this property that they went over at Concept level. There is one driveway that will feed the new lot and the remaining lands plus the lands of Kitty Sue Akers. This lot will be created by a 20 foot Perpetual Road Maintenance Agreement between the Payne’s and their son. There were some issues with the driveway crossing the septic area on Mrs. Akers’ property so they have shown the proposed access easement out of that septic area. There was also an issue concerning the septic areas on Lot 1. Those issues have been addressed. There were also some questions regarding a JD for this project. Mr. Whiteman had Vortex Environmental take a look at the property and the only thing they had concerns about was a little swale that runs through the property. Vortex said it probably met, at that point, the definition of an intermittent stream. Mr. Whiteman has shown a 50 ft. intermittent stream buffer around that swale bottom.

Mr. Di Giacomo asked Mr. Whiteman if this was going to be a forest retention area. Mr. Whiteman said they could make all of that a FRA. Mr. Di Giacomo stated if it is not, than only a 25 ft. buffer is required.

Mr. Woodhull, DPW, read the comments of the department:
1. A SWM plan and a Mass & Final Grading plan must be approved by the CCDPW prior to submittal for Final Plat Approval. The fees for design review of this project must be provided at the time of first design submittals.
2. Will the proposed Lot 1 access Frenchtown Road using the existing driveway serving Parcels 423, 693, & 666?
3. The following standard notes and requirements apply to this plat and project: The details of these notes and requirements will be identified in the record but will not be read at this time:
   3.1 The Final Plat Lot Grading and Lot Grading Plan Construction Limits Notes.
   3.2 Requirements for Utility relocations.
   3.4 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 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. Where determined necessary by the utility companies, the owner, the designer, or DPW, utility poles must be relocated at the Developer’s expense.

3. 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.

4. An Inspection & Maintenance Agreement is required for the private SWM facilities.

Mr. von Staden, DEH, read the comments of the department. See attached.

Mrs. West, CCBoE, provided the applicant with a copy of the Cecil County Public Schools Bus Stop Guidelines.

Mr. Brown, CCSCS, provided the applicant with the soil reports and maps.

Mr. Graham, Citizen’s Representative, had no comment.

Mr. Di Giacomo stated Mr. Kyte, FA, had no comment.

Mrs. Latham, MDE, read the comments of James Tilley, MDE. See file. Mr. Whiteman asked for clarification. Mrs. Latham asked him to call Mr. Tilley at the number provided. Mr. Whiteman asked Mr. Di Giacomo if he feels the comments of Mr. Tilley should be handled before going before the Planning Commission with a Preliminary Plat. Mr. Di Giacomo said this calls into question whether they look at this because they have not gone the usual course of the exemption. The determination needs to be made as to what process takes precedence. Mr. Di Giacomo suggested that Mr. Whiteman call Mr. Tilley in regards to his comments.

Mr. Di Giacomo stated Mr. King, SHA, had no comments.

Mr. Di Giacomo read the comments of Delmarva Power.

Mr. Di Giacomo, P&Z, read the comments of the department:
This proposal was found to comply with §3.9.1 regarding public notification signs.

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

Zoning: DR
Density: The DR zone permits a base density of 1 du/1 ac. The Concept Plat, proposing 1 lot plus remaining lands on 9.781 acres, for a proposed density of 1/4.89, was approved on 6/18/07, conditioned on:

1) The boundary line survey being completed prior to the TAC’s review of the Preliminary Plat; and
2) The JD (if any) being completed prior to the Planning Commission’s review of the Preliminary Plat.

Note # 8 indicates that the boundary line survey has been completed.

This submission adjusts the access easement and shows the septic reserve area depicted on minor subdivision 2497, per previous Health department comments.

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% have been shown.

Stream buffers have been shown. Unless within an FRA, an intermittent stream requires only a 25’ buffer.

Permits are required from the (US Army) Corps of Engineers and MDE for all non-tidal wetland and stream impacts prior to recordation. What is the status of the JD?5 To be determined. Vortex did not find any wetlands on site. Mr. Whiteman said he would be able to get a letter from Vortex stating there are no wetlands on the property.

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

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

Per Note # 6, this project is exempt from the Forest Conservation Regulations, per §3.2K.

Any Landscape Agreement must be executed prior to recordation.

A PRMA must be established.

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 4:30 p.m. submission deadline on the 3rd Thursday (November 15, 2007) for review by the Planning Commission the following month.

