Present: Di Giacomo, Tony (CCP&Z), Woodhull, Mark (CCDPW), White, Stu (DEH), 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), West, Janel (CCBoE), Latham, Cindy (MDE).

Mr. Di Giacomo called the meeting to order at 9:00 a.m and announced that for future reference, the Technical Advisory Committee will be meeting in the new County Administrative Building on Chesapeake Blvd.

1) Demond Village f/k/a Lands of Fersch, Lots 4A, 4B & 4C, Old Elk Neck Road, Concept Plat, American Engineering and Surveying, Fifth Election District.

Stan Granger, American Engineering and Mr. and Mrs. Fersch, owners, appeared and presented an overview of the project. They will be requesting the reduction of the 100 ft. building restriction line to 40 ft.

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 Final Plat must include the standard note recognizing the applicability of the Lot Grading Plans, which will appear in the minutes but will not be read at this time. (“A lot grading plan has been approved by the CCDPW for the construction shown hereon. A site construction as built shall be submitted to the CCDPW prior to use and/or occupancy of any of the sites shown hereon. Any change to the Forest Retention, Forestation, and Reforestation will require a consistency review, of the SWM approval, with CCDPW.”)
2. The Lot Grading Plan must include the standard note addressing the limits of construction, which will appear in the minutes but will not be read at this time. (“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.”)
3. What SWM facilities are proposed for this project? Mr. Granger said not at this point. He believes BMP will be used.
4. If stormwater discharge is directed off of the site on to adjacent property it is the responsibility of the Developer to obtain appropriate easements from the affected property owners per Section 251-13 of the Cecil County SWM Ordinance.
5. The SWM & Lot Grading Plans for Lot 4C must be carefully address how storm water runoff the 18”x 6” culvert under the adjoining mini road will be conveyed around the proposed dwelling.
6. All conveyance and access easements must be identified on the preliminary & final Plats. The standard easement width is 20’ however they may need to be wider depending on the type of conveyance and/or the combination of access and conveyance.
7. The downstream conveyance of storm water must be analyzed in accordance with Section 251-9 A. (5) of the county’s SWM Ordinance.
8. Do you propose to access Lots 4B & C from Old Elk Neck Road? Mr. Granger said yes.
9. Sight distance measurements will be required at the two (2) proposed driveway entrances and must be submitted to the Department for review prior to submitting the preliminary plat. The centerline of the proposed entrance locations must be marked in the field.
10. Where determined necessary by the utility companies, the owner, the designer, or DPW, utilities poles must be relocated at the Owner’s expense.
11. Any applicable Road Code Variance must be requested prior to submittal for Preliminary Plat approval.
12. All driveways must be paved at least to the right of way and this must be so indicated on the Lot Grading Plan.
13. A PWA is required for any work done to Roads and Storm Drains.

Mr. Brown, CCSCS, provided the applicant with the soil maps and reports for this project. Mr. Brown also noted the some of the soils on the plat do not correspond with the soil report. He asked that the applicant please check those.

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

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

Mr. Di Giacomo read the comments of MDE. See file.

Mr. Di Giacomo announced that SHA had no comments pertaining to this project. Comments were also not received from the Fire Chief’s representative.

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: RR

Density: The RR zone permits a maximum base density of 1 du/ 5 ac. Bonus density eligibility carries with it a permitted density of 1/3. This Concept Plat proposes 3 lots on 10.076 acres, for a proposed bonus density of 1/3.359. That is based on the “Acreage Data” table data, but the “Density” table figure is 10.083 acres, which would yield a density of 1/3.361. How is the stated proposed density of 1/3.334 accounted for? Mr. Granger said he would look into that.

A boundary line survey must be done for the preparation of the Preliminary Plat for density calculation purposes. Per Note # 9, it has been completed.

This parcel is minor subdivision # 2263’s parcel # 4 of the Demond Village (f/k/a Dollywoods) subdivision.

---

1 The zoning was changed to RR on 3/06/07.
2 Essentially the same proposal was review by the TAC on 8/04/04.
Proposed Lot 4A consists of approximately 65% of the total acreage; therefore, this proposal is eligible to be considered for bonus density, per §24.2.c.

The vicinity map must label Racine School Rd. and eliminate 1 of the 2 McKinneytown Roads.

Because Old Elk Neck Road is a collector road there must be a 100’ building set back from the road. This essentially makes proposed Lot 4C un-developable as proposed. The position of the proposed house on proposed Lot 4B will also need to be changed. Mr. Granger again stated that they would be requesting the 40 ft. BRL. Mr. Fersch has already tried to get a variance but he was told he could not apply for a variance if the lots have not yet been created.

Also, as proposed, Lots 4A and 4C exceed the 3:1 length to width ratio established by §7.4.2 of the Subdivision Regulations. Mr. Granger said he believes that statement is incorrect. In his opinion, the regulations purpose is to not have deep lots. Mr. Di Giacomo said he would look into this discrepancy.

Why is a percolation hole shown outside of the property boundaries? Mr. Granger said that is where a percolation hole was dug.

If approved, the large lot shall be prohibited from any further subdivision. Covenants prohibiting the subdivision of proposed Lot 4A must be recorded and noted on the plat prior to recordation.

Dwellings or impervious surfaces shall not occur on slopes with a grade of 25% or more covering a contiguous area of 10,000 ft² or more. On slopes between 15 and 25%, good engineering practices shall be used to ensure sediment and erosion control and slope stabilization before, during and after disturbance activities.3

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

A 110’ perennial stream buffer is required from all perennial streams present. This buffer shall be expanded to include contiguous areas of hydric soils, highly erodible soils, and soils on slopes greater than 15% - to a maximum distance of 160’. Such a buffer is shown around Muddy Creek, but not expanded.

A 25’ buffer is required around all non-tidal wetlands and intermittent streams present. Permits are required from the (US Army) Corps of Engineers and MDE for all non-tidal wetland and stream impacts prior to recordation. Based upon the discussion with the Corps of Engineers, JD’s will be required in conjunction with permitting. If no permits are required, and if the project meets the policy standards established on 3/20/95 and revised on 1/16/96,4 or if the FSD/Conceptual Environmental Assessment finds that there are to be no impacts to field-delineated wetlands or streams, or if the FSD/Conceptual Environmental Assessment finds that there are no wetlands or streams and that finding is consistent with the details of County wetlands maps and USGS quad maps, then no JD is required.

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

Sidewalks are not recommended.

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 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 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 in the RR zone.

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

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

The Forest Stand Delineation (FSD) must be approved prior to Planning Commission review of the Concept plat (§5.1.C, Cecil County Forest Conservation Regulations).

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

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

A Landscape Agreement must be executed prior to recordation.

Deed restrictions for the long-term protection of the Forest Retention/Afforestation Areas (FRAs) must be recorded and noted on the plat prior to recordation. The metes and bounds description of the FRA must be shown on the record plat.

The location of any existing utilities on or within 200 feet of the parcel must be shown.

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

Mr. Granger asked Mr. White if seasonal testing was being scheduled. Mr. White said the Health Department is taking applications but not scheduling.

2. Clover Meadows, Lots 1-19, Weaver Meadows Road, Preliminary Plat, RJK Engineering & Associates, Eighth Election District.

Bob Blomquist, RJK Engineering and Bruce Vanderhoef, owner, appeared and presented an overview of the project. This is a 19 lot subdivision with 3 of the lots being from a minor subdivision. The proposed subdivision Potters Clay is directly adjacent from this proposed subdivision. The entrances for both subdivisions are across from each other.

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

1. The plat submitted does not identify locations & dimensions of all easements (i.e. utility, drainage, SWM...etc) needed as required by Sections 4.1.22 n of the County Subdivision Regulations. In addition the road grades required by Section 4.1.22 m are missing.
2. The storm water conveyance associated with the open section road proposed is missing. In showing open section road include the shoulders & roadside ditching identified in standard detail R-6.

3. The acceleration and deceleration shown do not comply with Sections 3.07.6 & .7 as to length of taper lane. This transition (taper) lane is 50’ long, 10’ wide and has the taper marking (5:1 ratio). At this point, Mr. Woodhull explained to the applicants, what is expected in relation to this comment.

4. Section 3.07.15 of the Road Code directs that Weaver Meadows Road must be upgraded to a Minor Road or Equivalent Standard for a distance of 100’ either side of the proposed entrance. 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.

5. Any Road Code Variances sought must be requested prior to submittal for Preliminary Plat approval. Mr. Vanderhoef said this won’t be a problem because the neighbor that owns the property is in agreement with this upgrade. Mr. Woodhull advised Mr. Vanderhoef to get something in writing from the owner of the ROW showing his support.

6. All of the off-site road improvements, associated with the proposed development, required in Section 3.07 of the Road Code must be approved in concept by the Department of Public Works prior to submitting this project to the Planning Commission for preliminary plat review. The improvements need to be shown or described on the preliminary plat submitted for Planning Commission review. Mr. Blomquist asked for clarification of this comments. Mr. Woodhull stated Mr. Blomquist could bring in a plat showing the requested information for him to review prior to submitting for Preliminary Plat to Planning Commission.

7. Correctly identify the 30’ RWUS shown as “30’ wide strip to be dedicated in fee simple to the Board of County Commissioners of Cecil County”. Mr. Woodhull asked who owns the property beyond the county’s 30’. Mr. Blomquist said he will find out who the owner is.

8. Why does the dark outline of Blarney Lane end as it does at Lot 15? Mr. Blomquist said this is a line mark issue; it will be corrected.

9. Modify Note 9 to indicate that Lots 2 & 3 are denied access to Weaver meadows Road upon completion of Blarney Lane.

10. Be aware of the 100’ setback distance from a SRA to any wet pond SWM facility. See the Health Department all separation distances for SWM BMPs.

11. What is proposed to go into the drainage easement located on Lots 8 & 9? Mr. Blomquist said he is going to have to put some fill in those areas to ensure that lots 7, 8, 9 and portions of 6 drain into the roadside ditch. Mr. Woodhull said if an easement is not needed, do not have it on the plat.

12. How will SWM be addressed for Lots 2-4, 6-10, & 17-19? Mr. Blomquist said this is a channel protection area. They plan to over manage in the area where the pond would be and decrease runoff on these lots as necessary. Mr. Woodhull said the department is still concerned with the additional flow. Mr. Blomquist said he does intend to shift the natural ridge line that exists to Lot 18.

13. 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.

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 County Roads.

14.7 Requirements for Driveways.

14.8 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 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.


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 Weaver Meadows Road 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. Applicant must provide stopping sight distance measurements for the Weaver Meadows Road access location to DPW prior to preliminary plat submittal. Mark the proposed entrance locations in the field by a survey stake or paint.

Mr. Woodhull reminded the applicant that although the “Notes and requirements identified for record:” were not read, they should still be considered important and the applicant should reference them.

Mr. Brown, CCSCS, provided the applicant with a soil report and maps for this project.

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

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

Mr. Vanderhoef asked Mr. White about the request to have a note stating the well on Lot 1 being sealed. It was his understanding that if repairs or chances had to be made to it, at that time the well would have to be abandoned and sealed. Mr. White said that is correct. Mr. White also added that it is not necessary to show the septic tanks on the plat unless required by DEH; only the wells. Mr. Blomquist also questioned the need for additional percolation testing. Mr. White said they would
need around 10 additional holes to clean up sewage area. Mr. Vanderhoef asked if the additional holes had to be done prior to the Preliminary Plat submittal. Mr. White said no; it needs to be completed before final approval would be given. Mr. White asked about two of the holes being label “hole 16”. He would like that clarified.

Mr. Di Giacomo read the comments of MDE. See file.

Mr. Di Giacomo announced that SHA had no comments pertaining to this project. Comments were also not received from the Fire Chief’s representative.

Mr. Di Giacomo, P&Z, read the comments of the department:
This proposal was found to be in compliance with §3.9.1 re: 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 16 major- and 3 minor-subdivision\(^5\) lots on 53.62 acres,\(^6\) was approved on 4/17/06, conditioned on:
1) The Boundary line survey being completed prior to the TAC’s review of the Preliminary Plat;
2) The JD completion documentation being received prior to the Planning Commission’s review of the Preliminary Plat;\(^7\) and
3) A sensitive species survey being completed prior to the Planning Commission’s review of the Preliminary Plat.

The NAR density has changed. On 4/17/06, the NAR zone permitted a base density of 1 du/ 5 ac., and bonus density of 1/3. The Concept Plat was approved at a proposed density of 1/3.12. On 1/1/07, the permitted NAR density changed to 1/10 and eliminated bonus density.

At the time of Concept Plat approval, §4.0.09 of the Cecil County Subdivision Regulations provided that Concept Plats would be valid for two years\(^8\) from date of approval – 4/17/08. Therefore, unless the Preliminary Plat is approved by the 3/17/08 Planning Commission meeting, the Concept Plat shall expire.

Acreage Data Note # 4 indicates that the acreage has increased to 55.24. General Note # 1 indicates that the boundary line survey has been completed.

The aggregate acreages in the Acreage Data column total 54.53, almost ¾ acres less than the 55.24 cited in Acreage Data Note # 4.\(^9\) Those figures must be reconciled on any submission to the Planning Commission.

\(^5\) §2.4.1 was not invoked.
\(^6\) After deducting 3.73 acres for the proposed minor subdivision lots, a major subdivision bonus density of 1/3.12 was proposed.
\(^7\) Based upon discussion with the Corps of Engineers, JD’s will now be required in conjunction with 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 streams, or if the FSD/Conceptual Environmental Assessment finds that there are no wetlands or streams and that finding is consistent with the details of County wetlands maps and USGS quad maps, then no JD is required.
\(^8\) The Subdivision regulations were amended on 8/21/07, revising the Concept Plat approval duration to three years.
\(^9\) The “Major Subdivision Density Data” provided is significantly different from that provided on the approved Concept Plat.
The proposed large lot (#12) and the common open space together total 32.88 acres, or 59.52% of the 55.24 acres, thus, bonus density eligibility appears to have been voided. Mr. Blomquist asked for clarification. Mr. Di Giacomo explained his comment.

The proposed lot acreages on the detail sheets and those in the Acreage Data column on sheet 1 do not always match. For example, proposed Lot 4 is, respectively, .78 and .79 acres. No such discrepancies will be tolerated on any submission to the Planning Commission.

General Note # 12 references this proposal as a minor subdivision. That must be corrected prior to any submission to the Planning Commission.

The graphics are confusing in that the line widths used appear to include parcels 520 and 527 as part of this subdivision.

In the Acreage Data column, where is the acreage proposed to be added on to parcel 520 accounted for? Mr. Di Giacomo stated this needs to be added to 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.\(^{10}\)

Graphics for slopes are shown on sheet 1, but none could be located on the detail sheets. Are there any steep slopes? Mr. Blomquist said there may be. If not, then why have the graphics been included? Mr. Blomquist there is no disturbance. Mr. Di Giacomo said the information needs to be shown on the plat.

A 110’ perennial stream buffer is required from all perennial streams present. This buffer shall be expanded to include contiguous areas of hydric soils, highly erodible soils, and soils on slopes greater than 15% -- to a maximum distance of 160’. The perennial stream in the common open space cannot have the 25’ buffer depicted on sheets nothing- and 4- of 5.

All sheets shall be numbered on any submission for the Planning Commission’s review.

A 25’ buffer is required around all non-tidal wetlands and intermittent streams present. Permits are required from the (US Army) Corps of Engineers and MDE for all non-tidal wetland and stream impacts prior to recordation. Based upon the discussion with the Corps of Engineers, JD’s will be required in conjunction with 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,\(^{11}\) or if the FSD/Conceptual Environmental Assessment finds that there are to be no impacts to field-delineated wetlands or streams, or if the FSD/Conceptual Environmental Assessment finds that there are no wetlands or streams and that finding is consistent with the details of County wetlands maps and USGS quad maps, then no JD is required. What is the status of the JD? Mr. Blomquist said the JD had not been completed, there is no impacts to any wetlands so a JD will not be required.

\(^{10}\) 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.
The habitats of rare, threatened, and endangered species must be avoided. What is the status of the required sensitive species survey? Mr. Blomquist said it is completed. Mr. Di Giacomo said that survey needs to be submitted to the Office of Planning and Zoning.

15% common open space is required; based upon the Acreage Data column, 31.88% (was 34.37%) is proposed. The proposed large lot, Lot 12, would consist of 15.27 (was 12.72) acres, or 27.64%. The proposed large lot and common open space would total a combined 32.88 acres, or 59.52% of the total. Is the 55.24-acre figure arrived at before or after deducting 3.73 or 3.34 acres\(^{12}\) for the proposed minor subdivision lots? Mr. Blomquist said the figure was arrived at before the deduction.

Landscaping is not required, and sidewalks are not recommended, in the NAR zone.

A Bufferyard Standard C is required, outside the right-of-way, along the road frontages of Weaver Meadows 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 FSD was approved on 4/5/06.

What is the status of the PFCP? Mr. Blomquist said it complete. It must be approved prior to the Planning Commission’s review of the Preliminary Plat (§6.2.B(1), Cecil County Forest Conservation Regulations). Mr. Blomquist asked Mr. Di Giacomo if the PFCP needs to be approved prior to Preliminary Plat submittal. Mr. Di Giacomo said yes. Mr. Di Giacomo reminded the applicant of the new Planning Commission deadlines.

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, Blarney Lane, has been approved. Mr. Citrano, an adjacent property owner, requested connectivity to the proposed Blarney Lane.

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

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

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

It is unclear why an approval (signature) block has been included on a Preliminary Plat. Consult §4.2.13 (b) for guidance as to the use and position of approval blocks.

---

\(^{12}\) Absent that deduction, there would have been only 58% open space, thus disqualifying this design from bonus density eligibility.
Per §4.1.22 (e), Preliminary Plats must be signed and sealed. Any un-signed and sealed Preliminary Plat that may be submitted for Planning Commission review will be returned.

The graphic shown for Bufferyards C is too close that used for what are apparently septic reserve areas. Septic reserve areas must be adequately labeled and graphically differentiated from Bufferyards C.

If General Note # 11 is referencing the Critical Area, then it should say so.

The stated scale (1”=100’) is incorrect on sheet 4 of 5. That must be corrected (to 1”=60’).

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

Mr. Di Giacomo again reminded the applicant of the Planning Commission deadline being the third Thursday of the month prior to the meeting.

Mr. Di Giacomo suggested to the applicant to have their PFCP approved and submit for the February Planning Commission meeting due to the date of the Concept Plat Approval expiration.

Mr. Blomquist asked Mr. Di Giacomo to clarify some of his comments. Mr. Di Giacomo obliged.

Mr. Vanderhoef asked if Mr. Blomquist could address all of the comments given with each individual departments. Mr. Di Giacomo said yes, this project does not need to come back to the TAC prior to the Preliminary Plat submittal.

Mr. Woodhull said in regards to the departments concerns for the discharge for many SWM facilities. Mr. Woodhull asked for more detail regarding the SWM for this project. The department does not want the water being directed to someone else’s property. Mr. Woodhull advised the applicants to clearly state what their intentions are regarding the direction of the water for the SWM.

Discussion ensued regarding the LID regulations.

The January TAC meeting adjourned at 10:28 a.m.

Respectfully submitted,

Jennifer Bakeoven
Present:  Di Giacomo, Tony (CCP&Z), Woodhull, Mark (CCDPW), von Staden, Fred (DEH), Brown, Chris (CCSCS), Graham, Daniel (Citizen’s Representative), Latham, Cindy (MDE), King, Butch (SHA), West, Janel (CCPS), Kyte, Jim (FA), Bakeoven, Jennifer (CCP&Z).

Absent:  Cwiek, Philip (USCoE), Ouano, Jun (Delmarva Power).

1) Potter’s Clay, Lots 1-9, Weaver Meadows Road, Preliminary Plat, Will Whiteman Land Surveying, Inc., Eighth Election District.

Will Whiteman, Whiteman Land Surveying and Doug Roark, owner, appeared and presented an overview of the project.  Mr. Whiteman said that he understands that they will need to conduct more percolation tests.  There are two areas where they need to tighten up the perc areas.  They have also shown, on a second sheet, the Forest Retention Areas because they are a bit tricky.  There is an existing lane that Mr. Roark will utilize to access Lot 9.  Lot 9 is a lot that Mr. Roark is going to reserve for him to build on.  The existing lane is approximately 10’ wide.  They have shown an additional 5’ on either side so they have an actual 20’ access.  Mr. Whiteman pointed out that they have shown the reforestation area along the backs of the lots 4, 5, 7 and 8 and along the existing property, parcel 679.

They have also shown a separate area for the SWM.  Also, in the cul-de-sac, they have put a central island.  Both of those will be maintained by the HOA.  There is an add on proposed to parcel 49, which is also owned by Mr. Roark.

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

Mr. Brown, CCSCS, provided the applicant with soil maps and reports for this project.

Mr. Graham, Citizens’ Representative, had no comment.

Mr. Kyte, FA, asked that the roads be an open shoulder.  Mr. Whiteman said that is planned.  Mr. Kyte stated that he has some concerns regarding fire suppression.  He understands there is another subdivision proposed across the road.  That proposed subdivision will be asked to have a fire suppression tank.  If possible, this project could possibly tie into the other subdivision’s tank, depending on the fruition of both proposed subdivisions.  Mr. Whiteman said that he had gone out and had done some measurements.  This proposed subdivision is located within a mile of a dry hydrant on the north side of Weaver Meadows Road.  They are within or just outside a mile of an actual substation on Connolly Road.  Mr. Kyte stated he knew where this project was located but water is the main issue.  Mr. Whiteman acknowledges that but he does not understand how they can tie into a project that they do not know whether or not it will go forward.  Mr. Kyte said he understands but if it does go through, he would like to see the connection.
Mrs. West, CCPS, provided the applicant with the bus stop guidelines and offered no other comments.

Mrs. Latham, MDE, stated that she seconded DEH comments and she agrees a groundwater appropriation permit exemption is required prior to final plat. Mrs. Latham also mentioned that James Tilley, Untitled Wetlands and Waterways Division of MDE had no comments on this project.

Mr. King, SHA, had no comment.

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 plat submitted does not identify locations & dimensions of all easements (i.e. drainage, SWM…etc) needed as required by Sections 4.1.22(n) of the County Subdivision Regulations. The Inspection & Maintenance easement for the proposed SWM facility as well as any required conveyance easements must be identified on the preliminary plat.
3. Roadside drainage conveyance associated with open section road must be identified on the preliminary plat.
4. Road slopes must be identified on the preliminary plat. The internal street grade leaving Weaver Meadows Road may not exceed 5% within the limits of the intersection right-of-way.
5. No Road Code Variances have been sought; therefore the Department expects the road to be designed in full compliance with the Road Code.
6. The island within the proposed cul-de-sac must be identified as common open space and delineated by the ROW symbol used elsewhere on the plat.
7. How is SWM being addressed for this site? It appears that Lots 1 and 3-5 will not drain to the proposed SWM area. Mr. Whiteman said the water will drain off of the Arc Drive, back between Lots 1 and 2 and into the conservation easement or they may have to buck grade in road itself. Mr. Whiteman asked since this is being set aside, does the department want the whole SWM facility shown in the easement. Mr. Woodhull said they could show that so that easement is being the boundaries of that lot. Mr. Whiteman said they spoke with the adjoining property owners and there are two pipes that cross under Ragan Road. They are looking for the outfall of the SWM to come down and cross between Mr. Hayden’s property and the Meadow’s family property. They are in the process of securing that easement. Mr. Woodhull asked to Mr. Whiteman to show, on the plat, the grades. Mr. Woodhull asked if Lots 7, 4 and 5 are going to be graded as to the new impervious area will run towards Arc Drive. Mr. Whiteman said he does not know the answer to that. He will look into it and let Mr. Woodhull know.
8. As discussed previously the SWM plan must adequately address offsite drainage issues. The area reserved for SWM shows no existing define conveyance for the proposed pond to discharge to on or off the property. The applicant is reminded of the requirements of addressing Sections 251-13 & 251-15d of the SWM Ordinance to the satisfaction of the Department.
9. The proposed shared access between Lot 9 and Parcel 730 will require that Deeds for each contain language identifying the rights and responsibilities of each party.
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.

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 Weaver Meadows Road must be upgraded to a Minor Road or equivalent 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. 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.

Mr. Whiteman asked Mr. Woodhull to provide the department’s comments from the last submittal to the TAC.

Mr. Di Giacomo read the comments of Delmarva. See file.

Mr. Di Giacomo, P&Z, read the comments of the department:
This proposal was 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: NAR

Density: The Concept Plat, proposing 9 lots on 59.725 acres, for a proposed density of 1/6.36, was approved on 6/19/06, conditioned on:

1 The NAR zone then permitted a density of 1 du/ 5 ac. No bonus density was sought.
1) The JD being completed prior to the Planning Commission’s review of the Preliminary Plat;
2) The boundary line survey being completed prior to the TAC’s review of the Preliminary Plat; and
3) The proposed road name, Ark Drive, being approved prior to the planning Commission’s review of the Preliminary Plat.

Per Note #5, 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.²

Slopes greater than 25% have been shown, but a small area on proposed Lot 2 appears to have been omitted.

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

A 25’ buffer is required around all non-tidal wetlands and intermittent streams present. Permits are required from the (US Army) Corps of Engineers and MDE for all non-tidal wetland and stream impacts prior to recordation. JD’s are required in conjunction with permitting. If no permits are required, and if the proposed project meets the policy standards established on 3/20/95 and revised on 1/16/96, or if the FSD/Conceptual Environmental Assessment finds that there are to be no impacts to field-delineated wetlands or stream impacts, or if the FSD/Conceptual Environmental Assessment finds that there are no wetlands or streams and that finding is consistent with the details of County wetlands maps and USGS quad maps, then no JD is required. If required, a JD is recommended to be done prior to Final Plat review by the Planning Commission.³ If required, a JD is required to be completed prior to recordation.

Why isn’t the SWM in common open space? Mr. Whiteman thought common open space was not required with this project. Mr. Di Giacomo said it is not required if there is fewer than 10 lots but if you are going to put the SWM area on something other than a lot, then that something other would be, by definition common open space. Mr. Whiteman said his problem with that is, by calling it common open space, that gives the homeowners the impression that this area can be used for use. That is not what the applicant is intending for this space.

Mr. Whiteman asked about the requirement of the JD. His belief was that if the nontidal wetlands were in forest retention area on one lot than a JD is not required. Mr. Whiteman asked if a JD is required for this project. Mr. Di Giacomo read the above comments regarding the requirement of JDs. Mr. Whiteman said he may need to get a permit.

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

---
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 not required along the Weaver’s Meadow Road frontages because Weaver’s Meadow Road is functionally classified as a local road. A Bufferyard Standard A has been shown, but not the concomitant setback.

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 5/31/06.

What is the status of the PFCP? Mr. Whiteman said the PFCP has been completed but he does not know if it has been turned in. Mr. Di Giacomo stated his records show it has not been submitted to the Office of Planning and Zoning.

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 new road name, Arc Drive, has been approved.

Lot 8 will need to be denied access to Weaver Meadow Road. A joint access easement must be established for P. 730 for access to proposed Lot 9.

The owners of P.49 will need to sign the record plat as an add-on is being proposed to affect their property.

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

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 for review by the Planning Commission the following month.

<table>
<thead>
<tr>
<th>School information:</th>
<th>Elementary</th>
<th>Middle</th>
<th>High School</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Conowingo</td>
<td>Rising Sun</td>
<td>Rising Sun</td>
</tr>
<tr>
<td>FTE</td>
<td>524</td>
<td>712</td>
<td>1129</td>
</tr>
<tr>
<td>Capacity</td>
<td>458</td>
<td>775</td>
<td>903</td>
</tr>
<tr>
<td>% Utilization</td>
<td>114%</td>
<td>92%</td>
<td>125%</td>
</tr>
</tbody>
</table>

---

4 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).
5 The old road name, Roark Drive, was previously approved.
6 If any upgrades or alterations are made to the existing lane’s crossing of the non-tidal wetlands, then permits will be required from the USACE and MDE.
2. Clover Meadows, Lots 1-19, Weaver Meadows Road, Preliminary Plat, RJK Engineering & Associates, Eighth Election District.

Robert Blomquist, RJK Engineering, appeared and presented an overview of the project. Mr. Blomquist is planning on submitting this Preliminary Plat to the Planning Commission. They have worked out a few issues. Some issues that they are aware of is the fact that you can not see all of Lot 11 and the common open space acreage, as labeled on the plat, does not agree with the calculation chart. The calculation chart on sheet 1 is correct and it will agree with that figure. They have worked out some issues with the Health Department. Mr. Blomquist is anticipating hearing the comments of DPW in regards to the grading, SWM, etc.

Mr. von Staden, DEH, read the comments of the department. See attached. Mr. Blomquist requested a meeting with Mr. von Staden for the following week.

Mr. Brown, CCSCS, provided the applicant with maps and soil reports.

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

Mr. Kyte, FA, asked whether this is an open shoulder road and if no sidewalks were proposed. Mr. Blomquist said yes this is an open shoulder road and no sidewalks are proposed. Mr. Kyte also asked what the plan was for fire suppression. Mr. Kyte stated he asked about putting a tank in the last time this project came before the TAC. Mr. Blomquist said he did not recall that comment. Mr. Kyte said it is something he needs to look into. Mr. Blomquist said they could corroborate with the proposed Potters Clay subdivision.

Mrs. West, CCPS, provided the applicant with the bus stop guidelines and information stating what constitutes interior bus service. No additional comments were given.

Mrs. Latham, MDE, stated a water appropriation and use permit exemption will be required for the final plat. Mrs. Latham stated Mr. Tilley had no comments.

Mr. King, SHA, had no comments.

Mr. Woodhull, DPW, read the comments of the department:
1. A portion of this proposed development is missing from the plat submitted. The match lines on Sheets 2 & 3 do not correspond with each other. All of the house on Lot 12 & most of the one on Lot 11 are missing and therefore cannot be reviewed.
2. The plat submitted does not identify locations & dimensions of all easements (i.e. utility, drainage, SWM…etc) needed as required by Sections 4.1.22 (n) of the County Subdivision Regulations.
3. The storm water conveyance associated with the open section road proposed is missing. The plat must show the roadside ditching contours. Mr. Woodhull said he needs to show there is a ditch in the road. The department needs to see how the ditches are working. Proposed contours for the ditches need to be shown. Mr. Blomquist asked in regards to the conveyances, the road side ditches contours that they discussed, if there is any other conveyances the department has issues with. Mr. Woodhull said as long as each one of the lots from Lots 5-16 will drain to an area behind 16. At this point, Mr. Blomquist demonstrated what his plan was for this issue on the plat.
4. Section 3.07.15 of the Road Code directs that Weaver Meadows Road must be upgraded to a Minor Road or equivalent Standard for a distance of 100’ either side of the proposed entrance. 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.

5. No Road Code Variances have been sought therefore the Department expects the road to be designed in full compliance with the Road Code.

6. All of the off-site road improvements, associated with the proposed development, required in Section 3.07 of the Road must be approved in concept by the Department of Public Works prior to submitting this project to the Planning Commission for preliminary plat review. The improvements need to be shown or described on the preliminary plat submitted for Planning Commission review.

7. Modify Note 9 to indicate that Lots 2 & 3 are denied access to Weaver Meadows Road upon completion of Blarney Lane.

8. Where is the SWM area located now? The 1/2/08 submittal had it adjacent to Lot 16.

9. How will SWM be addressed for the entire site? In particular discuss how quantity control requirements will be met for storm water runoff from Lots 2-4, 6-10, & 17-19.

10. See the Health Department for any/all separation distances for SWM BMPs.

11. The internal street grade for Blarney Lane leaving Weaver Meadows Road may not exceed 5% within the limits of the intersection right-of-way.

12. 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.

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 Note and the Lot Grading Plan Construction Limits Note.


13.3 Requirements for Utility relocations.

13.4 Requirements for Public Works Agreements.

13.5 Requirements for Stormwater Inspection and Maintenance Agreements

13.6 Requirements for County Roads.

13.7 Requirements for Driveways.

13.8 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 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.

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

6. The street R.O.W. entrance tapers must be set 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 Weaver Meadows Road 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. Applicant must provide stopping sight distance measurements for the Weaver Meadows Road access location to DPW prior to preliminary plat submittal. Mark the proposed entrance locations in the field by a survey stake or paint.

Mr. Di Giacomo stated that Delmarva has no comment.

Mr. Di Giacomo, P&Z, read the comments of the department:
This proposal was found to be in compliance with §3.9.1 re: public notification signs.

With regard to the posting of plats on the County’s website, notice is hereby given that the LDFC 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 16 major- and 3 minor-subdivision7 lots on 53.62 acres,8 was approved on 4/17/06, conditioned on:
1) The Boundary line survey being completed prior to the TAC’s review of the Preliminary Plat;
2) The JD completion documentation being received prior to the Planning Commission’s review of the Preliminary Plat;9 and
3) A sensitive species survey being completed prior to the Planning Commission’s review of the Preliminary Plat.

The NAR density has changed. On 4/17/06, the NAR zone permitted a base density of 1 du/ 5 ac., and bonus density of 1/3. The Concept Plat was approved at a proposed density of 1/3.12. On 1/1/07, the permitted NAR density changed to 1/10 and eliminated bonus density.

At the time of Concept Plat approval, §4.0.09 of the Cecil County Subdivision Regulations provided that Concept Plats would be valid for two years10 from date of approval – 4/17/08. Therefore, unless the Preliminary Plat is approved by the 3/17/08 Planning Commission meeting, the Concept Plat shall expire.

General Note # 2 indicates that the boundary line survey has been completed. Acreage Data Note # 1 indicates that the acreage has increased to 55.14, but shrunk from the 55.24 acres cited in last month’s submission. The PFCP cites 55.11 acres. What accounts for this confusion? Mr. Blomquist said the correct acreage is 55.14. The PFCP will be corrected to show that. Mr. Blomquist is not sure why the

---

7 §2.4.1 was not invoked.
8 After deducting 3.73 acres for the proposed minor subdivision lots, a major subdivision bonus density of 1/3.12 was proposed.
9 Based upon discussion with the Corps of Engineers, JD’s will now be required in conjunction with 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 streams, or if the FSD/Conceptual Environmental Assessment finds that there are no wetlands or streams and that finding is consistent with the details of County wetlands maps and USGS quad maps, then no JD is required.
10 The Subdivision regulations were amended on 8/21/07, revising the Concept Plat approval duration to three years.
55.24 showed up last time but he will correct that. Mr. Blomquist said he is certain that this lot is 55.14

The aggregate lot acreages in the Acreage Data column total 35.7, ¼ acre more than the 35.45 cited. Why haven’t those figures been reconciled? Mr. Blomquist said he will have this corrected.

The proposed large lot (#12) and the common open space together total a stated 32.79 (was 32.88) acres, but the actual, correct total is 33.04 or 59.91% of the 55.14 (was 55.24) acres, but 64.1% of the 51.55 acres minus the minor subdivision lots.

What is apparently proposed Lot 11 is unlabeled on sheets 3 and 4, and the match lines do not match. As a result, neither a dwelling location nor a well location is shown. Any plat for which match lines do not match will not be accepted for Planning Commission review.

For proposed Lot 12, only a corner of the dwelling location is depicted, and neither a septic area nor a well location is shown.

The graphics are confusing in the depiction of the proposed add-on to Parcel 520, and that acreage is again unaccounted for in the Acreage Data column.

The graphics are again confusing on sheet 3 in the depiction of proposed impervious paving in the stream buffer and wetlands. The wetlands buffer graphic is different from that depicted in the Legend on sheet 1.

On sheet 3, there is a reference to Note 10. There is no such note on sheet 3, and Note 10 on sheet 1 is unrelated. TAC review can be of only limited value with such serious errors and omissions.

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.

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, JD’s will be required in conjunction with 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 streams, or if the FSD/Conceptual Environmental Assessment finds that there are no wetlands or streams and that finding is consistent with the details of County wetlands maps and USGS quad maps, then no JD is required.

---

11 The “Major Subdivision Density Data” provided is significantly different from that provided on the approved Concept Plat.
12 Those figures must be reconciled on any submission to the Planning Commission.
13 Based upon the figures provided by the applicant.
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 ft² or more. The Cecil County Forest Conservation Regulations define steep slopes as “areas with slopes greater than 25 percent slope.”
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.
required. What is the status of the JD? Mr. Blomquist said he is not sure, he believes that none is required. All of the wetlands are in open space.

What is the status of the required sensitive species survey? Mr. Blomquist said it has been completed and submitted. Mr. Di Giacomo stated, as of yesterday, it had not been submitted.

15% common open space is required; based upon the Acreage Data column, 33.99% (was 31.88% and 34.37%) is proposed. The proposed large lot, Lot 12, would consist of 15.52 (was 15.27 and 12.72) acres. Why do these figures keep changing? Mr. Blomquist said he did not know why the figures were changing, he thought he had it right. Mr. Di Giacomo said it may be right, he would just like to know why the figures keep changing. Mr. Blomquist said the people that he had working for him were using the Concept acreages to this point. He has tried to weed out all of the incorrect figures. Mr. Di Giacomo said that needs to be corrected. Mr. Blomquist asked for a meeting with Mr. Di Giacomo prior to submitting for Planning Commission. Mr. Di Giacomo advised Mr. Blomquist to meet with DPW and the Health Department first. Mr. Blomquist stated that he did not want Mr. Di Giacomo to say that there has been a lot of confusion. He would like to gain the department’s confidence prior to the Planning Commission. Mr. Di Giacomo said if the numbers do not match from one place to another, or if they do not add up, then that is what will be stated.

Landscaping is not required, and sidewalks are not recommended, in the NAR zone.

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

Rows of street trees with 10’ planting easements are required, outside the right-of-way, along both sides of all internal roads. Why haven’t the 10’ street tree planting easements been depicted on the plat? Mr. Blomquist said they will be on the submitted plat. Where feasible, the natural vegetative equivalent may be used to satisfy the bufferyard and street tree requirements.

The FSD was approved on 4/5/06.

What is the status of the PFCP? It must be approved prior to the Planning Commission’s review of the Preliminary Plat (§6.2.B(1), Cecil County Forest Conservation Regulations).

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

A Landscape Agreement must be executed prior to recordation.

Deed restrictions for the long-term protection of the Forest Retention/Afforestation Areas (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, Blarney Lane, has been approved. Mr. Citrano, an adjacent property owner, requested connectivity to the proposed Blarney Lane.

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

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

---

16 The habitats of rare, threatened, and endangered species must be avoided.
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 4:30 p.m. submission deadline on the 3rd Thursday for review by the Planning Commission the following month.

<table>
<thead>
<tr>
<th>School information:</th>
<th>Elementary</th>
<th>Middle</th>
<th>High School</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Conowingo</td>
<td>Rising Sun</td>
<td>Rising Sun</td>
</tr>
<tr>
<td>FTE</td>
<td>524</td>
<td>712</td>
<td>1129</td>
</tr>
<tr>
<td>Capacity</td>
<td>458</td>
<td>775</td>
<td>903</td>
</tr>
<tr>
<td>% Utilization</td>
<td>114%</td>
<td>92%</td>
<td>125%</td>
</tr>
</tbody>
</table>

Mr. Di Giacomo reminded the applicant, based on the decision of Court of Special Appeals, in the matter of ARCA vs. Aston Development Group, if you read the letter of that decision, it states, if there is even one line that is different on the plat submitted on the Planning Commission, the Planning Commission can not approve it. Mr. Di Giacomo feels that once the corrections are made to this plat, it should be brought before TAC one more time so the TAC is reviewing the same plat. If the this plat is submitted for Planning Commission, as is, it will not be approved. Mr. Di Giacomo feels that, along with DPW and the Health Department, if they could clean this plat up then they could bring this plat before the Planning Commission. Mr. Blomquist was told that should there be any opposition, that could hang up the project. Mr. Blomquist asked if Mr. von Staden and Mr. Woodhull if Mr. Di Giacomo is correct in saying as long as the corrections are made, the departments should not have a problem with this plat going before the Planning Commission. Mr. Woodhull said the plat would definitely have to have the said changes to it. Mr. von Staden recommended that Mr. Blomquist meet with Mr. Woodhull prior to meeting with him.