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5 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.
3. Chesapeake Cove, Lots 2-11, Oldfield Point Road, Preliminary Plat, Morris & Ritchie

James Keefer, MRA and Tom O’Laughlin, Oldfield Point Investments, LLC appeared and presented an overview of the project. Some changes made to the approved Concept Plat include Chesapeake Cove Lane and the driveway for Lot 5 had been realigned to avoid any wetland impacts. An additional perc test and an observation hole has been done and reviewed by the Health Department which resulted in a reconfiguration of the septic reserve area for Lot 5. Mr. Keefer does acknowledge that the data for that was not available to him at the time this plat was submitted. That data will be added to the Preliminary Plat went it goes before the Planning Commission. Mr. Keefer is also going to send the revised plat to the Health Department in advance to make sure that they are okay with what is shown. They have also changed the plat to show an actual building footprint which is a product offered by one of the national builders. The wetland limits and associated buffers have been revised based on a field review of a portion of the site by the US Army Corp. of Engineers. A field meeting was conducted with CAC and OPZ. Three channels were identified as potentially being tributary streams. At this time, Mr. Keefer gave a handout to the committee for review regarding the 110’ Critical Area buffer being expanded if those are considered tributary streams. Those discussions are still pending. Mr. Di Giacomo said in regards to the communication received by Planning and Zoning from the Critical Area staff did not address that specific issue. Mr. Keefer said the CA staff is sending him information about what specifically they would consider a tributary streams.

Mr. Di Giacomo provided the applicant with a copy of the letter from the CAC. On the letter a note reads, “See attached”. Mr. O’Laughlin asked if there was anything attached. Mr. Di Giacomo said he did not receive an attachment.

Mr. Woodhull, DPW, read the comments of the department:
1. 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 fees for design review of this project must be provided at the time of first design submittals.
2. How do you propose to address SWM for this site? Mr. Keefer said it will be direct tidal discharge and non structural practices.
3. Any SWM conveyance easements and/or inspection & maintenance easements must be shown on the preliminary and final plats.
4. Why hasn’t the entire extent of tree clearing required for driveways on Lots 2 & 3 been indicated? Mr. Keefer said the driveway will be cleared but the canopy will remain.
5. With Chesapeake Cove Lane proposed as a county minor road, all driveways accessing it 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 proposed road 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.
6. Lots 1, 8, & 9 must be denied access to Oldfield Point Road and be so noted on the final plat and the Lot Grading Plan.
7. Section 3.07.15 of the Road Code directs that Oldfield Point Road must be upgraded for a distance of 100’ either side of the point of intersection between Oldfield Point Road and Chesapeake Cove Lane. The improvements required must address roadside drainage issues and pavement distress at a minimum. Where these required improvements can be accommodated
within the existing ROW or prescriptive right of maintenance, no new permanent fee simple ROW acquisition from adjoining property owners will be required.

8. The design engineer must address the requirement for minimum acceleration and deceleration lanes and if warranted a bypass lane. These must be reflected on the preliminary plat submitted for TAC review. Any right-of-way acquisition necessary shall be performed by the applicant and at the applicant’s expense. The applicant must make a legitimate good faith effort to obtain all ROW required to accomplish these improvements. This effort must conform to Section 3.07.15 of the Road Code Guidance Manual. The applicant may seek a variance to these requirements if after these efforts the applicant is unable to obtain the necessary ROW.

9. The Department of Public Works requires that any Road Code Variances for offsite/entrance roads sought must be requested and the major road issues are resolved, to the Department’s satisfaction and shown on the preliminary plat prior to submittal of the preliminary plat to the Technical Advisory Committee. If no variances are requested & approved prior to the preliminary plat approval by the Planning Commission the applicant will be held to all Road Code requirements as dictated by the DPW.

10. Sight distance measurements (intersection & stopping) for the proposed access point on to Oldfield Point Road have been submitted and approved.

11. All access easements must be identified on the preliminary plat submitted for TAC review.

12. The sewage pressure lines for Lots 4 & 5 run under the cul-de-sac bulb of Chesapeake Cove Lane must be routed through an 8” ductile iron pipe (DIP) with removable water tight seals on both ends. The DIP pipe will be extended 2’ outside of the County ROW. Concrete monuments will be provided at either end of the pipe and shall have a brass plate indicating the septic line. The minimum cover for the 8” DIP is 42”. Private utility easements for these lines must be provided across County ROW and be so indicated on the preliminary & final plats.