Will Whiteman, Whiteman Land Surveying, Inc., appeared and presented an overview of the project. Mr. Whiteman stated that it has come to his attention that there was a lot of missing information on the plat. Due to this, he would still like to receive a review of the plat but this project will be resubmitted to the TAC.

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

Mr. Brown, CCSCS, provided the applicant with maps and soil reports.

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

Mr. Kyte, FA, asked what the applicant has planned for fire suppression. Mr. Whiteman said there is a pond with a dry hydrant off of the mini road. Mr. Kyte also asked that there be no parking signs on the streets, and make shift street signs be erected during construction for EMS purposes. It is also his
understanding that there will be sidewalks on one side of the street. He would also like to see 4 parking spaces per house.

Mrs. West, CCPS, provided the applicant with the bus stop guidelines and asked if there was a walking path proposed between lots 3 and 4 to Mank Drive. Mr. Whiteman said there is a 10’ access easement across Lot 14 that goes to Mank Drive.

Mrs. Latham, MDE, said a water appropriation permit is required. She also provided the applicant with comments from James Tilley, MDE.

Mr. King, SHA, had no comment.

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 Mank Drive. 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.
3. 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.
4. The Department of Public Works requires that any Road Code Waivers and/or 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. The major road issues have been resolved to the Department’s satisfaction. And a variance to Sections 3.07.6 & 3.07.7 of the Road Code has been granted for the private mini road entrance geometry.
5. The preliminary plat presented to the Planning commission must reflect the Oldfield Point Road upgrades for a distance of 100’ either side of the point of intersection between Oldfield Point Road and Mank Drive.
6. A Road Code Variance has been granted for the Private Mini road in regards to the use of the existing paving.
7. Sight distance measurements must be submitted for all entrances to the DPW to establish compliance with the Cecil County Road Code.
8. 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.
9. Are all easements for SWM conveyance, access, and inspection & maintenance identified on the preliminary plat as required?
10. The longitudinal slopes of the proposed roads must be identified on the preliminary plat.
11. The Storm water conveyance system for the closed section road must be shown on the preliminary plat.
12. The MDE stream crossing permit must be obtained prior to the Department approving the road & storm drain plans.

13. Well locations are not shown for every lot in the development.

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 Stormwater Inspection and Maintenance Agreements
14.5 Requirements for Public Works Agreements.
14.6 Requirements for Driveways.
14.7 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 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. 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. A statement clearly outlining the responsibilities of the homeowners in the maintenance of roads and storm drainage systems must be approved by the Planning Commission and placed on the final plat. Deed restrictions must be developed and recorded in accordance with Road Code Section 2.13.D.

Mr. Di Giacomo read the comments of Delmarva. See file.

Mr. Di Giacomo, P&Z, read the comments of the department:
This proposal is 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: SR

Density: The Concept Plat proposing 31 (new) lots on 76.991 acres, for a proposed density of 1/2.484, was approved on 5/21/07, conditioned on:

---

17 Lots 1-4 are existing lots.
1) All questions relating to soils, stream buffers, and SWM locations being resolved prior to the TAC’s review of any Preliminary Plat.

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.

Per Data Column Note # 15, the boundary line survey has been completed.

Slopes greater than 25% must be shown on the Preliminary Plat.\(^\text{19}\) Shaded areas, apparently for steep slopes are shown in several locations, but no legend explains the shading. That deficiency must be rectified prior to any submission to the Planning Commission.

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 has been expanded.

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.

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. Where is the required verification of the sensitive areas percentages?\(^\text{20}\) Mr. Di Giacomo stated that he was given the percentages for the sensitive areas in the common open space and it appears that those exceed it but it will need to be on the next submitted plat.

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, “Meadow Lark Spur,” is shown to the Boettcher Property, to the south.

All road names have been approved.

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

---

\(^{18}\) The SR zone permits a maximum base density of 1 du/ 1 ac.

\(^{19}\) Dwellings or impervious surfaces shall not occur on slopes with a grade of 25% or more covering a contiguous area of 10,000 ft\(^\text{2}\) 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.

\(^{20}\) Staff has made the following comment at every TAC and Planning Commission review thus far: “The sensitive areas percentages must be verified on the Preliminary Plat submitted for TAC review.”
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 that was approved on 7/12/01 has been granted an extension.

What is the status of the PFCP?21 Mr. Whiteman does not know the status. He will check on the status. Mr. Di Giacomo said the minor sub’s FSD and PFCP was approved on 10/20/2000.

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 turnaround 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 number of proposed lots, no well locations are shown as required by §4.1.22 (q).

What steps have been taken to resolve the septic reserve issues on proposed Lots 29-31?

With regards to proposed lot 28, will those structures remain. Mr. Whiteman said yes. How will lot 28 be accessed. Mr. Whiteman said the access is shown coming up the mini road. Mr. Di Giacomo demonstrated on the plat what he would like to see on the plat.

The applicant was reminded of the 4:30 p.m. submission deadline on the 3rd Thursday for review by the Planning Commission the following month.

School information:        Elementary    Middle    High School
Elk Neck                   417        826       1110
North East                 479        712       1009
% Utilization              87%        116%      110%

4. Lands of D & J Builders, Courtesy Review for the Town of Rising Sun, 5 Units, Preliminary Plat, McCrone, Inc., Sixth Election District.

David Strauss, McCrone, Inc., appeared and presented an overview of the project. Mr. Di Giacomo asked if there was a representative from the town present. Mr. Strauss said there was not a representative present but he believes the town was aware of today’s meeting. Mr. Strauss also

21 The PFCP must be approved prior to Planning Commission review of the Preliminary Plat (§6.2.B(1), Cecil County Forest Conservation Regulations).
introduced the owners of the property Tom Dye and Chad Dunnston, representing D & J Builders. This plat is for two commercial lots. Their plan is to combine two parcel prior to the final review. A TIS has been conducted and presented to SHA for review.

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

Mr. Brown, CCSCS, provided the applicant with maps and soil reports. Mr. Brown also advised the applicant to take note of the soil locations for buildings without basements.

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

Mr. Kyte, FA, stated he has met with the owners of the project and the town. They have placed hydrants. Mr. Kyte asked if the whole grading going to be done for the whole project. Mr. Strauss said it depends on the availability of the fill. The grading will be done in phases.

Mrs. West, CCPS, had no comment.

Mrs. Latham, MDE, said it will not need a water appropriation permit. Mrs. Latham provided the applicant with the comments of James Tilley.

Mr. King, SHA, read the comments of the department. See OPZ office.

Mr. Woodhull, DPW, read the comments of the department:
1. The Department understands that this development is within the corporate limits of the Town of Rising Sun. As such the Cecil County Department of Public Works (CCDPW) will only review the SWM plan for this development. The CCDPW recommends that the water and sanitary sewer 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.
2. A SWM plan and a Mass and Final Grading plan must be approved by the CCDPW. The Department requests that the Town not grant Final Plat Approval for this development until these plans have been approved. The fees for design review of this project must be provided at the time of first design submittals.
3. No storm drain inlets or piping have been shown. How is the underground SWM facility accessed? All storm water conveyance (i.e. pipe, swale, etc…) must be shown on the preliminary plat. Mr. Strauss said they do not have the underground Stormwater system flushed out.
4. How is SWM facility discharge being conveyed to the receiving stream?
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 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. Di Giacomo read the comments of Delmarva. See file.

Mr. Di Giacomo, P&Z, read the comments of the department:
This project is proposed in the Town of Rising Sun. The Cecil County TAC, as a courtesy to the towns in the County, reviews development proposals within the towns’ corporate limits.

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

- Town Zoning: CC

- The site plan contains three “proposed fire hydrant” labels. However, only two fire hydrant locations are depicted. What accounts for the superfluous label? Mr. Strauss said that is a mistake.

- The existing fire hydrant graphics (there are 2) used on the site plan are different from that used in the legend.

- Unlike the other proposed structures, the proposed 900 ft² retail structure has no dedicated loading area. In addition, its nearest proposed dumpster site is almost 200’ away.

- It should be determined if the Town’s Zoning Ordinance and/or Subdivision Regulations require restaurant dumpsters’ being located closer than is now proposed for the Pizza Hut.

- It should be determined if the Town’s Zoning Ordinance and/or Subdivision Regulations require that preliminary site plans be signed and sealed.

- 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 and distances between proposed structures are consistent with the Town’s Zoning Ordinance for the CC zone.

- A neo-traditional design, with the proposed retail and restaurant sites moved up to the sidewalk with parking in the rear, could help create an attractive and distinctive sense of place. Has any consideration been given to a neo-traditional design? Mr. Strauss said not at this time.
• It should be confirmed that all proposed signage is consistent with the requirements of the Town’s Zoning Ordinance and/or Subdivision Regulations.

• It should be confirmed that the street and driveway geometrics are consistent with the Town’s Zoning Ordinance and Subdivision and Public Works codes and regulations.

• A detailed vehicular/pedestrian circulation and access plan should be submitted for the parking area. Potential pedestrian-vehicle conflicts should be identified. MUTCD signage, other traffic control devices, and striping should be considered. Bicycle racks should also be considered.

• Consideration should be given to requiring a Traffic Impact Study (TIS).
  
  o The Town of Rising Sun and Cecil County have not signed an “Assigning obligations under the Forest Conservation Act Agreement.” However, the Office of Planning and Zoning will review and comment on the FSD, PFCP, and FCP as a courtesy to the Town.

• 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.

• A 25’ buffer is recommended around the 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 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 buffeyards. Of particular concern would be the vegetative screening of these commercial activities from the nearby residential uses.

• 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.

• Sidewalks are recommended along both sides of any internal streets. The parking areas are not pedestrian- or biker-friendly. Again, a detailed vehicular/pedestrian/bicyclist circulation and access plan should be submitted for the parking area.

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

• It should be confirmed that the number of parking spaces proposed falls with the minimum and maximum established by the Town’s Zoning Ordinance and Subdivision Regulations.
• It should be confirmed that all proposed building heights do not exceed the maximum height established in the Town’s Zoning Ordinance and Subdivision Regulations.

• It should be confirmed that any street names have been approved by the County’s Emergency Management Agency prior to final site plan approval.

• Consideration should be given to soliciting review and comment on the subdivision layout by the Rising Sun Volunteer Fire Company.

• Consideration should be given to any possible additional access point on a road other than Maple Heights Lane.

• Consideration should be given to the use of protective fencing around the proposed stormwater management facilities.

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

• It is recommended that a detailed lighting plan be submitted for review prior to site plan final approval. In addition to internal safety and security issues, of particular interest would be the avoidance of conflicts between the different adjacent land uses, as relates to lighting.

• Any potential traffic flow conflicts resulting from the proposed dumpster locations should be identified and corrected in the detailed vehicular/pedestrian circulation and access plan.

• It should be confirmed that there is adequate physical separation between the proposed underground SWM facility and the conventional SWM facility and the wetlands.

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

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

5. Elk Point Marina, Lots 1-77, Oldfield Point and Elk Point Roads, Concept Plat, CNA Engineers, Third Election District.

WITHDRAWN. To be heard at the March 6, 2008 TAC meeting.

The February TAC meeting adjourned at 10:30 a.m.

Respectfully submitted,

Jennifer Bakeoven
CECIL COUNTY TECHNICAL ADVISORY COMMITTEE
Wednesday March 5, 2008, 9:00 a.m.
County Administration Building
200 Chesapeake Blvd., Elkton, Maryland

Present: Di Giacomo, Tony (CCP&Z), Woodhull, Mark (CCDPW), White, Stu (DEH), Brown, Chris (CCSCS), Graham, Daniel (Citizen’s Representative), Latham, Cindy (MDE), Tilley, James (MDE), King, Butch (SHA), Kyte, Jim (FA), Bakeoven, Jennifer (CCP&Z).

Absent: Cwiek, Philip (USCoE), Ouano, Jun (Delmarva Power), West, Janel (CCPS).

1) Elk Point Marina, Lots 1-77, Oldfield Point and Elk Point Roads, Concept Plat, CNA Engineers, Third Election District.

Doug Kopeck, CNA Engineers, and Randy Moore, representative for the developer appeared and presented an overview of the project. This site is located on a peninsula. Much of the site is forested. There are also some cleared areas left over from the old marina operation. There is a very large structure located on the property at the present time. There are a lot of impervious surfaces around the site, left over from the marina operation. Much of the remnants of the marine operation have been cleaned up. There are boat slips that exist. The applicant has an application into MDE and is close to receiving a maintenance repair permit for replacing and repairs the bulkheads and docks. At this point, Mr. Kopeck presented aerial maps and diagrams for the presentation of the land. Mr. Kopeck explained that a portion of the property is zoned MB. The MB zone allows only for certain types of uses, the marina use being one. When it comes to developing for some other use, it is really restricted. The developer decided that residential use would be the most appropriate. Mr. Kopeck explained that he feels there is an inconsistency in the zoning regulations for the MB zoned property. Mr. Kopeck explained the constraints he believes the project faced with the zoning of the property. This project consists of 66 villas/townhouses and 11 single family homes. Each unit will have private boat slips. The marina will no longer be public. Water will be supplied by on site wells and sewage disposal will be an on site wastewater treatment plant. Mr. Kopeck mentioned that he met with some of the surrounding neighbors regarding the project and they will be taking their concerns into consideration. Also, they will be required to get permission from the Critical Area for growth allocation to do the 11 single family homes.

Mr. King, SHA, had no comments.

Mr. Kyte, FA, asked the applicant what they planned for fire suppression. Mr. Kopeck said they are planning to have a fire suppression tank although he does not know what size. Mr. Kyte provided the applicant with guidelines on recommended size. Mr. Kyte asked what size the cluster units would be. Mr. Kopeck said they have not gotten into that stage yet. Mr. Kyte asked where the location of the tank would be. Mr. Kopeck said it would be located around the first turnaround. As for the other end of the neighborhood, there would be access to the river. Mr. Kyte then asked how many off street parking spots would be provided. Mr. Kopeck said that at the present time they are offering no off street parking. There will be two spaces provided per unit. Mr. Kyte reminded the applicant that the cars in a household will more than likely add up to more than two per house. Mr. Kopeck stated they
are trying to keep down the amount of impervious surface. Mr. Kyte does not want to see restrictions for the fire trucks and the ability to maneuver in the case of an emergency. Lastly, Mr. Kyte asked the applicant to have the streets marked during construction for EMS.

Mr. Brown, CCSCS, provided the applicant with the soil maps, reports and additional notes. See file

Mr. Tilley, MDE (Non-tidal wetlands waterway reviews) read the comments of the department. See file.

Mrs. Latham, MDE, said a groundwater appropriation permit will be required. Considering the number of units, it could need a large user permit.

Mr. Graham, Citizen’s Representative, asked about HOAs. Mr. Kopeck said there would be nothing for the individual lots. The open space that surrounds those lots would have a HOA. In summary from the public comments received, the concerns are the wells, septic systems, airplane noise, added road traffic and environmental impact. Mr. Graham also received a complaint from a gentleman that has his well located next to the dump site; this gentleman is afraid the contents will contaminate his well. Another citizen wanted to know if the applicant plans on being “green friendly” when they are working with the sewage system. At this point, Mr. Graham read a letter submitted by the Raintree Corporation, Mr. McWilliams, Kevin Laird and an email from Mr. Benevento. All submitted letters can be found in the Elk Point Marina file located in the office of Planning and Zoning.

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

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

1. A SWM plan, Road & Storm Drain plan, Sewer & Water 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? Water quality facilities within the IDA are required to meet the 10% pollutant load removal rule. Mr. Kopeck said they plan on using BMP’s and they will be requesting a waiver for quantity management.

3. The Chesapeake Bay Critical Area Commission may require that any portion of the site in the IDA that uses a Stormwater Management facility located in the RCA for quantity/quality runoff control may be subject to the density of the RCA. We strongly suggest that the applicant get clarification on this issue, from the Critical Area Commission, prior to submitting for Planning Commission review of the concept plat. Mr. Di Giacomo added if the applicant is successful with growth allocation and go to LDA. LDA permits a density of up to 3.99 units to 1 acre, the proposed SR zoning here is only 1 to 4.33 and MB is only 2.36 to 1, both of those below the 3.99/1.

4. All SWM conveyance easements and/or inspection & maintenance easements must be shown on the preliminary and final plats.

5. Are you proposing Elk Point Road, Elk Point Court & Plum Creek Drive as public roads? Mr. Kopeck said yes. Do you propose open or closed section roadway? Mr. Kopeck said he does not know yet. Identify the pave width, road slopes and storm water conveyance on the preliminary plat submitted for TAC review.

6. With county minor roads, all driveways accessing them 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.

7. The cul-de-sac bulbs are in non-compliance with Road Code Standard detail R-14, as to ROW diameter. As proposed a Road Code Variance will be required.

8. 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 Elk Point Road. 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.

9. 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.

10. 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.

11. Sight distance measurements (intersection & stopping), for the proposed access point on to Oldfield Point Road, must be submitted and approved prior to the preliminary plat submission for TAC review.

12. The Department has some concern about the horizontal curvature of Elk Point Road near the proposed intersection with Oldfield Point Road. Section 3.04 of the Road Code applies.

13. The mini roundabout intersection proposed for Elk Point Road & Plum Creek Drive appears to create additional impervious surface in the critical area. Why is it proposed?

14. Lot 8 must access off of Elk Point Court and be denied direct access to Elk Point Road.

15. Why is there no parking provided for the community club house and the boat launch/slips proposed? Mr. Kopeck said they are still working out that area. They just received the Topos back so they have identified all of the big trees. There will be some sort of parking they are just not sure how much at this time. Mr. Woodhull advised the applicant to include information regarding the parking in his presentation to the Planning Commission. No parking is allowed on County roads unless the pavement is widened by 8’ for one side or 16’ for parking on both sides.

16. A traffic impact study will be required for this development.

17. All water & sewer lines serving this development must be shown on the preliminary plat submitted to the TAC.

18. The Master Water & Sewer Plan must be amended to include this property.

19. The proposed shared septic facility is a first for a development of this size. With the uniqueness of this approach there are several major issues that must be satisfactorily addressed before this development is submitted for preliminary plat review to TAC. Specifically who will be the Controlling Authority? It would be turned over to the county. That is who will own & operate this facility. Section 175 of the Subdivision Regulations allows for the possibility that a governmental body or private utility to be the Controlling Authority. The County through the Approving
Authority (local Health department) and MDE approve and the Board of County Commissioners designates the Controlling Authority. The Department believes that facilities of this size and complexity must be owned by the County and not a private utility. However this decision must be made by the Board of County Commissioners. The Applicant should contact the County Administrator. Mr. Woodhull asked the applicant if this will be a full treatment plant. Mr. Kopeck said yes.

20. Is afforestation allowed over a shared facility septic field? Mr. Woodhull asked the applicant how he intends to discharge the gray water. Mr. Kopeck said they hope to disturb as little vegetation as possible. There will probably be a subsurface discharge of some sort and a drip system as well.

21. The Department requires that gravity sewer be used to the maximum extent possible. With that said, what is the conceptual approach proposed for the sewer lines going to the proposed sewage treatment & pump station?

22. If the Department of Public Works is designated as the “Controlling Authority” the sewage pump station must be located on a lot dedicated in fee simple to the Cecil County Board of County Commissioners.

23. Who will own & operate the proposed community wells, water treatment and distribution for this development? Mr. Kopeck said most likely the HOA.

24. No water treatment facility is shown on this plat. Where do you intend to place it?

25. 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:
25.1 The Final Plat Lot Grading and Lot Grading Plan Construction Limits Notes.
25.3 Requirements for Stormwater Inspection and Maintenance Agreements.
25.4 Requirements for Public Works Agreements.
25.5 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. Di Giacomo provided the applicant with the comments of the Critical Area Commission.
Mr. Di Giacomo, P&Z, read the comments of the department:
This proposal is in compliance with §3.8 & §3.9.1 regarding public notification.

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

Zoning: MB, SR, IDA (Critical Area), & RCA (Critical Area)

Density: The SR zone permits a base density of 1 du/ 1 ac., or 2/1 with community facilities. The MB zone, per §’s 54.4, 69, 70.3, 75.2, 76.2 and the Schedule of Zone Regulations, permits various types of residences under various circumstances and conditions.

In the SR zone, this Concept Plat proposes 11 lots on 47.65 acres, for a proposed density of 1/4.3318. The SR-zoned area of the site is coterminous with its RCA overlay zone, which permits the density of only 1 du/ 20 ac. For that reason, a Growth Allocation will be required if this proposal’s design is to be achieved.

In the MB zone, this Concept Plat proposes 66 lots on 27.96 acres, for a proposed density of 2.36/1. Per § 75.2, the density is limited to 4/1, and the MB-zoned portion of the site is coterminous with its IDA overlay zone, which permits the density of the underlying zoning district. Therefore, the proposed density is consistent with the MB & IDA zones.

This proposal calls for the use of a shared water system and shared community sewer system. Therefore, the Master Water and Sewer Plan must be amended accordingly. Mr. Di Giacomo recommended to the applicant that the process proceed as soon as possible to see whether this proposal is viable.

This proposal must fully comply with all provisions of and applicable subsections of §175.

§175.3.c.1 requires 10,000 ft² of subsurface disposal area to be set aside for each dwelling unit. Therefore, 770,000 ft² have been designed to serve 77 proposed dwelling units.

Per Site Data Note # 11 and General Note # 7, Growth Allocation will be required. While a Growth Allocation worksheet was attached to last month’s submission, not was attached to this month’s. As to the issue of Growth Allocation, it is basically a process of designating new LDA and IDA areas in the Critical Area to accommodate more intense activity or density. In this case, the RCA zone, whose density limitation is 1/20, will not permit the proposed density of 1/4.3318. Therefore, the applicant must have the site awarded Growth Allocation to reclassify the Critical Area designation from RCA to LDA.

§’s 206.2 and 210.2.a (1) of the Cecil County Zoning Ordinance stipulate that Growth Allocation applications be placed on the Technical Advisory Committee (TAC) and Planning Commission agendas. The planning Commission will make a recommendation for the Board of County Commissioners – who will decide whether or not to award the Growth Allocation. Pursuant to that process, the TAC must review the application.
As to the scoring under the point scoring system, the Cecil County Critical Area Program, adopted 7/5/88, established an application screening process “whereby only development projects that are exemplary of sensitive development in the Critical Area are given Growth Allocation.” That process consists of a point award system, the intent of which is “to encourage location of projects for Growth Allocation in or adjacent to existing Limited Development or Intensely Developed Areas and in the Suburban, Town, or Development Planning Districts as described in the Comprehensive Plan through the point award system.”

The details of the point award system are contained in §’s 206, 207 and 208 of the Zoning Ordinance, and provide that the minimum scoring threshold for consideration of award of Growth Allocation and reclassification is 90 points. The Ordinance does not provide for any alternative screening mechanism.¹

The applicant had scored the project and awarded it 92 points, which is above the threshold for the awarding of Growth allocation and reclassification. §206, 207, and 208 provide that the scoring system be the basis for any recommendation of reclassification. The points awarded by the applicant are as follows:

1. For “Development Type,”² a maximum score of 40 points is possible, and the applicant has self-scored the project 15 points. Since common open space acreages and calculations have not been provided, staff cannot, with certainty, verify that the criteria have been met.³
2. For “Buffer Enhancement,”⁴ a maximum score of 20 points is possible, with the applicant having self-scored the project 4 points. Staff concurs.
3. For “Location of Development,”⁵ the applicant has self-scored the project 10 out of a maximum score of 15 points. Staff again concurs.
4. For “Forest and Woodland Protection,”⁶ a maximum score of 10 points is possible, with the applicant having taken credit for none.
5. For “Habitat Protection,”⁷ a maximum score of 10 points is possible, and the applicant has self-scored the project 9 points. Until the easements referenced in item ‘b’ can be clearly demonstrated, those 4 self-awarded points must be deducted. This project does not qualify for any points under item ‘c,’ so those 2 points must be deducted. In addition, the applicant has self-awarded the project points under items ‘c’ and ‘d,’ which are mutually exclusive domains. If that logic were to prevail, the maximum possible points would be 14 points, which is not the case.
6. For “Water Quality,”⁸ a maximum score of 8 points is possible, with the applicant having self-scored the project all 8 points. Staff concurs.
7. For “Resource Utilization,”⁹ the applicant has self-scored the project 3 out of a maximum score of 6 points. Staff again concurs.

¹ §212 provides for exemptions from the Point Scoring System for sites in the Development District.
² §208.1.
³ The Concept Growth Allocation Exhibit’s growth Allocation Calculations Summary indicates that 66.1% of the area is proposed as open space, but it isn’t specified whether that percentage includes common open space in the IDA portion, what the acreage actually is, and what percentage of the 66.1% is uplands.
⁴ §208.2.
⁵ §208.3.
⁶ §208.4.
⁷ §208.5.
⁸ §208.6.
⁹ §208.7.
8. For “Erosion Control,” a maximum score of 3 points is possible, with the applicant having self-scored the project 3 points. Staff agrees with that score.
9. For “Water-dependent Facilities,” a maximum score of 3 points is possible, with the applicant having taken credit for none.
10. For “Bonus Points,” a maximum score of 65 points is possible, and the applicant has self-scored the project 40 points. Until and unless the basis for the awarding of 10 points under item ‘b’ can be clarified, staff believes they must be deducted.

Given the issues associated with point categories 1, 5 and 10, this project did not appear to meet the minimum scoring threshold for consideration of award of Growth Allocation.

This proposed design uses the “lotominium” concept to creatively cluster and find a way around the limiting yard requirements contained in ARTICLE VI’s Schedule of Zone regulations. Nevertheless, the applicant must request of the Planning Commission a modification of the yard requirements per §6.1 of the Subdivision Regulations. Based on the precedent of the 6/18/01 Chesapeake Club, Fairhaven Estates, Lotominium 104, Preliminary-Final Plat approval, staff will recommend that this project follow the normal review and approval process, rather than the one approved on 3/19/91 for condominiums.

The Cecil County Subdivision Regulations (§2.0) define “Condominium” as follows: “A condominium is an ownership arrangement, not a land use; therefore, it is allowed in any district and under the same restrictions as the residential land uses that it comprises. A condominium shall not negate lot nor other requirements intended to provide adequate light, air, and privacy. A condominium is a dwelling unit which has all of the following characteristics:
(a) The use (the interior and associated exterior areas designated for private use in the development plan) is owned by the occupant.
(b) The unit may be any permitted dwelling type.
(c) All or a portion of the exterior open space and any community interior spaces are owned and maintained in accordance with the Condominium Act of the State of Maryland and other requirements specified in the County Code regarding such open spaces.”

—

10 §208.8.
11 §208.9.
12 §208.10

The intent of §6.1 is to permit greater flexibility for creative design, using the clustering of homes to save permanent open space, which would provide recreational opportunities close to home. Such clustering may be accomplished through allowing reductions in the respective minimum lot area and yard requirements.

There may some question as to whether §’s 6.2 & 165 of the Cecil County Zoning Ordinance are in conflict with §6.1 of the Cecil County Subdivision Regulations. The Zoning Ordinance makes quite clear that its authority supersedes that of other laws or regulations, specifically with respect to lot area and yard requirements.

However, the Ordinance also makes clear that its purpose is not to replace existing laws, rules, regulations, etc., and that it has the basic objective of implementing the Comprehensive Plan, including to concentrate development in areas suitable for growth as designated in the Comprehensive Plan (§3.2.h). The Comprehensive Plan states that one of the purposes of the Suburban District, in which this site is located, is to encourage cluster development as a means of maximizing common open space and minimizing disturbance of the natural resources.

14 The Planning Commission established a condominium approval process that was predicated upon the approved Concept Plat, and then established the use of a combined Preliminary Plat/Site Plan. Thus, a Preliminary Plat was also a Site Plan which the Planning Commission would approve at the same time, conditioned on no building permits being issued until Health Department requirements were met, and all other requirements for Final Plats were met. The approved Preliminary Plat/Site Plan was very specific, with actual construction drawings. Generally, from the approved Preliminary Plat/Site Plan, building permits are then issued. Next, the units are built, and then the Final Condominium Plats return to the Planning Commission for approval, “as built.” The Final Condominium Plats are used to record the actual footprints of the units and the actual building plans as constructed.
Based upon the submitted lotominium proposal, it appears that each townhouse owner would own, fee-simple, the ground on which his townhouse sits, and that the individual owners in each cluster of 4 would collectively own the surrounding common area specific to their cluster. Mr. Kopeck said that is correct.

If not, then how will the lotominium area be differentiated from the common open space in terms of the lotominium regime, as well as practical, day-to-day matters? Mr. Di Giacomo stated that due to the above statement, this question is moot.

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.\(^\text{15}\)

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 100-year floodplain boundary needs to be more clearly labeled. As is, there are several lines that could the 100-year floodplain boundary. The use of a legend would help.

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. Why hasn’t the Buffer been expanded in the area of proposed Lots 34-36? Mr. Kopeck said they are waiting to get topo on that area to determine where the buffer is going to be.

A 25’ buffer is required around all non-tidal wetlands and intermittent streams present. Permits are required from the (US Army) Corps of Engineers and MDE for all non-tidal wetland and stream impacts prior to recordation. JD’s are required in conjunction with permitting. If no permits are required, and if the proposed project meets the policy standards established on 3/20/95 and revised on 1/16/96, or if the FSD/Conceptual Environmental Assessment finds that there are to be no impacts to field-delineated wetlands or stream impacts, or if the FSD/Conceptual Environmental Assessment finds that there are no wetlands or streams and that finding is consistent with the details of County wetlands maps and USGS quad maps, then no JD is required. If required, a JD is recommended to be done prior to Final Plat review by the Planning Commission.\(^\text{16}\) If required, a JD is recommended to be completed prior to recordation.

---

\(^\text{15}\) 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.”

\(^\text{16}\) Per the Planning Commission’s policy, established on 3/20/95 and revised on 1/16/96, so long as the wetlands are in the common open space or the forest retention area or the large lot, a JD need not be done.
The habitats of any rare, threatened, and endangered species must be avoided. The concentric protective zones associated with the bald eagle’s nest on the adjacent property have been shown.

15% common open space is required. This appears to exceed that requirement, but the no “common open space” is shown or referenced and no acreages have been provided. In addition, the sensitive areas common open space percentages will need to be calculated. At a minimum, 15% of the required open space shall not consist of perennial or intermittent stream buffers, nontidal wetlands or buffers, steep slopes, or habitats of rare, threatened and endangered species. No more than 40% of the common open space required shall consist of those areas designated as nontidal or tidal wetlands. The C.O.S. sensitive areas thresholds must be calculated for inclusion on the Preliminary Plat.

The SR zone requires 20% landscaping (of the development envelope); 25%, in the MB zone.

Sidewalks are not recommended, to reduce impervious surfaces.

Bufferyard Standard C is required, outside the right-of-way, along the road frontage of Oldfield Point Road.

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.

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 Dept. of Natural Resources.

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

In the IDA, §199.4 mandates demonstration that Best Management Practices for stormwater assure a ten percent reduction of pre-development pollutant loadings. In a related matter, the clubhouse details, including required parking and impervious surfaces, must be included on the Preliminary Plat. Those items cited in §291 shall be required.

In the critical area, no structure shall exceed 35’ in height.

---

17 If seasonal perc tests are required, then that portion of the subsurface discharge area that is within a date-constrained protective zone could be problematic.
What is the status of the Environmental Assessment? Mr. Kopeck said they are waiting for the boundary and Topo to come back completed.

The Preliminary Environmental Assessment must be approved prior to Planning Commission review of the Preliminary Plat (§4.1.22(a)).

The final Environmental Assessment and Landscape Plan must be approved prior to Planning Commission’s 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.

No proposed lots appear to exceed §7.4.2’s 3:1 length-to-width ratio; however, the dimensions of proposed Lots 8-11 have not been provided, as required by §4.0.13(j).

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

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

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

The 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 W0 and S0. The Master Water and Sewer Plan must be amended to include this site prior to the Planning Commission’s review of the Final Plat.

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

All required final approvals or permits for the community water system must be provided by the applicant prior to the Planning Commission’s review of the Final Plat. Its details must be included on the Preliminary Plat, and all provisions of §175 must be satisfied.

All required final approvals or permits for the shared community sewer system must be provided by the applicant prior to the Planning Commission’s review of the Final Plat. Its details must be included on the Preliminary Plat, and all provisions of §175 must be satisfied.

---

18 The Conceptual Environmental Assessment must be approved prior to Planning Commission’s review of the Concept Plat (§4.0.13(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 for review by the Planning Commission the following month.

<table>
<thead>
<tr>
<th>School information:</th>
<th>Elementary</th>
<th>Middle</th>
<th>High School</th>
</tr>
</thead>
<tbody>
<tr>
<td>Elk Neck</td>
<td>417</td>
<td>826</td>
<td>1110</td>
</tr>
<tr>
<td>Capacity</td>
<td>479</td>
<td>712</td>
<td>1009</td>
</tr>
<tr>
<td>% Utilization</td>
<td>87%</td>
<td>116%</td>
<td>110%</td>
</tr>
</tbody>
</table>

Mr. Woodhull referred to number 13 of DPW’s comments. Mr. Woodhull stated that the department is not fond of the roundabouts proposed. The department would prefer to see this as a straight intersection. If the tank was located there, the department would allow for a pull off area. Mr. Kyte said it would need to support at least a 35,000 lb vehicle.

Mr. Kyte pointed out that the plat has (2) Lot 47s.

2. North East Commerce Center, LLC, Lot 2, Courtesy Review for the Town of North East, Site Plan, Center Drive, Frederick Ward Associates, Fifth Election District.

Betsy Vennell, Town of North East, Jan Vorji, Frederick Ward Associates and Brian Sheehan, representative for the developer appeared and presented an overview of the project. The intended use for this building is to be an office warehouse. Everything on the plat is existing at the present time. Mr. Sheehan stated this project has been brought before the TAC at the request of the Town of North East while trying to obtain a use of occupancy permit. Ms. Vennell stated the property has been vacant for some time. Whenever a building is vacant in the Town of North East, the project has to go through a site plan review. The Town would like to get on record what the applicants plan on doing. There has been many plans over the last several years for this building. It was thought to be a Chinese Exhibition Center that was going to occupy the building but that has changed. Phase 1 is going to be a warehouse, Phase 2 will be the exhibition center. Mr. Sheehan said they are here for an occupancy permit for the entire building for warehouse use. His client has secured a 300,000 sq. ft. building in the city of Baltimore for the exhibition center.

Mr. King, SHA, has no comments.

Mr. Kyte, FA, asked if the building would be equipped with a sprinkler system. Mr. Sheehan said yes. Mr. Kyte advised the applicant to discuss with the local fire department whether the fire hydrants are properly located.

Mr. Brown, CCSCS, provided the applicant with soil reports and maps. See file.

Mr. Tilley, MDE, read the comments of the department.
Mrs. Latham, MDE asked if this project will have town water. Ms. Vennell said yes. Mrs. Latham stated that since the project has public water, a GAP or an exemption for final plat is not required.

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

Mr. Woodhull, DPW, read the comments of the department:
1. The Department understands that the Town of North East owns Center Drive, Lums Road, and the water distribution system servicing this site. As such, the CCDPW will only review any SWM plan associated with this development.
2. Is any change to the existing site impervious cover proposed? There is no change in the existing building. If no new impervious area is created by this site plan there should be no need for additional SWM. The SWM for the existing impervious area is addressed by two ponds located to the east of the existing building.
3. What type of traffic loading will your proposal generate? Mr. Sheehan said 15 to 20 trucks a day.
4. What number of employees do you foresee with this site? Mr. Sheehan said around 50 to 100 employees depending on the shifts. Sanitary sewer connection already exists at this facility and as long as the sewer flow does not exceed the existing allocation.

Mr. Di Giacomo stated that the Citizen’s Representative had received no comments on this project.

Mr. Di Giacomo, P&Z, read the comments of the department:
As a courtesy to the Towns in the County, the TAC from time to time reviews subdivision proposals and site plans – such as this.

OPZ’s comments/questions are as follows:

- It should be confirmed that the Town’s Zoning Ordinance permits this proposed uses in the HI zone.
- Per Note # 1, no improvements are proposed, and all the improvements shown were previously approved by the Town’s Planning Commission on 8/26/96 and 2/24/99. Therefore, consistency with the Town’s Zoning Ordinance, Subdivision Regulations, and all other pertinent codes and regulations is assumed.
- Therefore, it should be confirmed whether or not the Town’s Zoning Ordinance and Subdivision Regulations have changed since the 8/26/96 and 2/24/99 approvals and subsequent construction.
- Why is the number of parking spaces provided almost triple the number actually required, and do the Town’s regulations specify a maximum number, as well as a minimum? Ms. Vennell said not typically for a warehouse.
- A new use that would trigger a significant increase in the number and/or the types and/or the frequency of visits of vehicles would reasonably demand and a new, detailed vehicular/pedestrian circulation and access plan be submitted for the parking area. Potential pedestrian-vehicle safety conflicts should be identified. MUTCD signage, other traffic control devices, and striping should be considered.
• In conjunction with the circulation and access plan, how will trash be disposed of, and from where? Any dumpster locations should be clearly shown, and any resultant, potential traffic flow conflicts should be identified and corrected.

• Similarly, the lighting plan (the details of which are not shown) should be checked for its adequacy, given the proposed new use.

• If the traffic generated by the new use is significantly greater than here fore, then it is recommended that a new Traffic Impact Study be completed and its recommendations accepted or agreed to prior to final site plan approval. Traffic volumes have increased since the 8/26/96 and 2/24/99 approvals.

• It should be confirmed whether or not this proposal is exempt from the Forest Conservation Regulations. 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 change in signage is consistent with the requirements of the Town’s Zoning Ordinance for the HI zone. (See General Note # 9.)

• 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. Visibility and easy accessibility are the keys to good hydrant location, which are not easily discernable on this submittal.

• Some of the “height, area, and bulk” information is curious. It should be confirmed that building heights are actually required to be 75’. If so, will a Variance be required?

• It is recommended that all/any required variance numbers be shown on the approved site plan.

• The parking requirement information indicates that 10 loading docks are required, but 71 are proposed. Are the 71 proposed actually in existence, or would that be a real increase of 61 loading docks? Ms. Vennell said they are in existence.

• Water allocation must be confirmed by the Town of North East prior to final site plan approval.

• Sewer allocation must be confirmed by the Cecil County Department of Public Works prior to final site plan approval.

• The water and sewer flows proposed are significantly lower than those approved. Does that represent a reduction from the previous use’s respective flows? Mr. Sheehan said it is less impact.

• The approved (1999) fire flow of 1,775 GPM is higher than the possible 1,500 GPM low end cited for a possible range, cited in a note. How will that discrepancy, or deficit, be resolved? This is a miscalculation from 1999. The engineer is looking into it.