13. How do plan to run the pressure sewer lines for lots 4 & 5 across the common drive for Lots 10 & 11? The Health Department will address this.

14. 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:

14.1 The Final Plat Lot Grading and Lot Grading Plan Construction Limits Notes.
14.3 Requirements for Stormwater Inspection and Maintenance Agreements.
14.4 Requirements for Public Works Agreements.
14.5 Requirements for Utility relocations.

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. An Inspection & Maintenance Agreement is required for the private SWM facilities.
4. A Public Works Agreement is required for the proposed county road and all work done on Oldfield Point Road.
5. Where determined necessary by the utility companies, the owner, the designer, or DPW, utility poles must be relocated at the Developer’s expense.
Mr. von Staden, DEH, read the comments of the department. See attached.

Mr. O’Laughlin asked Mr. von Staden what his comments regarding not crossing other properties is based on. Mr. von Staden said it was based on MDE. Mr. O’Laughlin asked to see this regulation in writing. Mr. von Staden said he would provide the applicant with documentation regarding this regulation. Mr. Keefer stated the reason they are crossing the other properties is due to not wanting to go through the open space that is shown on one of the cul-de-sacs. Mr. Keefer asked if that has to be open space or can it be part of the ROW. Mr. Woodhull said not if it remains the island. Mr. Whittie said the center island is an option. Mr. Keefer asked if it could be curved. Mr. Whittie said DPW will not be maintaining it so he does not see a problem with it as long as it can be serviced. Mr. Woodhull said the duct line pipe is to protect the county road from having to be dug up.

Mrs. West, CCBoE, provided the applicant with the Cecil County Public Schools Bus Stop Guidelines.

Mr. Brown, CCSCS, provided the applicant with the soil maps and report.

Mr. Graham, Citizen’s Representative, had no comments.

Mr. Di Giacomo stated Mr. Kyte, FA, had no comments.

Ms. Latham, MDE, read the comments of the department as well as the comments of James Tilley, MDE. See file. Mr. Di Giacomo referenced Mr. Tilley’s comments stating part of our process; before a Concept Plat can be approved you have to have an approved FSD. The FSD has to have the Natural Heritage Letter. That has already been done. That was a similar comment that the CA made. The finding is that there are no rare, threatened or endangered species on the project site. They do have the two bald eagles nest.

Mr. Keefer asked at what point the exemption is actually granted. Ms. Latham said she believes they review it and they keep it on file. If there is a problem the applicant will be notified in writing. If they do not find a problem it is filed. Ms. Latham said it is still a very new process so if the applicant had any questions regarding the status, she suggested they call the office. Mr. Keefer asked if the issue is with the county. Mr. von Staden said he was told once an exemption is applied for; the county has no say in the matter.

Mr. Di Giacomo stated Mr. King, SHA, had no comments.

Mr. Di Giacomo read the comments of Delmarva Power.

Mr. Di Giacomo, P&Z, read the comments of the department:
This proposal was found to comply with §3.9.1 regarding public notification signs.

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

Zoning: SR
Density: The SR zone permits a density of 1 du/1 ac. The Concept Plat, proposing 10 lots (2-11) on 99.96 acres, for a proposed density of 1/9.99, was approved on 9/17/07, conditioned on:

1) The boundary line survey being completed prior to the TAC’s review of the Preliminary Plat;
2) Documentation of the JD’s completion being received prior to the Planning Commission’s review of the Preliminary Plat;
3) A Variance for the driveway on proposed Lot 5 being obtained prior to the Planning Commission’s review of the Preliminary Plat; and
4) The wetlands/tributary stream issue being resolved prior to the TAC’s review of the Preliminary Plat.

The boundary line survey has been completed. What is the status of the JD?6 Mr. Keefer said they had the field visit. GTA has prepared and is resubmitting a plan that shows the revised delineation to remove the areas that the Corp. decided not to take jurisdiction over. It is actually showing a project area that excludes the wetlands so that the Corp. can write them a letter of no jurisdiction.

Site Data Note # 6 reveals that proposed Lot 5 is not part of this Preliminary Plat. Mr. Keefer said this was a drafting error. At one point Lot 5 was to be done separately. Once that was changed, the plat revision was not made.

The Concept Plat’s depicted protective zones around 2 Bald Eagle’s nests have been removed, but this Preliminary Plat is otherwise consistent with the approved Concept Plat.