Mr. Kyte asked that reflective signage be placed where the standpipe for the sprinkler system is located.
3. The Mews at North East Creek, Lots 1-204, Mechanics Valley Road, Revised Preliminary Plat, McCrone, Inc., Fifth Election District.

Donnie Sutton and David Strauss, McCrone, Inc., and David Dodge appeared and presented an overview of the project. This plat is set to expire in May 2008. They are currently proceeding ahead with the engineering design, which has been submitted to DPW, but with that, modifications had to be made to the road layout. This plat presented shows the changes made to the plan.

Mr. Di Giacomo read the comments for SHA. See attached.

Mr. Kyte, FA, advised the applicant to check with the local fire company as to proper placement of the fire hydrants. Mr. Kyte asked if there will be on-street parking allowed. Mr. Strauss said these roads will be curb and gutter roads with on street parking. Mr. Kyte asked if the streets are 30 ft wide. Mr. Strauss said the streets meet the county code for public roads. Lastly, Mr. Kyte asked that they mark the roads with road signs during construction.

Mr. Brown, CCSCS, provided the applicant with soil maps and reports. See file for full comments.

Mr. Tilley, MDE, read the comments of the department.

Mrs. Latham, MDE, stated a GAP would not be required if the subdivision will be serviced by public water.

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

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. 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, Sanitary Sewer plan and a Mass and Final Grading plan must be approved by the CCDPW prior to submittal for Final Plat Approval. The Final Plat must include the Lot Grading Plan standard note and a note indicating that sidewalk maintenance will be required of the adjacent property owner (if sidewalks are required). The Lot Grading Plan must include the standard construction limits note. These notes will be identified in the record but will not be read at this time.

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

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

   Grading Plan: “No clearing or grading is permitted beyond the limits of disturbance show hereon. Any expanded clearing and/or grading in the absence of an approved revised lot grading plan may be considered non-compliance with Chapter 251 of the Cecil County Code and either or both the developer and/or Builder may be subject to the enforcement of the penalty provisions therein.”
3. The downstream conveyance of storm water must be analyzed in accordance with Section 251-9 A. (5) of the county’s SWM Ordinance.

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

5. What is proposed at the storm drain outfall behind Lot 42? Mr. Woodhull requests this area be labeled.

6. Clearly identify the extent of the proposed SWM facilities located adjacent to Lot 62 and the Futy property.

7. You must place a note on the plat identifying the easement running through the rear of Lots 90-99 as a private drainage easement belonging to the HOA.

8. The plan is confusing in regards to identifying the boundaries of the proposed SWM inspection & maintenance (I&M) easements. All I&M easements need to be made clearer on the plat brought to the Planning Commission for review.

9. Identify the road grades for Mews Drive and West Court.

10. Final sight distance measurements along Mechanics Valley Road must be confirmed by the engineer as part to the offsite Road Improvements Plan engineering which must precede final plat submittal for Planning Commission review.

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

12. Construction entrance for Phase Two improvements should be South Falls Drive or from Mechanics Valley Road. This requirement is intended to minimize construction traffic impact to the community area of phase one development. Phase Three construction entrance should be at the Mechanics Valley Road entrance, with the intent to minimize phase three construction traffic impact on existing portions of the phase one and two community development.

13. The Department recommends that the Planning Commission condition their approval of Phase One final plat on the applicant having obtained the stream crossing permits for the entire subdivision layout.

14. All lots must front Minor Roads wherever possible.

15. All driveways must be paved at least to the right of way and those accessing Valley Vista Drive, Vista Creek Drive, and South Falls Drive, must be provided with on-lot turnaround capability (on the final lot grading plan). The driveway paving must be complete for all lots at the time when the surface course for the internal roads is installed. This requirement includes any vacant but platted lots. Any driveway exceeding 5% up-gradient-slope from the roadway must be paved to the crest. If the development is phased these requirements will apply to each phase when 80% of the lots are built-out. All of these requirements must be reflected on the Lot Grading Plan.

16. Lot frontage dimensions dictate that closed section road is used. Modified curb and gutter may be used internally, but standard curb will be required for the entrance(s) from at least the curb return PCs.

17. The village greens, proposed with this layout, require some type of decorative barrier, to separate the active recreation and/or tot lot usage from traffic lanes. The barrier is to be installed along their road frontages and maintained by the homeowner’s association.

18. Has the TIS been revised to address the existence of a second entrance into the development and how this impacts internal traffic distribution as well as trip distribution onto Mechanics Valley Road and U.S. Route 40?

19. A Road Condition Survey, as identified in the Department’s Road Code Guidance Manual, is required for Mechanics Valley Road from 250’ north of the entrance to the Maryland SHA owned part of the intersection with U.S. Route 40. The applicant’s engineer submitted a condition survey
and an initial road improvements proposal to the Department on May 5, 2005, with a subsequent addendum on July 8, 2005. The initial proposal is generally acceptable, but will remain subject to final engineering and departmental approval of the final proposal. We recommend planning commission condition their approval of this preliminary plat on the applicant providing offsite road improvements as identified by the department of public works, pursuant to satisfying the provisions of 2.7.1 of the subdivision regulations. The applicant will be responsible for all necessary right-of-way acquisition at their cost.

20. Engineering and plans for the phase three Mechanics Valley Road entrance and offsite road improvements must be complete and approvable to the Department of Public Works prior to phase two and/or phase three record plat approval by the department. The plan must address the acceleration, deceleration, and bypass lane requirements of the Cecil County Road Code.

21. The TIS identifies deficient guardrail at Mechanics Valley and Bouchelle road which must be upgraded and replaced as part of the offsite road improvements required of the Developer. Additionally, the engineer must incorporate the TIS improvement recommendations into the overall offsite road improvements proposal for Mechanics Valley Road.

22. The Route 40 pumping station is currently being upgraded and when complete will provide the required sewer service for this development. Completion is scheduled for July 2008.

23. The Department recommends that the Town require a PWA for the water lines and all water line easements required must be reflected on the final plat.

24. The County will require PWAs for the internal streets & storm drains and sanitary sewer work as well as an I&M Agreement for all SWM facilities.

25. What is the status of the AT&T easement relocation and removal of any existing conduit within the easement? Mr. Sutton said they are waiting for the comments from AT&T. The new easement layout along Vista Creek Drive, South Falls Drive, and Mechanics Court appears to conflict with intended county utility structures and future sidewalk alignment. Has AT&T indicated their intended use and restrictions for this easement? As proposed the easement crosses a great number of water & sewer house connections and service mains as well as storm drains. Provide copies of the AT&T relocation agreement to the County for review and acceptance prior to final plat recordation. The agreement must clearly spell out that these utilities are allowed in their easement.

26. What is the status of your public water allocation request with the Town of North East? Mr. Dodge said they have signed an agreement with the town. The town will have their subcontractor look into the appropriation, etc.

Mr. Brown, SCS, asked Mr. Woodhull if the department was recommending denial of access to phase 2 until phase 1 has been developed. Mr. Woodhull said the phase 2 construction would come in on South Falls.

Mr. Whittie, DPW, said he would like to see the issue with AT&T resolved prior to them signing off on the roads plan.

Mr. Di Giacomo stated that the citizen’s representative did not receive any comments regarding this plat.

Mr. Di Giacomo, P&Z, read the comments of the department:
This project is in compliance with §3.8 and §3.9.1 regarding public notification.
With regard to the posting of plats on the County’s website, notice is hereby given the jpg file submissions can be only 11 inches, maximum, in any direction. Adherence to that requirement will enable the County to better serve the public.

Zoning: SR

The Concept Plat, proposing 205 lots on 171.0 acres, for a proposed density of 1.2/1, was approved on 12/20/04, conditioned on:

1) A JD being completed prior to the Planning Commission’s review of the Preliminary Plat;
2) The Bufferyard C requirement on Mechanics Valley Road being modified to accommodate sight distance issues;
3) The TIS being updated prior to the TAC’s review of the Preliminary Plat;
4) The monumental boulevard entrance configuration being extended back to Valley Vista Drive;
5) The current four stream crossing permits for Phase 1 being submitted to DPW prior to Final Plat review; and
6) Protective fencing being constructed to prohibit pedestrian access to the railroad.

The Preliminary Plat, proposing 204 lots on 170.66 acres, was approved on 7/18/05, conditioned on:

1) Health Department requirements being met;
2) DPW requirements being met;
3) Verification of sewer allocation being received from DPW prior to final plat review;
4) Verifications of water allocation being obtained the Town of North East prior to Final Plat review;
5) The easement re-alignment agreement with AT&T being executed prior to final plat review;
6) The easement for a future greenway in the common open space being shown on the final plat; and
7) The access road to Guiberson and tract 2 being relocated or joint access easement being established on the final plat.

§4.1.17 provides that Preliminary Plats shall be valid for two years from date of approval. Therefore, per §4.1.18, the Planning Commission granted a 1-year extension on 5/21/07, which will expire on 5/21/08.

This revised Preliminary Plat still proposes 204 lots with a slightly different layout. Since the density has not changed and the design is largely the same, a revised Concept Plat does not need to be approved.

The boundary line survey has been completed.

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.19

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’.

---

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

The JD has been completed.

The common open space sensitive areas thresholds calculations have again be included on the Preliminary Plat.20

Tracts 2 and 3 are shown as “to be retained by owner.” The Area Tables on sheets 2 and 3 both include proposed Lot 19. That is potentially confusing.

Consideration should be given to exploring possible greenway and hiking trail linkages, especially in the open space along the Northeast Creek. Such linkages could include the East Coast Greenway and the Mason Dixon Trail.

The Comprehensive Plan identifies a greenway along the Little Northeast Creek. In accordance with §’s 178.2 and 182 of the Zoning Ordinance, land proposed as open space along the Little Northeast Creek should be set aside as an access easement or fee simple dedication. The plat shows a “possible future greenway trail.”

Protective fencing is recommended around the stormwater management areas – especially those near designated recreation areas. Such protective fencing should be included in the Public Works Agreement.

With respect to those recreation areas, if playground equipment is proposed, then it, too, must be included in the Public Works Agreement.

Note #11 indicates that the AT&T easement will be relocated to align with proposed roads. Documentation of all necessary easement agreements with AT&T will be required prior to the Planning Commission’s review of any Final Plat.

The details of sheet 3 reveal that the driveway to the residence on the adjacent lands of Guiberson is partially situated on proposed common open space. A Final Plat with that configuration might not be approved. Why didn’t the revision rectify that lingering issue? Mr. Sutton said the ROW is an existing ROW and the issue is the paving is there. It is an ownership issue.

20% landscaping of the development envelope is required in the SR zone. Sidewalks are recommended on at least one side of all internal roads, the names of which all have been approved.

Bufferyard Standard C is required, outside the right-of-way, along the frontages on Mechanics Valley Road and the Pulaski Highway.

Note #17 indicates that a waiver of the Bufferyard C requirement is being requested. This relates to sight distance issues, and that modification was already granted by the Planning Commission as part of the Concept Plat approval.

---

20 At a minimum, 15% of the required open space shall not consist of perennial or intermittent stream buffers, nontidal wetlands or buffers, steep slopes, or habitats of rare, threatened and endangered species. No more than 40% of the common open space required shall consist of those areas designated as nontidal or tidal wetlands.
Rows of street trees are required with a 10’ planting easement, outside the right-of-way, along both sides of all internal roads. Why haven’t they been depicted? Mr. Sutton said they were noted, not depicted. Where feasible, the natural vegetative equivalent may be used to satisfy the buffeyard 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 12/5/03. The site is not home to any rare, threatened, or endangered species.

The PFCP was approved on 5/12/05.

What steps have been taken to ensure that the proposed new layout and those of the approved PFCP match up? The details of the FCP and the Final Plat must match up. Mr. Sutton said they have not submitted a revised PFCP.

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 record plat.

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

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

The Master Water & Sewer Plan includes this site as W2 and S3.

Written verifications of sewer and water allocation must be obtained from DPW and the Town of North East, respectively, prior to Final Plat review by the Planning Commission.

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

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

A revised TIS recognizing the second entrance reiterated the recommendations contained in the first TIS.21

This plat generally satisfies the §4.1.22 (r) tabular requirements.

---

21 The original TIS was updated to reflect a proposed reduction in the number of lots and the boulevard-style entranceway. The original TIS revealed that the proposed 216-lot development would create a level of service (LOS) at the US 40/Mechanics Valley Road intersection below what the Comprehensive Plan deems acceptable for this area. In addition, the TIS recommended that “the developer pursue the construction of an additional southbound lane along Mechanics Valley Road. This additional lane would allow for an exclusive left turn lane and one shared thru and right turn lane.” The updated TIS, dated June 2004, concluded that:
- The key intersections and road section will continue to operate at acceptable LOS;
- The Mechanics Valley Road link “appears not to be overloaded from a traffic volume standpoint,” but that edge marking of 10.5’ travel lanes would benefit nighttime visibility and tend to calm traffic;
- The intersection of Mechanics Valley and Bouchelle Roads could be improved with enhanced signage, a new guardrail, and possibly new “intersection lighting.”
Previous comments received from the North East Fire Company expressed concerns about only one access point – now moot. In addition, there was concern regarding the availability of placement of hydrants. Mr. Strauss said the water plans have been submitted as well as the fire hydrant locations.

Fire hydrant/standpipe locations have been shown on the Preliminary Plat.

The applicant was reminded of the 4:30 p.m. submission deadline on the 3rd Thursday for review by the Planning Commission the following month. The approval of this revised Preliminary Plat will extend Preliminary Plat approval for another 2 years, per §4.1.17.

<table>
<thead>
<tr>
<th>School information:</th>
<th>Elementary</th>
<th>Middle</th>
<th>High School</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Leeds</td>
<td>North East</td>
<td>North East</td>
</tr>
<tr>
<td>FTE</td>
<td>385</td>
<td>826</td>
<td>1110</td>
</tr>
<tr>
<td>Capacity</td>
<td>364</td>
<td>712</td>
<td>1009</td>
</tr>
<tr>
<td>% Utilization</td>
<td>106%</td>
<td>116%</td>
<td>110%</td>
</tr>
</tbody>
</table>

Mr. Woodhull requested that the applicant show the course main locations on the plat versus just standard SS lines.

4. The Lands of Blue Ball investment Group, LLC, Lots 1-4, Blue Ball Road and MD Rte. 273, Preliminary Plat, McCrone, Inc., Ninth Election District.

Donnie Sutton and David Strauss, McCrone, Inc., appeared and presented an overview of the project. The owners did not feel the market could support one large commercial business so they decided to subdivide the land into four lots that can then be marketed to other developers.

Mr. Di Giacomo read the comments of SHA. See attached.

Mr. Kyte, FA, asked if a loop road would be put in. Mr. Strauss said there will be cross access agreements that as the parking lots get developed there will be connections between the lots. Mr. Kyte also asked if there would be sprinklers. Mr. Strauss said they are not sure because they do not have tenants yet. That will be addressed at site plan stage.

Mr. Brown, CCSCS, provided the applicant with soil maps and reports. See file.

Mr. Tilley, MDE, read the comments of the department. See file.

Mrs. Latham, MDE, said she will have to talk to her managers regarding this project. She advised the applicant to submit an application for a GAP. If it is not warranted than the applicant will be advised by MDE.

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

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. The proposed entrance for Lot 2 onto Blueball Road is unacceptable to the Department. It is to close to the intersection with MD Route 273 and is shown coming out in the right turn lane installed for Mendenhall Square.
3. The proposed lot configuration may need to be revised as only one access point onto Blueball Road appears practical. Lots 1 & 2 will have to share a common entrance with the layout as it is.

4. Was any consideration given to using an internal access common to all four lots? Each lot will give continuation to the next lot.

5. We will require a traffic impact study for this development. Its major objective must be to determine the traffic loading generated by this development. Particular interest must be paid to the issue of left turn stacking on Blueball Road waiting to enter this site. Mr. Strauss said right now they are only proposing a subdivision, they do not know what is going on the property. It would be hard to put numbers on a TIS if they do not know what type of business will be there. Mr. Woodhull said it will be equally difficult for the department to determine where the access should be for the same reasoning. Mr. Di Giacomo stated that when the applicants present this to the Planning Commission, they will want specific answers to this issue. Mr. Whittie said he does not want to see an approved entrance location that is based on nothing.

6. Requirements for acceleration, deceleration and bypass lanes apply to any/all entrances proposed onto Blueball Road.

7. How do you intend to address SWM for these lots? Mr. Strauss said they will be using the existing pond. If you intend to use the existing SWM pond located on the west side of the site you must verify that the pond was designed and built to accommodate runoff from this site.

8. Preliminary plats must show storm water conveyance and SWM easements. These must be on the plat presented to the Planning Commission for review.

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.
   9.3 Requirements for Stormwater Inspection and Maintenance Agreements.
   9.4 Requirements for Public Works Agreements.
   9.5 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 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 Blueball 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. Di Giacomo stated that there were no comments from the Citizen’s Representative.
Mr. Di Giacomo, P&Z, read the comments of the department:
This proposal is in compliance with §3.8 & 3.9.1 regarding public notification.

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

Zoning: BG

§4.0.1 of the Subdivision Regulations allows for the elimination of a Concept Plat for subdivisions consisting of fewer than 10 lots and fewer than 25 acres. As §2.0 allows for a combined Preliminary-Final Plat if between 1 and 5 lots are proposed, why hasn’t a Preliminary-Final Plat been submitted? Mr. Sutton said they knew they were going to have to deal with the FCP. The current FSD covers the entire property and it is good through May 2008.

This was the BG-zoned portion of the Mendenhall Square site, the Concept Plat approval\(^{22}\) for which included the waiver of the Bufferyard C requirement along MD 273 in favor of a Bufferyard C between the BG zone and the NAR zone on site.

The Phase 1 Preliminary Plat’s approval\(^{23}\) was conditioned on a pedestrian access being designed into the plat from the residential to the commercial portion of the property. How does this layout accommodate that pedestrian access? Mr. Sutton said he would check on it.

The Phase 1 Final Plat\(^{24}\) was approved on 4/18/05, conditioned on:
1) Health Dept. requirements being met;
2) DPW requirements being met;
3) The Landscape Agreement being executed prior to recordation;
4) Deed restrictions for the long-term protection of the Forest Retention/Afforestation Areas (FRAs) being recorded and noted on the plat prior to recordation, with the metes and bounds description of the FRA being shown on the record plat;
5) Covenants prohibiting the subdivision of the large lot being recorded and noted on the plat prior to recordation;
6) A Homeowners’ Association for maintenance of common open space being established with $50 per recorded lot placed in escrow for improvements prior to recordation;

\(^{22}\) The Concept Plat (31 plus 4 minor lots on 94.2 acres, for a proposed density of 1/3.039) was approved on 7/21/03, conditioned on:
1) A boundary line survey being complete prior to the TAC’s review of the Preliminary Plat;
2) A JD being completed prior to the Planning Commission’s review of the Preliminary Plat;
3) All proposed lots other than 34 & 35 having access off the internal roads;
4) The proposed Blackborne Drive entrance aligning directly with Blue Ball Village Drive;
5) A TIS with signal warrant analysis for the Blue Ball Road/MD 273 intersection being complete prior to the TAC review of the Preliminary Plat;
6) Lot 34’s Bufferyard C requirement along Blue Ball Road and the street tree requirement along Blackborne Drive being waived in favor of a rear Bufferyard B and a row of pines along the side lot lines;
7) A setback modification being granted for the existing building on proposed Lot 34;
8) The Bufferyard C requirement along MD 273 being waived and a Bufferyard C being provided between the BG zone and the NAR zone; and
9) Dry hydrants or a drafting tank being discussed with the Rising Sun Fire Company and a report being made to the Planning Commission with the Preliminary Plat.

\(^{23}\) The Phase 1 Preliminary Plat was approved on 6/21/04, conditioned on:
1) Health Dept. requirements being met;
2) DPW requirements being met;
3) The TIS recommendations being agreed to by the County and SHA;
4) The FCP and Landscape Plan being approved prior to Final Plat review;
5) The FRAs being depicted on the plat, and the details of the FCP, Landscape Plan, and Final Plat matching up;
6) The inclusion of a 30,000 gallon drafting tank in the final design; and
7) Pedestrian access being designed into the plat from the residential to the commercial portion of the property.

\(^{24}\) For Lots 1-16, 21-31 & 33-35.
The contiguous operating farms notice being included on the Record Plat;
8) The Record Plat showing the location of the 30,000 gallon drafting tank; and
9) The connecting pedestrian path being shown on the Record Plat.

The Concept Plat was re-approved on 10/17/05, conditioned on:
1) All previous and now-pertinent conditions of approval remaining in full effect.

The Phase 2 Preliminary Plat was approved on 2/21/06, conditioned on:
1) Health Dept. requirements being met;
2) DPW requirements being met;
3) The TIS recommendations being agreed to by the County and SHA;
4) The FCP and Landscape Plan being approved prior to Final Plat review;
5) The FRAs being depicted on the Final Plat, and the details of the FCP, Landscape Plan, and
   Final Plat matching up;
6) The contiguous operating farms notice being included on the Final and Record Plats; and
7) Owner, deed reference, and tax map & parcel information being updated on the Final and
   Record Plats.

The Phase 2 Final Plat was approved on 4/17/06 conditioned on:
1) Health Dept. requirements being met;
2) DPW requirements being met;
3) The TIS recommendations being agreed to by the County and SHA;
4) A Landscape Agreement being executed prior to recordation;
5) Deed restrictions for the long-term protection of the street trees being recorded and again
   noted on the plat prior to recordation;
6) The Record Plat depicting and noting the 10’ street tree planting easement;
7) Deed reference, tax map and parcel number information have not being included on the
   Record Plat;
8) The contiguous operating farms notice again being included on the Record Plats;
9) The correct Election District being cited on all sheets of the Record Plat; and
10) The Owner’s and Surveyor’s Certificates being signed, respectively, on the Record Plats.

Density: The BG zone sets no density limitations, per se.

The development of the individual lots must proceed through the site plan process, per §291 and §32,
and pedestrian access to Phase 1 must be provided. The issuance of building permits will be
contingent upon site plan approvals.

Has the boundary line survey been completed? Mr. Sutton said yes.

How will proposed Lot 4 be accessed? Mr. Sutton said this is allowed through §171.4 in the BG
zoning.

How will this layout comply with §171.3 and §171.4?

Why doesn’t this layout include a common entrance for all lots, consistent with §7.2.12.F?

When the Phase 2 Preliminary Plat, consisting of proposed Lots 17-20, 29, & 32, was reviewed by the TAC on 10/0/05, it was discovered
that the Concept Plat approval had lapsed.
Why is the proposed entrance for proposed Lot 2 so close to the MD 273 intersection? DPW would like this removed.

How is this layout consistent with §’s 7.2.1, 7.2.4, 7.2.5, and 7.2.8?

Are there individual sites plans in the works that led to this layout?

Structures 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. 26

Slopes greater than 25% must be shown on the Preliminary Plat. Are there any? Mr. Sutton said no.

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

A 25’ buffer is required around all non-tidal wetlands and intermittent streams present. Permits are required from the (US Army) Corps of Engineers and MDE for all non-tidal wetland and stream impacts prior to recordation. JD’s are required in conjunction with permitting. If no permits are required, and if the proposed project meets the policy standards established on 3/20/95 and revised on 1/16/96, or if the FSD/Conceptual Environmental Assessment finds that there are to be no impacts to field-delineated wetlands or stream impacts, or if the FSD/Conceptual Environmental Assessment finds that there are no wetlands or streams and that finding is consistent with the details of County wetlands maps and USGS quad maps, then no JD is required. If required, a JD is recommended to be done prior to Final Plat review by the Planning Commission. 27 If required, a JD is required to be completed prior to recordation. Mr. Di Giacomo said if this gets approved and recorded, if the site plans require modifications, the applicant would have to do a modified record plat. Mr. Sutton said he understands.

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

No common open space is required, unless it’s used to accommodate SWM facilities.

Landscaping of the development envelopes will be addressed in conjunction with the site plan approvals.

Bufferyard Standard C is required, outside the right-of-way, along the road frontages of MD 273 and Blueball Road.

The adjacent properties’ zoning has not been shown.

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

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

26 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.”

27 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 Forest Stand Delineation (FSD) must be approved prior to Planning Commission review of the Concept Plat (§5.1.C, Cecil County Forest Conservation Regulations). Mr. Di Giacomo asked if it was a blanket FSD for the entire property. Mr. Sutton said according to Amanda Gordon in P&Z it is. Mr. Di Giacomo reminded the applicant that the FSD do expire after 5 years.

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.

2 of the 4 proposed lots are panhandles.

The applicant was reminded of the 4:30 p.m. submission deadline on the 3rd Thursday for review by the Planning Commission the following month.

Mr. Whittie expressed his concern about approving a plat without an exact entrance based on one use. Then when the next business is proposed another TIS will be required. This process will continue through all 4 lots. In theory, there could be an entrance that continually moves. Discussion ensued regarding the possible issues that will come with approving a plan without knowing specifics.

5. Lands of Herschell B. Claggett, Sr., Lots 4-6, Glebe Road, Preliminary Plat, Michael Scott, Inc., First Election District.

Michael Scott, Surveyor and Herschell Claggett, Sr., owner appeared and presented an overview of the project. Mr. Claggett stated that this land is in an Eastern Shore Land Conservancy easement which limits it to three primary residences

Mr. Di Giacomo stated that SHA did not have any comments on this project.

Mr. Di Giacomo stated that the Fireman’s Association representative had no comments on this project.

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

Mr. Tilley, MDE, asked if there would be any road widening. Mr. Claggett said it is an existing road that basically meets the criteria for a minor road/ mini road. They do not anticipate anything other than the entrance and widening the cul-de-sac 8ft. Mr. Tilley asked if there were any impacts to tidal wetlands or nontidal wetlands. Mr. Claggett said no. Also, the proposed dwellings, there seems to be clear access to those dwellings without impacting any nontidal wetlands.

Mrs. Latham, MDE, stated that this project does not need a GAP or an exemption.
Mr. White, DEH, read the comments of the department. See attached.

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

1. A SWM plan, a Mass & Final Grading plan, and 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. Identify the private mini road ROW as 36’ wide on the plat before presenting to the Planning Commission for preliminary plat approval.

3. Section 3.07.15 of the Road Code applies to the entrance for the proposed private mini road. 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. Mr. Claggett asked if they have to do anything else or to just say that it is adequate. Mr. Whittie said that the department is requiring the applicant to take a look at it and not just say it is adequate. If there is problems, they will need to be addressed.

4. The Department of Public Works has issued a Road Code Variance to the requirement for acceleration/deceleration lanes.

5. The preliminary plat must show the extent of road improvements to Glebe Road, which is 100’, either side of the point of intersection of Glebe Road and the proposed private mini road.

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.
6.3 Requirements for Utility relocations.
6.4 Requirements for Public Works Agreements.
6.5 Requirements for Stormwater Inspection and Maintenance Agreements.
6.6 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. Di Giacomo stated that the Citizen’s Representative received comments from Ed McCarren. Mr. McCarren’s comments stated the right of way proposed now has a hole next to the road to drain water. He asked, if the proposal failed before, how could they still plan to build three more houses. Also, see drawing at Glebe Road and proposed right of way. It is impossible to make a left out of the property. The state put a spike across Glebe road and dug a hole to stop erosion at iron rod set. See file.

Mr. Di Giacomo, P&Z, read the comments of the department:
This proposal is in compliance with §3.8 and §3.9.1 regarding public notification.28

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, RCA

Density: This Concept Plat, proposing 3 lots29 on 209.3 acres, for a proposed density of 1/69.77,30 was approved on 8/20/07, 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; and
3) The PFCP/Environmental Assessment being completed prior to Preliminary Plat review by the Planning Commission.

It is unclear why a signature block has been included on this Preliminary Plat. 78.2 acres are in the Critical Area’s RCA designation, which also carries a density of 1/20. The proposed RCA density is 1/26.07.

Subsequently, on 12/20/07 a deed of conservation easement was made between Herschell B. Claggett, Sr. and the ESLC for that property and recorded (WLB 2449/399). How does that recorded easement affect this proposal?

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 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.

---

28 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.
29 Minor Subdivision #3682, Pegasas Farms LLC (m52, p487) was approved on 5/31/07; thus, there currently exists no more minor subdivision potential.
30 The SAR zone permits a maximum base density of 1 du/ 20 ac.
The plat has been signed and sealed; has the boundary line survey been completed? Mr. Scott said yes.

§4.1.22 (r) requires, in table form, the number and areas of lots, density, right-of-way and total area of the subdivision. As submitted, the Planning Commission members would have to calculate that the proposed mini-road is 4.867 acres.

§4.1.22 (a) requires an index sheet when more than one plat sheet is required.

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.31

Slopes greater than 25% have been shown.

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. JD’s are required in conjunction with permitting. If no permits are required, and if the proposed project meets the policy standards established on 3/20/95 and revised on 1/16/96, or if the FSD/Conceptual Environmental Assessment finds that there are to be no impacts to field-delineated wetlands or stream impacts, or if the FSD/Conceptual Environmental Assessment finds that there are no wetlands or streams and that finding is consistent with the details of County wetlands maps and USGS quad maps, then no JD is required. If required, a JD is recommended to be done prior to Final Plat review by the Planning Commission.32 If required, a JD is required to be completed prior to recordation. These new requirement of the Corps of Engineers supersede the second condition of Concept Plat approval.

Per the Natural Heritage Letter, no rare, threatened, or endangered species exit onsite.33 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.34

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

---

31 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.”

32 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.

33 The site may contain FIDS habitat, and the adjacent open waters are known as historic waterfowl concentration areas.

34 Per §187.2, the Planning Commission may require bufferyards to separate different zoning districts from one another.
Where feasible, the natural vegetative equivalent may be used to satisfy any bufferyard requirements.

The FSD was approved, with conditions, on 8/16/07. An Environmental Assessment has been submitted in accordance with §200.1.

The PFCP & Prelim. EA must be approved prior to Planning Commission’s review of the Preliminary Plat (§6.2.B(1), Cecil County Forest Conservation Regulations).

The FCP, EA and Landscape Plan must be approved prior to Planning Commission’s 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.

A Mini-road Maintenance Association for maintenance of the mini road must be established prior to recordation.

The 3/4/08 CBCAC staff comments, a copy of which has been provided to the applicant, must be thoroughly addressed prior to proceeding to the Planning Commission.

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 for review by the Planning Commission the following month.

<table>
<thead>
<tr>
<th>School information:</th>
<th>Elementary</th>
<th>Middle</th>
<th>High School</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Cecilton</td>
<td>Bo Manor</td>
<td>Bo Manor</td>
</tr>
<tr>
<td>FTE</td>
<td>306</td>
<td>513</td>
<td>717</td>
</tr>
<tr>
<td>Capacity</td>
<td>295</td>
<td>---------1244-----------</td>
<td></td>
</tr>
<tr>
<td>% Utilization</td>
<td>104%</td>
<td>99%</td>
<td>99%</td>
</tr>
</tbody>
</table>

The March TAC meeting adjourned at 12:10 p.m.

Respectfully submitted,

Jennifer Bakeoven

---

35 Per §5.1.C, Cecil County Forest Conservation Regulations. The condition was that the existing dwelling and two barns be removed prior to PFCP approval (Demolition Permit # H4495).
CECIL COUNTY TECHNICAL ADVISORY COMMITTEE
Wednesday April 2, 2008, 9:00 a.m.
County Administration Building
200 Chesapeake Blvd., Elk Room, Elkton, Maryland

Present: Sennstrom, Eric (CCP&Z), Woodhull, Mark (CCDPW), von Staden, Fred (DEH), Brown, Chris (CCSCS), Graham, Daniel (Citizen’s Representative), Meaders, David (FA), Latham, Cynthia (MDE), Tilley, James (MDE), Bakeoven, Jennifer (CCP&Z).

Absent: Cwiek, Philip (USCoE), Ouano, Jun (Delmarva Power), Kyte, Jim (FA), King, Butch (SHA), West, Janel (CCBoE), Di Giacomo, Tony (P&Z).

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

1) Lands of Jessie Ray Butcher, 1 Lot, Theodore Road, Preliminary / Final Plat, Will Whiteman Land Surveying, Inc., Fifth Election District.

Will Whiteman, Land Surveyor, appeared and presented an overview of the project. Mr. Whiteman stated that the purpose of this subdivision is to give a lot to Mr. Butcher’s daughter, Susan Almquist.

Mr. von Staden, DEH, read the comments of the department. Mr. von Staden withdrew his comment regarding the GAP pending comments from MDE. See attached.

Mr. Woodhull, DPW, read the comments of the department:
The SWM, Sanitary plans are technically complete. Besides the outstanding administrative issues the applicant must correct the general notes to include 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.”).

The Department of Public Works will not sign the record plat until these issues have been addressed to the satisfaction of the Department.

Mr. Tilley, MDE, Nontidal Wetlands and Waterways Division, had no comment.

Mrs. Latham, MDE, stated that normally her comment would be that a GAP is not needed for 1 lot but recently all the wording with the exemptions implies that an exemption is needed. Until this is straightened out, Mrs. Latham advised the applicant to submit for an exemption. She does not see it being a problem.

Mr. Brown, CCSCS, provided the applicant with soil maps and reports.

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

Mr. Meaders, FA, had no comment.
Mr. Sennstrom, P&Z, read the comments of the department:
This project is in conformance with the plat posting requirement of Article III, Section 3.8 of the Subdivision Regulations

Concept plat approval for this proposal was granted by the Planning Commission on 16 April 2007. The concept plat proposed one new lot and remaining lands on 10.314 acres for a density of 1 unit per 5.16 acres.

Article II, Section 2 of the Subdivision Regulations permit a preliminary/final plat for subdivisions of 1 to 5 lots.

The density and acreage table will need to be amended to reflect the density specified earlier.

The setbacks for the RR zone are 40’ front, 10’ side, and 40’ rear. Note number 4 in the notes column needs to be revised to reflect these setbacks.

The 40’ front setback will need to be shown from the internal lane.

The project is exempt under 3.2 K of the Cecil County Forest Conservation Regulations.

The shed encroaching into the side yard setback will need to be relocated out of the required yard prior to recordation.

Are any agricultural operations occurring on the Lands of Elsie Lewis Isaac to the east? Mr. Whiteman said no. If so, a 100’ setback and a bufferyard A must be provided and a landscape plan must be approved prior to final plat review.

No street trees, bufferyards, except for potential Bufferyard A, or common open space are required.

The boundary survey has been completed.

Pursuant to Article IV, Section 4.1.22(q), the percolation information needs to be added to the plat.

Who is Susan D. Holmes-Almquist and why was this survey prepared for her? Ms. Almquist is Mr. Butcher’s daughter.

Are any stormwater management facilities proposed for this project? Mr. Whiteman said there is a drainage easement. If so, they will need to be indicated on the plat.

Applicant was reminded of the Planning Commission submittal deadline of 17 April 2008 at 4:30 p.m., 16 copies are required.

Mr. Sennstrom stated that SHA had no objection to this approval. See file.

Mr. Sennstrom read the comments of Delmarva Power. See file.
Mr. Whiteman asked Mrs. Latham if the GAP exemption will have to be granted before the Final Plat review. Mrs. Latham recommended that the applicant send the exemption application in with a copy of the plat. She stated the worst thing that would happen is the applicant would get a letter stating that an exemption was not needed or they would just grant the exemption.

Mr. Whiteman asked Mr. Sennstrom to clarify his comment regarding changing the density. Mr. Sennstrom said, on the plat, under the acreage and density table it states the density is 1 lot per 5.17 acres. It should read 1 lot per 5.16 acres.

2. The Villages at Herron Lake, Parcels 3, 4, 6, 7, 8 and 9, Amended Preliminary Plat, Blue Ball, Marley and Zeitler Roads, Taylor Wiseman and Taylor, Third Election District.

Mike Pugh, Corridor Land Services, David Meiskin, owner and Bob McAnally, Taylor Wiseman and Taylor appeared and presented an overview of the project. Mr. Pugh stated that they have made a revision to the original approved Concept and Preliminary Plats. They are currently in the process of seeking a rezoning which would remove the former commercial area along the front of Blue Ball Road. They are requesting the zoning to change from BG to RM. They recognize this review is pending the approval of the rezoning. The revision is to flip the townhouses and the apartments from their original location to the new location. The number of units would not increase.

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

Mr. Woodhull, DPW, read the comments of the department:
1. A SWM plan, Road & Storm Drain plan, a Water Treatment and Distribution system plan, a Sewer Collection and Treatment 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. SWM ponds cannot be located within stream buffers, wetland buffers and/or the 100-year flood plain. Will Conectiv allow a SWM basin located within the monopole clear zone? The Department will not approve any SWM plans until we receive notification from Conectiv that they have approved all proposed impacts to their clear zone. Mr. McAnally said they will get a letter from Conectiv stating that they are in compliance.
3. How is potable water being provided for this development? Who will own the system? The previous submittal indicated an onsite water treatment plant & reservoir. Is this still being proposed? Mr. Meiskin stated that Artesian will be providing the water. As far as the tank, as part of the system, there will be a tank. It is not known yet whether it will be on site or not.
4. Who is proposed to own and operate the sewer system in this development – the notes indicate the sewer collection and water distribution system is to be public but the treatment facilities are to be a community system.
5. All easements for the sewer lines outside of County ROW must be identified by note on the final plat.
6. The water distribution system including fire hydrant locations shall be designed to meet or exceed the County’s standards. The applicant is responsible for securing review of the hydrant locations by the serving fire company. All easements for the water lines outside of County ROW must be identified by note on the final plat.
7. The CCDPW requires the applicant to submit to Conectiv all engineering plans for roads & infrastructure crossing their ROW. The Department will not approve any plans until we receive notification from Conectiv that they have approved all proposed impacts to their ROW.

8. A Road Code Variance to standard R-14 has been approved for Jason’s Court, Michaelson’s Drive, and Chester Court cul-de-sac. A variance was also granted for the proposed private roads on parcel 3.

9. Remove the ROW lines along Zeitler Road at all intersections with proposed County roads.

10. The Randolph Drive stream crossing design approach and selection process shall be accomplished with pre-design input from the Department of Public Works. As well, any Zeitler Road bridge improvements shall be treated in a similar manner, with Departmental input being sought by the applicant’s engineer prior to making any design submittals or permit applications for the same.

11. Pre-design geo-technical evaluations and borings are required along the proposed road alignments that cross perennial streams and non-tidal wetlands. Specific recommendations for subsurface drainage and street subgrade placement are required in the area of these crossings. New stream crossings must be approved as part of the overall road system design approval. The applicant is responsible to have their engineer prepare and submit these designs and analyses.

12. Has the sight distance submittal for the proposed Marley Road access been made? If not it is required before you submit this plat for review by the Planning Commission. Mr. McAnally said he will look in his files for the sight distance and get that to Mr. Woodhull.

13. The applicant will be required to improve the Marley Road intersections with Deaver and Nottingham Roads. The Deaver Road intersection may require substantial re-alignment to create a Deaver Road stop and intersection condition. The Marley Road improvements shall include the Nottingham Road intersection, which shall be improved on the Nottingham Road segment at least 100’ in either direction to a minor collector road standard R-7 equivalency, and significant geometric improvement to the Deaver and Marley Road intersection. The applicant will be responsible for obtaining any and all right-of-way required with acquisition being solely at the applicant’s expense.

14. The applicant has submitted a Protocol 2 Road Condition Survey of Marley Road per the November 2005 TAC and Planning Commission hearing requirements. The proposed improvements approach is acceptable to the Department.