In a DNR letter dated 9/8/06 (received by OPZ on 9/28/07), Lori Byrne, Environmental Review Coordinator, spoke to the necessity of establishing a 3-zoned, ¼ mile radius protection area for the bald eagle’s nest.7

In a 10/1/07 letter, the Planning Director wrote that OPZ found8 that the plats … must show the required protective zones,” and advised that the applicant had 15 days from receipt to file an appeal with the Cecil County Board of Appeals. None was filed.

Subsequently, at a 10/11/07 meeting, it was agreed that language regarding the protection of the eagles’ nests could be added to the plat in lieu of the zones’ depiction. A 10/19/07 letter from the applicant’s counsel proposed said language, which was found to be satisfactory, including that which is now found in Site Data Note # 25. However, the balance of the proposed language has not been included.

Either the satisfactory language or the depicted protective zones must be included on any Preliminary Plat submitted for review by the Planning Commission.

Site Data Notes # 4 and # 5 remain confusing; proposed minor subdivision Lot 1 should be cited as such, or as “remaining lands.” Should the major subdivision proposal receive Final Plat approval

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6 The JD’s being completed prior to Preliminary Plat review by the Planning Commission was a condition of Concept Plat approval. However, the Corps of Engineers has advised that JDs were on “hold” pending resolution of the implications of a recent Supreme Court decision. Under those uncertain circumstances, staff recommended that any approval of a Preliminary Plat prior to said resolution contain a condition that documentation of the completed JD be submitted if JDs are once again performed, as we understand they are.

7 That letter stated that the nest is on an adjacent property, but thus and previous submittals have shown it to be on the subject property.

8 As stated in the referenced letter, the finds was “based on Article IX, Section 174.6 of the Zoning Ordinance; Article II, Section 2.4.2 (e) of the Subdivision Regulations; Article IV, Section 4.2.13 (x), 4.2.13 (y), 4.2.13 (z) of the Subdivision Regulations; Article VII, Section 7.5.2 (d), 7.5.2 (e) 3, 7.5.2 (h) of the Subdivision Regulations; and Section 9.3 of the Cecil County Critical Area Program.”
prior to the minor subdivision approval of proposed Lot 1, then proposed Lot 1 could be approved only through the major subdivision process.

Per Site Data Note # 6, the title block shall omit proposed Lot 5. The requirements of §4.1.22(r) have not been satisfied. Applicant must change the note.

5 lots\(^9\) are proposed in the Critical Area RCA overlay zone, which has a permitted density of 1/20. Site Data Note # 5 tells us that there are 121.25 CA acres overall,\(^{10}\) and 62.97 for lots 2-11, but that includes proposed Lot 5,\(^{11}\) whose 13.59 acres must be deducted, per Site Data Note # 6. Site Data Note # 7 tells us that the overall proposed CA density is 1/20.2, but the major subdivision’s Lot 2-4 & 6-11 CA acreage isn’t provided. Include Lots 2-11 on the plat submitted for Planning Commission review.

A field meeting was conducted with CBCAC staff on 11/2/07 to iron out tributary stream issues cited in a 9/14/07 letter. In addition, yet unresolved CBCAC-Critical Area Program issues could affect this project. CBCAC written comments were received yesterday. The applicant has been provided a copy of those comments.

On slopes between 15 and 25%, good engineering practices shall be used to ensure sediment and erosion control and slope stabilization before, during and after disturbance activities.\(^{12}\) Steep slopes have been shown.

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 condition of Concept Plat approval was that the JD be done prior to Preliminary Plat review by the Planning Commission.\(^{13}\)

Per the 9/14/07 CBCAC letter, if some of the wetlands are actually tributary streams, then 110’ buffers would be required. The habitats of rare, threatened, and endangered species must be avoided. 15% common open space is required; 24.13% is proposed.\(^{14}\) Per §176.2.c & d, 15% of the required C.O.S. 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 do not appear to be been included on this Preliminary Plat. *The stated figures were found on the plat.

20% landscaping of the development envelope is required in the SR zone, but interior sidewalks were not recommended.