15. Given the phasing proposed the Marley Road interconnection and any associated offsite improvements must be designed, rights-of-way approved, construction guaranteed, and included in the public works agreement for phase four. The Marley Road improvements shall be complete prior to the issuance of any temporary/final use & occupancy permits for dwellings or condominiums west of Laurel Run (phases 4, 6, 7, 8, & 9).

16. Identify all utility and/or drainage easements outside of County ROW by note on the final plat.

17. Identify all access and I&M easements for proposed SWM facilities by note on the final plat.

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

19. If the proposed sewer system is to be owned by the County all sanitary sewer pump stations must be located on property dedicated in fee simple to the BOCC of Cecil County.

20. 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:

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


20.3 Requirements for Utility relocations.

20.4 Requirements for Public Works Agreements.
Notes and requirements identified for record:

1. The Final Plat must include the Lot Grading Plan standard note and a note indicating that sidewalk maintenance will be required of the adjacent property owner (if sidewalks are required). The Lot Grading Plan must include the standard construction limits note.
   a. Final Plat: “A lot grading plan has been approved by the CCDPW for the construction shown hereon. A site construction as built shall be submitted to the CCDPW prior to use and/or occupancy of any of the sites shown hereon. Any change to the Forest Retention, Forestation, and/or Reforestation will require a consistency review, of the SWM approval, with CCDPW.”
   b. 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 to adjacent property it is the responsibility of the developer to obtain appropriate easements from the affected property owners per Sections 251-13 and 251-15.D of the Cecil County SWM Ordinance.

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

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

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

6. The street R.O.W. entrance tapers must be offset 25’ from the R.O.W. point of intersection and be straight lines, per 7.2.12.E.3 of the Subdivision Regulations. The internal street grades leaving Zeitler and Marley Roads 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. 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.

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

10. Applicant must provide stopping sight distance measurements for the Marley Road access to DPW prior to preliminary plat submittal. Mark the proposed Marley Road entrance location in the field by a survey stake or paint.

11. All parking areas are to be paved and are to be maintained by the HOA unless otherwise noted. Identify parking easements as private easements for HOA maintenance of the parking areas. This must be shown clearly on the final plat. Identify permanent maintenance easements in accordance with footnote one of standard detail R-5 of the Cecil County Road Code.

Mr. Tilley, MDE, Nontidal Wetlands and Waterways Division, stated this project has submitted an application in the Nontidal Wetlands and Waterways Division for the proposed project. The application number is 06-NT-0401/200666277 and the project is called Herron 393, LLC/ Villages at Herron Lake. Mr. Tilley stated that his division’s comments were sent, in a letter, to Mr. McAnally on December 3, 2007 from Amanda Segaletto. Mr. Tilley did read four of the thirteen comments that were included on the letter. See file.
Mrs. Latham, MDE, stated that she noticed the lake was missing from the plat but no one has withdrawn the application. Mr. McAnally said they are in the process of doing that. She also noticed that they are no longer showing a water treatment plant. Mrs. Latham asked if they are also expecting to withdraw the Water Appropriation and Use application. Mr. McAnally said they are going to withdraw that and the current plan is to receive water supply from Artesian. Mrs. Latham asked where Artesian is getting the water. Mr. McAnally said they are going to have to address that in much more detail. Mr. Meiskin said the applications are sitting because until Artesian signs the franchise agreement with the county, they need to keep the application. Once the franchise is signed, Artesian then is bringing in the water. Mrs. Latham said it must be clear who is providing the water as well as the amounts needed to be reviewed and approved. Discussion ensued regarding the water issues.

Mr. Woodhull said DPW would not approve any plan without an approved water supply.

Mr. Brown, CCSCS, provided the applicant with soil maps and reports. See file. Additionally, when development begins, Mr. Brown requested that the applicant come into the SCS office for further discussion.

Mr. Graham, Citizen’s Representative, noted that note 28b on the plat is incorrect. Mr. McAnally acknowledged the error and said it will be corrected.

Mr. Meaders, FA, read the comments of the department. See file. In addition to Mr. Meaders written comments, he offered the following: the department requests they mark roads with signs for emergency purposes during construction. Also, he asked that the applicant keep in mind the width of the roads and whether there will be on street parking. A reminder was given to the applicant that a tanker truck weights 67,000 lbs and the ladder trucks weigh 77,000 lbs. When constructing the construction bridges, those bridges need to be able to accommodate those weights in cases of fire emergencies. Mr. Meaders also asked if Zeitler Road would eventually connect with Marley. Mr. Woodhull said yes. Mr. Meaders said he does not see any hydrants on that stretch. He requests that they space out to 800 ft.

Mr. Sennstrom read the comments of Delmarva Power. See file.

Mr. Sennstrom read the comments of SHA. See file.

Mr. Sennstrom, P&Z, read the comments of the department:
The plat posting requirements of Article III, Section 3.8 of the Subdivision Regulations has been complied with.

The pending application to rezone 7.62 acres from Business General (BG) to Multi-Family residential (RM) must be approved by the Board of County Commissioners prior to final plat review by the Planning Commission.

The concept plat for this project proposing 1,465 units on 373.8 acres for a proposed density of 3.92 dwelling units per acre was approved on 21 November 2005 with 21 conditions.
The preliminary plat for this project proposing 680 units in parcels 1, 3, 6, 7, 8 & 9 was approved on 20 November 2006 with 20 conditions.

This amended preliminary plat proposes 717 units in parcels 3, 4, 6, 7, 8 & 9 and Parcel 1. This total is still consistent with the overall contemplated 1,457 units on the 11/06 preliminary plat.

540 units previously proposed for Parcel 4 are now proposed for Parcel 1. The 218 Townhouse units previously proposed for Parcel 1 are now proposed for Parcel 4. This plat proposes to amend the previously approved preliminary plat by swapping the units of Parcel 4 and Parcel 1. Accordingly, the title block will need to be amended to include Parcel 1.

The note (Future development not included in this preliminary plat application) on page 1 of 11 and 8 of 11 is curious since the purpose of amending the preliminary plat is to place the 540 units from parcel 4 to parcel 1. Keeping this note on the plat will negate the purpose of amending the previously approved preliminary plat.

The 11/20/06 preliminary plat indicated that there was 8.2 acres of Business General (BG) zoning. The pending re-zoning application indicates 7.62 acres of BG zoning. Adding 7.62 acres to the 11/20/06 preliminary’s 375.08 RM acres equals 382.7 RM acres, not 383.26 as indicated on the amended preliminary. Adding the 12 acres of Heavy Industrial (M2) brings the total to 394.7 acres, not the 395.26 indicated on the amended preliminary plat. The 0.56 acre difference needs to be rectified on the preliminary plat submitted for Planning Commission review. Has a boundary survey been done to verify the acreage? Is Note #17 an acknowledgement of the boundary survey? Mr. McAnally said yes.

Winthrop/Wessex/Samantha Roads no longer exist in Parcel 4. They need to be stricken from the table. Are all the roads in Parcel 1 proposed to be private? Mr. McAnally said yes. Has the proposed access point onto Maryland Route 545 been vetted with SHA?

A Letter of Map Revision (LOMR) for the Little Creek, Laurel Run, West Branch Laurel Run, an unnamed tributary to Laurel Run, and Gravelly Run has been issued by FEMA effective 24 January 2008. These revisions effect FIRM panel 2400190031B. These revisions have been shown on the amended preliminary plat.

Note #19 is curious since the purpose of this preliminary plat is to revise Parcel 1 and Parcel 4. If a separate preliminary plat is to be filed for Parcel 1, what is the purpose of this exercise?

The road names for Parcel 1 need to be provided and approved by DES prior to Planning Commission review of the preliminary plat.

The Lot Areas, Units & Densities section of the notes should be revised to include the 540 apartment units as proposed and the 218 townhouses as future units.

Lots 25 & 26 appear to be significantly impacted by the perennial stream buffer questioning their viability as building lots.

The variance (#3266) number needs to be indicated in Note #14.
Documentation of a completed JD was received on 9 June 2006. The FSD was approved on 18 November 2005. The PFCP was approved on 17 July 2006 and revised on 24 July 2006. All revisions to the PFCP necessitated by this revision must be made and approved prior to submittal of the preliminary plat for Planning Commission review. Water allocation and sewer allocation must be received prior to Planning Commission review of the final plat.

References are made to Artesian Water Company and the construction of an off-site water main on sheet 8 of 11. It should be noted that this reference and construction are predicated on the execution of a franchise agreement between Artesian Water Company and the Board of County Commissioners of Cecil County.

The applicant was reminded of the Planning Commission deadline on Thursday, 17 April 2008 at 4:30 p.m., 16 copies of the plat are required.

The April TAC meeting adjourned at 9:50 a.m.

Respectfully submitted,

Jennifer Bakeoven
Present:   Di Giacomo, Tony (CCP&Z), Woodhull, Mark; Suggs, William (CCDPW), von Staden, Fred (DEH), Graham, Daniel (Citizen’s Representative), Kyte, Jim (FA), King, Butch (SHA), Bakeoven, Jennifer (CCP&Z).

Absent:  Cwiek, Philip (USCoE), Ouano, Jun (Delmarva Power), West, Janel (CCBoE), Brown, Chris (CCSCS), Latham, Cynthia (MDE).

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

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

Will Whiteman, Surveyor appeared and presented an overview of the project. Mr. Whiteman stated that he has been working on this project for quite a while and it has taken on a different complexion from when they first started it. This plat was brought before the TAC in February 2008 and because of the number of outstanding issues that were not resolved, Mr. Whiteman told the committee he would not return until those issues were addressed. There may still be some minor outstanding issues but the gross outstanding issues have been addressed.

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 Mank Drive. 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.
3. The preliminary plat presented to the Planning commission must reflect the Oldfield Point Road upgrades for a distance of 100’ either side of the point of intersection between Oldfield Point Road and Mank Drive.
4. Meadow Lark Spur must be terminated in a temporary tee turnaround and indicated as such on the preliminary plat presented to the Planning Commission.
5. The Department of Public Works requires that any Road Code Waivers and/or 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. The major road issues have been resolved to the Department’s satisfaction. And a variance to Sections 3.07.6 & 3.07.7 of the Road Code has been granted for the private mini road entrance geometry.
6. A Road Code Variance has been granted for the Private Mini road in regards to the use of the existing paving.
7. Sight distance measurements must be submitted for all entrances to the DPW to establish compliance with the Cecil County Road Code.
8. 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.
9. Are all easements for SWM conveyance, access, and inspection & maintenance identified on the preliminary plat as required?
10. The longitudinal slopes of the proposed roads must be identified on the preliminary plat.
11. The Storm water conveyance system for the closed section road must be shown on the preliminary plat.
12. The MDE stream crossing permit must be obtained prior to the Department approving the road & storm drain plans.
13. Well locations are not shown for every lot in the development.
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 Stormwater Inspection and Maintenance Agreements
14.5 Requirements for Public Works Agreements.
14.6 Requirements for Driveways.
14.7 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 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. 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. A statement clearly outlining the responsibilities of the homeowners in the maintenance of private roads and storm drainage systems must be approved by the Planning Commission and placed on the final plat. Deed restrictions must be developed and recorded in accordance with Road Code Section 2.13.D.
Mr. Graham, Citizen’s Representative, had no comments.

Mr. Kyte, FA read the comments from Singerly Fire Company. See file (a copy of the comments were provided to the applicant). Mr. Kyte also asked if this would have an open shoulder road with no sidewalks. Mr. Whiteman said there will be a sidewalk on one side and it will be curb and gutter. Mr. Kyte asked that “No Parking” signs be installed. Mr. Whiteman said the main road coming into the development is 32 ft. wide. Mr. Whiteman stated that the proposed roads would be turned over to become county roads, then asked who determines whether there will be street parking. Mr. Woodhull said that would be determined by DPW. To address the comments of Singerly Fire Company, Mr. Whiteman stated that his client is adamant about not wishing to put in a suppression tank in that he had an agreement to use the existing dry hydrant. Mr. Kyte said the representative from Singerly Fire Company must not know the dry hydrant is there.

At this time, Mr. Di Giacomo read an excerpt from his comments:
Subsequent to the 2/6/08 TAC review comments were received from the Singerly Fire Co. regarding a fire suppression tank. The TAC review revealed that a dry hydrant was planned. Has this issue been resolved? The issue has not yet been resolved.
Mr. Di Giacomo recommended that the applicant contact Mr. Meaders from Singerly Fire Company, to see if the dry hydrant is sufficient.

Mr. Whiteman asked Mr. Di Giacomo if the fire company asks for a fire suppression tank, is that something that is required. Mr. Di Giacomo said under the current ordinance it is not. It is something that the Planning Commission has required and that requirement has never been appealed. Mr. Di Giacomo again recommended the applicant contact Mr. Meaders regarding this issue. Mr. Whiteman asked if there is regulation behind this. Mr. Di Giacomo said not yet but there is precedent.

Mr. King, SHA, had no comments.

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

Mr. Whiteman stated that he would meet with Mr. von Staden regarding Lots 5 and 6.

Mr. Di Giacomo stated that comments were not received from Board of Education or Soil Conservation Service. Comments are expected but have not yet been received. Once they are received, they will be made available.

Mr. Di Giacomo read the comments of Delmarva Power and MDE (see file). Mr. Whiteman spoke in reference to the Delmarva comments. Mr. Whiteman said the poles would be taken out and the line will be routed underground up to Lot 28.

Mr. Di Giacomo, P&Z, read the comments of the department:
This proposal is in compliance with §3.8 & §3.9.1 regarding public notification.

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

Zoning: SR
Density: The Concept Plat\(^1\) proposing 31 (new) lots\(^2\) on 76.991 acres, for a proposed density of 1/2.484,\(^3\) was approved on 5/21/07, conditioned on:

1) All questions relating to soils, stream buffers, and SWM locations being resolved prior to the TAC’s review of any Preliminary Plat.

Per Data Column Note # 15, the boundary line survey has been completed.

Slopes greater than 25% must be shown on the Preliminary Plat.\(^4\) Shaded areas, apparently for steep slopes are shown in several locations, but no legend explains the shading. That deficiency must be rectified prior to any submission to the Planning Commission. Mr. Whiteman pointed out the legend found on page two with this information.

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 has been expanded.

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.

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, 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. Where is the required verification of the sensitive areas percentages?\(^5\) Mr. Whiteman said the percentages were not done. Mr. Di Giacomo said it looked like it was for the entirety and not just the common open space. Mr. Whiteman said it is for the common open space. Some things have happened and he has been in contact with P&Z concerning getting the crossing started. As part of the PFCP and as part of seeking that crossing, he knows that they are going to take a look at what they have here. The wetlands have been re-flagged. There were some changes. Discussion ensued regarding the wetlands.

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, and sidewalks are recommended on at least one side of all internal roads.

The stub road, “Meadow Lark Spur,” is shown to the Boettcher Property, to the south. All road names have been approved.

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

---

\(^1\) 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.

\(^2\) Lots 1-4 are existing lots.

\(^3\) The SR zone permits a maximum base density of 1 du/ 1 ac.

\(^4\) Dwellings or impervious surfaces shall not occur on slopes with a grade of 25% or more covering a contiguous area of 10,000 ft\(^2\) or more. On slopes between 15 and 25%, good engineering practices shall be used to ensure sediment and erosion control and slope stabilization before, during and after disturbance activities.

\(^5\) Staff has made the following comment at every TAC and Planning Commission review thus far: “The sensitive areas percentages must be verified on the Preliminary Plat submitted for TAC review.”
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 that was approved on 7/12/01 has been granted an extension.

A PFCP has not been submitted (a/o 4/24/08), and no metes and bounds of the forest conservation area are shown (§4.1.22 (n)).

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 a number of proposed lots, no well locations are shown, as is required by §4.1.22 (q).

What steps have been taken to resolve the septic reserve issues on proposed Lots 29-31? Mr. Whiteman said he thought they had been resolved but apparently he missed Lot 31.

Subsequent to the 2/6/08 TAC review comments were received from the Singerly Fire Co. regarding a fire suppression tank. The TAC review revealed that a dry hydrant was planned. Has this issue been resolved? Mr. Di Giacomo again recommended that the applicant call Mr. Meaders regarding fire suppression.

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.

2. Reynolds Farm, Lots 1-34, Telegraph and Blue Ball Roads, Preliminary Plat, Northern Bay Land Planning, Fourth Election District.

Faron Pyles, Northern Bay Land Planning, appeared and presented an overview of the project. The Concept approval for this project was received in 2006. There were some appeals filed on this project.

---

6 The PFCP) must be approved prior to Planning Commission review of the Preliminary Plat (§6.2.B(1), Cecil County Forest Conservation Regulations).
Mr. Woodhull, DPW, read the comments of the department:

1. The Master Water & Sewer Plan has been amended to include this property.
2. The Department of Public Works Water & Waste Water Division has been identified as the “Controlling Authority” by the Board of County Commissioners of Cecil County for the proposed shared sewerage facility.
3. Have you assessed the ability of individual sewage pumps at each dwelling to work effectively with the head some may experience? Is this force main proposed as a positive displacement system? The Department has serious concerns with this will become a County system when built and accepted. Mr. Pyles said he would have to refer those questions to the consultant at G.W. Stephens regarding the system. Mr. Woodhull advised the applicant to inform his client that the consultant from GW Stephens needs to contact DPW regarding this issue before this project goes before the Planning Commission for review.
4. The Developers must be aware of the fact that they will be responsible for maintenance costs for the proposed shared sewerage facility until the subdivision is built-out and the individual lot owners can begin paying this cost through a special taxing district or similar method.
5. The fact that each lot owner of Lots 1-22 & 25-34 is responsible for the maintenance costs associated with the shared sewerage facility must be made public to all potential purchasers.
6. 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.
7. As discussed at the September 18, 2006 Planning Commission the connectivity to Middlecroft Lane proposed in the concept plat been removed. The Department stated that it would support the layout as proposed conditioned on Mackie Farm Drive being designed as a dual lane road with center-island from MD 273 to Bowman Way. Upon further review and with the consideration of the intermediate turnaround proposed the Department has modified the condition to providing a monumental entrance with only a 100’ long traffic island separating the inbound from outbound traffic (see proposed Standard Detail R-22A). Mr. Pyle said he thought they had a detailed discussion about this at the Concept level and that was not going to be required. Mr. Woodhull said he listened to the tape of the September 2006 meeting. From what he can understand from the tape, the cul-de-sac bulb on the end of Middlecroft Lane was removed. This will be the position of the department at Planning Commission that the monumental entrance will be required, at a minimum.
8. Any applicable Road Code Variances must be requested prior to submittal for Preliminary Plat approval. None have been received therefore the internal street design will comply with the Road Code.
9. If the Planning Commission requires sidewalks, the Final Plats should include a note indicating that sidewalks maintenance will be required of the adjacent property owner, as required by the Cecil County Road Code.
10. How will quantity control requirements be addressed for Lots 24-34? Mr. Pyles said there will be over-management for these facilities.
11. Do you propose to use the existing pond, behind Lots 26-28, as part of your SWM system? If you do, an as-built, and a MD. Licensed Professional Engineer’s analysis of the pond and outfall condition & hydraulic performance must be submitted. The analysis must address any relevant MD 378 Pond Code criteria. The analysis submittal must be in the form of an engineering report, signed & sealed by a MD licensed P.E.
12. Identify the “Access and I&M Easements” for all proposed SWM ponds as well as the utility easements for all storm drain piping outside of County ROW. These easements must be reflected on the preliminary plat submitted to the Planning Commission for review.
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, Sidewalk Maintenance, and Lot Grading Plan Construction Limits Notes.
13.3 Requirements for Public Works Agreements.
13.4 Requirements for Stormwater Inspection and Maintenance Agreements.
13.5 Requirements for County Roads.
13.6 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 Restorestation 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. A Public Works Agreement is required for the streets & storm drainage and public water and sewer system constructions.
4. An Inspection & Maintenance Agreement is required for the private SWM facilities.
5. The street R.O.W. entrance tapers must be offset 25’ from the R.O.W. point of intersection and be straight lines, per 7.2.12.E.3 of the Subdivision Regulations. The internal street grade leaving MD 273 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.