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\(^9\) Including proposed Lot 5.
\(^10\) Including proposed minor subdivision Lot 1.
\(^11\) If the major subdivision receives final approval first, then Lot 1 must be approved through the major subdivision process.
\(^12\) The Cecil County Subdivision Regulations define steep slopes as “15 percent or greater incline.” The Cecil County Zoning Ordinance defines steep slopes as consisting of a grade of 25% or more covering a contiguous area of 10,000 ft\(^2\) or more. The Cecil County Forest Conservation Regulations define steep slopes as “areas with slopes greater than 25 percent slope.”
\(^13\) 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.
\(^14\) That calculation includes proposed Lot 5’s 13.59 acres.
Bufferyard Standard C is required, outside the right-of-way, along the road frontages of Oldfield Point Road, as shown.

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

No more than 15% of the surface area can be impervious in the RCA.\footnote{This must be demonstrated on any Preliminary Plat.} The impervious cover calculation does not appear to have been included. The 15% impervious cover threshold applies to the entire portion of the subdivision within the Critical Area and those proposed lots greater than one acre in size.\footnote{For any proposed lots one acre or less in size the impervious cover limitation is 25\% (§200.8.a).} Mr. Di Giacomo suggested to the applicant to send a copy to the CAC if they add that before the Planning Commission review.

No more than 20% of the forest or developed woodland may be removed. When less than 15% of the site is in forest cover, at least 15% of the gross site area shall be afforested. No structure shall exceed 35’ in height.

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.\footnote{While proposed Lot 5’s the dwelling location is outside the CA buffer, the proposed driveway would cross the wetlands/expanded CA buffer. A Variance would be required.}

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

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.

The FSD and Conceptual Environmental Assessment were approved on 7/19/07.

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

The Chesapeake Cove Lane road name has been approved.\footnote{Its location is consistent with §7.2.12.E.4.}

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.

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\textsuperscript{15} This must be demonstrated on any Preliminary Plat.

\textsuperscript{16} For any proposed lots one acre or less in size the impervious cover limitation is 25\% (§200.8.a).

\textsuperscript{17} While proposed Lot 5’s the dwelling location is outside the CA buffer, the proposed driveway would cross the wetlands/expanded CA buffer. A Variance would be required.

\textsuperscript{18} Its location is consistent with §7.2.12.E.4.
The GAP must be provided by the applicant prior to the Planning Commission’s review of the Final Plat.

The applicant was reminded of the 4:30 p.m. submission deadline on the 3rd Thursday (November 15, 2007) for review by the Planning Commission the following month.

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The November TAC meeting adjourned at 10:07 a.m.

Respectfully submitted,

Jennifer Bakeoven
CECIL COUNTY TECHNICAL ADVISORY COMMITTEE
Wednesday December 5, 2007, 9:00 a.m.
County Administration Building
107 North Street, Elkton, Maryland

Present: Di Giacomo, Tony (CCP&Z), Woodhull, Mark (CCDPW), von Staden, Fred (DEH),
Latham, Cindy (MDE), Graham, Daniel (Citizen’s Representative), Bakeoven, Jennifer (CCP&Z).

Absent: Cwiek, Philip (USCoE), Ouano, Jun (Delmarva Power), Kyte, Jim (FA), King, Butch (SHA),
West, Janel (CCBoE), Brown, Chris (CCSCS).

Mr. Di Giacomo called the meeting to order at 9:00 a.m.

1) The Estates at Woodcrest Shores, Lots 1-3, Oldfield Point Road, Preliminary – Final Plat,
American Engineering and Surveying, Inc., Fifth Election District.

Stanly Granger, American Engineering and Surveying, appeared and presented an overview of the
project. Mr. Granger stated that he appeared at last month’s TAC meeting with this project but did
not show the percolation test locations or the impervious surface calculations on the plat. They have
now been included on the submitted plat.

Mr. Woodhull, DPW, read the comments of the department:
All plans are technically complete and only administrative issues remain outstanding. All easements
identified on the design plans must be reflected on the record plat. Submit a record plat check print to
the Department for continuity review prior to submitting the mylars for signature. The DPW will not
sign the record plat until these issues have been addressed to the satisfaction of the Department.

Mr. Di Giacomo stated that CCBoE and CCSCS had no additional comments beyond the comments
they provided at last month’s TAC meeting.

Mr. Graham, Citizen’s Representative, had no comment.

Comments were given for Mr. Kyte, asking for the cul-de-sac to be larger.

Mrs. Latham, MDE, stated a Groundwater Appropriation Permit is not required for 3 lots.

Mr. von Staden, DEH, read the comments of the department. See attached.

Mr. Di Giacomo stated that SHA had no comments due to this project not being located on a state
highway.

The Office of Planning and Zoning received a letter from CBCAC regarding this project. The letter
stated that the comments made by them in their November 5, 2008 letter regarding this project have
been satisfactorily addressed. It is still unknown whether the amount of clearing in the Critical Area
has exceeded the limit.
Mr. Di Giacomo, P&Z, read the comments of the department:
This proposal was found to comply with §3.9.1 regarding public notification signs.

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

Zoning: SR & LDA

Density: The SR zone permits a density of 1/1. The Concept Plat, proposing 3 lots on 3.794 acres, for a proposed density of 1/1.265, was approved on 3/20/06, conditioned on:
1) The boundary line survey being completed prior to the TAC’s review of the Preliminary Plat;
2) The JD being completed prior to the Planning Commission’s review of the Preliminary Plat;
3) The Natural the Heritage letter’s being received prior to PFCP approval;
4) The plat’s noting that the Critical Area portion of the project is exempt under §3.2.B; and
5) The Critical Area density’s being included on the Preliminary Plat prior to TAC review.

Two of the proposed lots are in the Critical Area. The LDA overlay zone permits a density of up to 3.99/1 or the underlying density, whichever is the more restrictive. The Critical Area density has been shown.

As noted (#16), the Critical Area portion of the project is exempt under §3.2.B. An Environmental Assessment must be completed prior to the TAC’s review of the Preliminary Plat. It must be approved prior to the Planning Commission’s review of the Preliminary Plat. A conceptual Environmental Assessment was approved 3/9/06. *Mr. Di Giacomo informed the applicant that if he does not have the EA approved prior to the12/20/07 Planning Commission deadline, he will not be able to have this project reviewed by the Planning Commission at the January meeting.

The boundary line survey has been completed.

Dwellings or impervious surfaces shall not occur on slopes with a grade of 25% or more covering a contiguous area of 10,000 ft² or more. On slopes between 15 and 25%, good engineering practices shall be used to ensure sediment and erosion control and slope stabilization before, during and after disturbance activities.¹

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. Based upon the discussion with the Corps of Engineers following last month’s TAC meeting, JD’s will be required in conjunction with MDE/CoE permitting. If no permits are required, and if the project meets the policy standards established on 3/20/95 and revised on 1/16/96, or if the FSD/Conceptual Environmental Assessment finds that there are to be no impacts to field-delineated wetlands or stream, or if the FSD/Conceptual Environmental Assessment finds that

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.”
there are no wetlands or streams and that finding is consistent with the details of County wetlands maps and USGS quad maps, then no JD is required. What is the status of the Jurisdictional Determination (JD)? If required, a JD is recommended to be done prior to Final Plat review by the Planning Commission. If required, a JD is recommended to be completed prior to recordation. Mr. Granger said there are no wetlands.

No common open space is required for 3 proposed lots.

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

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.

No more than 15% of the surface area can be impervious in the LDA. The impervious cover calculation has been included and indicates that the impervious cover will amount to 15%. The 15% impervious cover threshold applies to the entire portion of the subdivision within the Critical Area and those proposed lots greater than one acre in size.

No more than 20% of the forest or developed woodland may be removed. As the proposed CA clearing acreage has not been calculated, it cannot be determined if the clearing limits have been exceeded or not. When less than 15% of the site is in forest cover, at least 15% of the gross site area shall be afforested. No structure shall exceed 35’ in height.

The FSD and conceptual Environmental Assessment have been approved. No rare, threatened, or endangered species occur on the project site, which also does not contain FIDS habitat.

As this is a Preliminary-Final Plat, the Environmental Assessment must be submitted prior to TAC review, and the Environmental Assessment, FCP and Landscape Plan must be approved prior to Planning Commission’s review (§6.3.B(1)(a), Cecil County Forest Conservation Regulations). The Environmental Assessment has not been submitted; what progress has been made? Mr. Granger said that Vortex Environmental is working on it. He will check with them on the progress.

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 proposed mini-road name Woodcrest Way has been approved.

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.

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2 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.

3 This must be demonstrated on any Preliminary Plat.

4 For any proposed lots one acre or less in size the impervious cover limitation is 25% (§200.8.a).
The applicant is reminded of the 4:30 p.m. submission deadline on the 3rd Thursday for review by the Planning Commission the following month (12/20).

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The December TAC meeting adjourned at 9:14 a.m.

Respectfully submitted,

Jennifer Bakeoven