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

Mr. Kyte, FA, read the comments from Singerly Fire Company (a copy of the comments was provided to the applicant). See file. Mr. Kyte asked that there be “No Parking” signs on the street.

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

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

Mr. Di Giacomo stated that comments were not received from the Board of Education or Cecil Soil Conservation Service.

Mr. Di Giacomo read the comments for MDE. Delmarva Power had no comments.
Mr. Di Giacomo, P&Z, read the comments of the department:
This project is in compliance with §3.8 & §3.9.1 regarding public notification.

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

Zoning: NAR

Density: The original Concept Plat, proposing 56 lots on 170.29 acres, for a proposed bonus density of 1/3.04, was approved on 10/20/03, conditioned on:

1) A boundary line survey being completed prior to Preliminary Plat review by the TAC;
2) A JD being completed prior to the Planning Commission’s review of the Preliminary Plat; and
3) The Bufferyard C requirement along MD 273 being waived in favor of a modified Bufferyard A along the northern boundaries of proposed Lots 2-8 & 47.

§4.0.9 provided that Concept Plats shall be valid for two years from date of approval. Therefore, a one-year Concept Plat extension was granted on 9/19/05.

Subsequently, on 11/21/05, the Planning Commission recommended approval of a proposed amendment to the Mater Water and Sewer Plan for a shared facility for this project, with 4 conditions:

1. Professionally maintained system.
2. Clarity of ownership until build out of development.
3. Inspection and regulation of facility during and after construction.
4. Underground system.

On 12/6/05, the Board of County Commissioners voted to approve the amendment per the recommendation of the Planning Commission.

A Preliminary Plat was reviewed by the TAC on 8/2/06. It included a proposed shared facility and a reduction in the number of lots, from 56 to 34, resulting in a new, lower non-bonus density of 1/5.05. In addition, the common open space acreage was increased from 51.64 (30%) to 80.47 acres (46.8%). The new layout excluded any connectivity to Middlecroft Road, owing at least in part to the avoidance of a stream crossing.

A revised Concept Plat7 was approved on 9/18/06,8 conditioned on:

1) A JD being completed prior to the Planning Commission’s review of the Preliminary Plat; and
2) The Bufferyard C requirement along MD 273 being waived in favor of a modified Bufferyard A along the northern boundaries of proposed Lots 2-8 & 47.

The proposed Large Lot (1) now consists of 50.0 acres (29.1%)9, which, with the common open space, comprise 70.76% of the acreage,10 thus satisfying the requirements of §175.2.k.

§175.3.c.1 requires that there be 10,000 ft² of subsurface disposal area set aside for each welling unit. While there are 34 proposed dwelling units, there is only 320,587 ft². Proposed lots 23 and 24 are proposed to have individual septic reserve areas.

---

7 It reflected the Preliminary Plat’s changes that were reviewed by the TAC on 8/2/06, and it will expire on 9/18/08.
8 This approval came one day prior to the expiration of the one-year Concept Plat extension that was granted on 9/19/05.
9 It was 50.69 acres (29.5%) on the approved, revised Concept Plat.
10 It was 76.3% on the approved, revised Concept Plat.
This proposal must fully comply with all provisions of §175, including §175.2.e, §175.2.i, and §175.2.l.

Per Note #2, the boundary line survey has been completed, thus resulting in the increase in site area from 170.29 to 171.85 acres.

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.\(^\text{11}\)

The plat indicates that there are no slopes greater than 25%, and that the only steep slopes (15-25%) are on an adjacent property.

The expanded perennial stream buffer and 100-year floodplain boundary have been shown.

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

There are no habitats of rare, threatened, and endangered species on site.

While now a moot point, this proposal satisfies the bonus density eligibility requirements of the NAR zone. At least 15% common open space is required; 41.66% is proposed.

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

The Bufferyard Standard C requirement was waived at the original Concept Plat approval, in favor of a modified Bufferyard A in the interest of preserving rural character. The Bufferyard A on proposed lots 2-7 is consistent with that previous waiver.

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

The Forest Stand Delineation (FSD) was approved on 10/8/03.

The Preliminary Forest Conservation Plan (PFCP) must be approved prior to Planning Commission review of the Preliminary Plat (§6.2.B(1), 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).

\(^\text{11}\) 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 ft² or more. The Cecil County Forest Conservation Regulations define steep slopes as “areas with slopes greater than 25 percent slope.”
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 names “Bowman Way” and “Mackie Farm Drive” have been approved.

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

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

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

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 on the plat.

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.

3. KST, LLC, Lot 1, Hances Point Road, Preliminary/ Final Plat, McCrone, Inc., Fifth Election District.

Bud Felty, McCrone, Inc. appeared and presented an overview of the project. This lot already has a new home on it. They are requesting a waiver from § 22.4, a bufferyard C along the frontage of this road. They have submitted an Environmental Impact Study. This entire lot is in the Critical Area.

Mr. Woodhull, DPW, read the comments of the department:
The SWM requirements for the existing impervious area on the proposed Lot 1 have been satisfactorily addressed however, now that you are proposing two legally separate lots a drainage easement will be required. There is an existing 4” pipe draining proposed Lot 1 that will extend into and discharge onto the remaining lands parcel. The easement required must cover the extent of pipe located on the remaining lands parcel as well as the path of the runoff discharge until it reaches a defined conveyance. The deed language as well as the final plat must reflect this easement.

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. Graham, Citizen’s Representative, asked Mr. Felty if he knew where Locker Lane is on the plat. Mr. Felty said he does not know where Locker Lane is located. Mr. Graham said he received a call from a resident of Locker Lane.
Mr. Kyte, FA, had no comments.

In the brief absences of Mr. King, Mr. Di Giacomo said he believes SHA had no comments on this project. Mr. Felty said this project is not located on a state road.

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

Mr. Di Giacomo read the comments for MDE and Delmarva Power. See file.

Mr. Di Giacomo stated we did not receive comments from the Board of Education or the Soil Conservation Service.

Mr. Di Giacomo, P&Z, read the comments of the department:
This proposal is in compliance with §3.8 & §3.9.1 regarding public notification.

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

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

Zoning: NAR

Density: The NAR zone permits a density of 1 du/10 ac. This Preliminary-Final Plat proposes 1 lot plus remaining lands on 142.353 acres, for a proposed density of 1/71.066. The 1/6.132 stated density is not permitted, and it is incorrect – perhaps because the requirements set forth in §4.1.22 (r) were not complied with. Mr. Felty asked if they need to show the density. Mr. Di Giacomo said yes.

A Concept Plat may be required for any additional subdivision of the remaining lands. Is additional subdivision contemplated? Mr. Felty said not at this time.

A boundary line survey must be done in conjunction with the preparation of the Preliminary Plat for density calculation purposes. Has the boundary line survey been completed? Mr. Felty said yes.

The entirety of proposed Lot 1 is within the Critical Area LDA. No more than 15% of the surface area can be impervious surface in the LDA.\(^{12}\) What is the percentage of proposed impervious cover? Mr. Felty said he will need to calculate that percentage.

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.

This subdivision shall be subject to the habitat protection criteria of the County’s Critical Area Program. Mr. Di Giacomo stated that the Office of Planning and Zoning had not received any comments from the Critical Area Commission.

\(^{12}\) This must be demonstrated on any Preliminary Plat.
Mr. Di Giacomo said the staff has some revisions that need to be made to our ordinance to make them consistent with the CA law. They are working on those at the present time. As soon as those are completed and they are approved, they have to be taken to the commission. At that time, they will be able to approve this as a Preliminary – Final Plat. Prior to that approval, the Planning Commission would not likely be able to approve.

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 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. JD’s are required in conjunction with permitting. If no permits are required, and if the proposed project meets the policy standards established on 3/20/95 and revised on 1/16/96, or if the FSD/Conceptual Environmental Assessment finds that there are to be no impacts to field-delineated wetlands or stream impacts, or if the FSD/Conceptual Environmental Assessment finds that there are no wetlands or streams and that finding is consistent with the details of County wetlands maps and USGS quad maps, then no JD is required. If required, then a JD is recommended to be done prior to Final Plat review by the Planning Commission, but required to be completed prior to recordation.

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

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

Per §187.2, the Planning Commission may require bufferyards to separate different zoning districts from one another. The immediately adjacent RR zoning has not been shown.

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

Bufferyard Standard C is required, outside the right-of-way, along the road frontage of Hance Point Road. What is the rationale for the requested waiver of the Bufferyard C requirement? Mr. Felty said this is a landscaped yard situation. They would like to maintain it as is.

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

The FCP, Landscape Plan and Environmental Assessment must be approved prior to the Planning Commission’s review of the Final Plat (§6.3.B(1)(a), Forest Conservation Regulations). The Environmental assessment for this project has not been submitted.

\(^{13}\) 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.”
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.

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

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

Mr. Di Giacomo asked Mr. King, SHA, if he had comments. Mr. King said no.

Mr. Felty asked if there is a time when the new Critical Area revisions will go into effect. Mr. Di Giacomo said the revisions are in advance to the new Maryland law change. The counsel to the commission wanted these done. Mr. Felty asked if they could receive Planning Commission approval prior to the revisions being finished, or would the approval be held up to wait for the revisions. Mr. Di Giacomo said it may be held up to wait for the revisions.

The May TAC meeting adjourned at 10:00 a.m.

Respectfully submitted,

Jennifer Bakeoven
Administrative Assistant
Office of Planning and Zoning
CECIL COUNTY TECHNICAL ADVISORY COMMITTEE
Wednesday June 4, 2008, 9:00 a.m.
County Administration Building
200 Chesapeake Blvd., Elk Room, Elkton, Maryland

Present: Di Giacomo, Tony (CCP&Z), Woodhull, Mark (CCDPW), von Staden, Fred (DEH), Graham, Daniel (Citizen’s Representative), Meaders, Dave (FA), Latham, Cindy (MDE), Bakeoven, Jennifer (CCP&Z).

Absent: Cwiek, Philip (USCoE), Ouano, Jun (Delmarva Power), West, Janel (CCBoE), Brown, Chris (CCSCS), King, Butch (SHA), Kyte, Jim (FA).

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


Mike Paraskevick Jr. P.E.L.S.A. appeared and presented an overview of the project. Mr. Paraskevich stated that they are proposing to treat any additional stormwater generated on the site in an open space area adjacent to the entrance of the property. Any additional discharges to the site will be required not to have an adverse affect on adjoining land owners.

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

Ms. Latham, MDE, stated that a GAP has already been issued for this project.

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

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. If the existing pond on Lot 8 is proposed to be used as a SWM BMP, an as-built, dam breach analysis, and an engineer’s report addressing MD Pond 378 requirements must be submitted with the SWM plan.

3. Identify all SWM Access and Inspection & Maintenance easements on Preliminary Plat prior to presenting it to the Planning Commission for review.

4. Where is the discharge point from the proposed SWM pond? Mr. Paraskevich said there two (2) culvert that runs under MD Rte. 273. One is the discharge point for the existing pond and the other is a smaller one in the entrance location. Mr. Woodhull said they need to show boundary lines around the ponds and advised the applicant to speak with SHA regarding the matter. Mr. Paraskevich said he has talked to Butch King, SHA about this issue.

5. The minimum horizontal curvature radius for a Minor Road is 200’. Check the radius of the curves, specifically at Lots 5/17 to confirm that they comply with the 200’ minimum. (see the
6. Section 3.07.3 of the Road Code requires that slopes at intersections shall not exceed 5%. The proposed 6% & 11% slopes do not comply and must be revised. Section 3.02 mandates that the max slope for a minor road is 10% but not at intersections.

7. The intersection grade does not work and is not in compliance with the Road Code (2-3% cross slopes).

8. Verify the acceptable road slope, at the proposed entrance, with SHA.

9. The monumental entrance road geometry must accommodate all required turning movements. The lanes must be a minimum of 10’ wide and left & right turn lanes needed at the site egress.

10. Identify the cart way pavement width, shoulders, drainage ditches, driveway locations, and any driveway pipes if required on the preliminary plat presented to the Planning commission.

11. The inlets shown appear to be in the shoulders and not in the roadside ditches where they belong. The Department has concern about the steepness of the roadside drainage ditches and their resultant high velocities. There appear to be insufficient number of inlets for the slopes proposed.

12. The Department has concern about lot drainage. How do you propose to address runoff conveyance on lots to avoid adverse impacts on down-gradient lots?

13. Identify all drainage easements, where storm drain conveyance is run outside of County ROW, on the plat presented for Planning Commission review.

14. The driveway for Lot 1 must be located within 50’ of the property line with Lot 2 to avoid conflict with the proposed intersection. The remainder of the lot frontage must be denied direct access on to Reserve Circle.

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 Note and the Lot Grading Plan Construction Limits Note.
   15.3 Requirements for Utility relocations.
   15.4 Requirements for Stormwater Inspection and Maintenance Agreements
   15.5 Requirements for Public Works Agreements.
   15.6 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. 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.
Mr. Meaders, FA, asked that the two panhandle lots, 5 and 6, stay straight and open. He reminded the applicant to comply with the county’s addressing ordinance. Mr. Meaders asked what they were proposing in terms of water suppression. Mr. Paraskevich said they have fire equipment and pull-off area next to the pond and a dry hydrant.

Mr. Di Giacomo provided the applicant with a copy of the comments from SHA, CCSCS and P&Z. The comments from CCSCS were read by Mr. Di Giacomo and apply to all projects on the June TAC agenda.

On behalf of the Cecil County Board of Education, Mr. Di Giacomo asked the applicant what price the homes would be, what size the homes would be, how many bedrooms the homes would have and when the anticipated start date would be for construction. Mr. Stammler (owner, answered from the audience) said the homes would be around $500,000, the size would be a minimum of 2200 sq. ft., they would have 2-3 bedrooms and construction would begin in the 1st or 2nd quarter of 2009.

Mr. Di Giacomo, P&Z, read the comments of the department: 
This proposal is in compliance with §3.8 & §3.9.1 regarding public notification.

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

Zoning: NAR

Density: The combined Providence Reserve-Stammler Concept Plat was approved on 12/18/06, 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;
3) All necessary Bufferyards being shown on the Plat prior to the TAC’s review of the Preliminary Plat; and
4) The Stammler Concept Plat being modified to be consistent with this design.

For Providence Reserve, the Concept Plat invoked the density provisions of §2.4.1 to propose 5 minor & 18 major subdivision lots on 91.8 acres, for a proposed major subdivision density of 1/5.1. It revised the layout of the approved Stammler Concept Plat, and tied its proposed Lot 4 to the Providence Reserve by virtue of the proposed access.

A condition of both Concept approvals was for the boundary line survey to be completed prior to the TAC’s review of the Preliminary Plat. Note # 12 indicates that has not been done. Therefore, this proposal cannot proceed to the Planning Commission. Mr. Paraskevich said that is an error; the

---

1 The NAR zone then permitted a density of 1 du/5 ac.
2 The original Stammler Concept Plat, proposing 2 minor and 4 major subdivision lots for a proposed density of 1/6.24, was approved on 10/16/06, 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;
3) All necessary Bufferyards being shown on the Plat prior to the TAC’s review of the Preliminary Plat;
4) A setback modification being granted for the existing dwelling on proposed Lot 1; and
5) Consideration being given to designing roadway connectivity to the adjacent proposal into the layout.
boundary line survey has been completed. Mr. Di Giacomo advised the applicant to correct that note on the plat.

The applicant is reminded that Concept approval is set to expire on 12/18/08.

Note # 7 indicates that the minimum lot area is 39,000 ft$^2$ (0.8953 ac.); however the lot area tables show the minimum to be 0.97 ac., or 42,253 ft$^2$. That must be corrected.

Minor Subdivision # 3754 was approved on 3/21/08. On 12/6/07, OPZ advised the applicant in writing that the Preliminary Plat must reference the then-proposed minor subdivision. That has not been done.

The Providence Reserve component’s acreage is unchanged; the Stammler component’s has declined from 26.95 to 23.43. Thus, the overall proposed density appears to be 1/5.24, assuming:

1) The boundary line survey eventually substantiates these figures; and

2) These figures reflect the 0.2755 acres subtracted in M.S. # 3754.

As stated at previous reviews, the lot numbering scheme should not have duplicative lots 1-6 if the panhandle access to Stammler’s lot 4 is located on the Providence Reserve acreage.

The Lot Area Tables continue to be problematic. The Providence Reserve Lot Area Table does not take into account the Stammler lot 4 panhandle. Those deficiencies were to have been rectified on all subsequent submittals.

They must be combined and conform to §4.1.22 (r). The aggregate acreages in the lower right hand corner do not match those cited in Note # 1.

Notes 9 & 10 are mixed together. That must be corrected.

Each sheet$^3$ must be given a sheet number. The match line information on unnumbered sheet 4 of 4 is incorrect.

None of the sheets provide detail information for proposed Providence Reserve Lots 5-6, 10-16, & 20.

The title block must reference MD Rte. 273 rather than Charles Johnson Farm Lane.

Note 14 documents that no steep slopes were found on the property.

Stream buffers have been shown.

A 25’ buffer is required around all non-tidal wetlands and intermittent streams present. Permits are required from the (US Army) Corps of Engineers and MDE for all non-tidal wetland and stream impacts prior to recordation. JD’s are required in conjunction with permitting. If no permits are required, and if the proposed project meets the policy standards established on 3/20/95 and revised on 1/16/96$^4$, or if the FSD/Conceptual Environmental Assessment finds that there are to be no impacts to field-delineated wetlands or stream impacts, or if the FSD/Conceptual Environmental Assessment finds that there are no wetlands or streams and that finding is consistent with the details of County wetlands maps and USGS quad maps, then no JD is required. If required, then a JD is recommended

---

$^3$ Per §4.1.22 (a), the scale shall be no smaller than 1” = 100’ (1” = 200’ where the average lot size is greater than five (5) acres as approved by the Office of Planning and Zoning). When more than one (1) sheet is required, an index sheet of the same size shall be submitted showing the entire subdivision drawn to scale. Each sheet must have the surveyor’s seal.

$^4$ 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.
to be done prior to Final Plat review by the Planning Commission, but required to be completed prior to recordation.

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

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

15% common open space is required; a combined 16.07% is proposed. As previously commented, all proposed “common open space” must be consistently labeled and referenced as such. Bufferyard Standard C is required, outside the right-of-way, along the road frontages of MD 273. It is not depicted.

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

The street tree planting easement has not 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.

The required 100’ building setback from MD Route 273 was cited, but not shown on the plat for Proposed Lot 1. It is now shown, but not labeled.

The Providence Reserve FSD was conditionally approved on 11/3/06. The Natural Heritage Service Letter must be received prior to PFCP review. The Stammler FSD was approved on 10/2/06.

What is the status of the PFCP? It must be approved prior to Planning Commission review of the Preliminary Plat (§6.2.B(1), Cecil County Forest Conservation Regulations). Mr. Paraskevich said the PFCP has since 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 Reserve Circle road name will need to be approved by the County 911 Emergency Center prior to Planning Commission review of the Preliminary Plat. Mr. Di Giacomo said he would check with EMS.

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

A Homeowners’ Association (or Homeowners’ Associations) 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.
Until all conditions of Concept Plat approval have been met, the Preliminary Plat will not be accepted for Planning Commission review.

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.

<table>
<thead>
<tr>
<th>School information:</th>
<th>Elementary</th>
<th>Middle</th>
<th>High School</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Rising Sun</td>
<td>Rising Sun</td>
<td>Rising Sun</td>
</tr>
<tr>
<td>FTE</td>
<td>819.5</td>
<td>712</td>
<td>1129</td>
</tr>
<tr>
<td>Capacity</td>
<td>615</td>
<td>775</td>
<td>903</td>
</tr>
<tr>
<td>% Utilization</td>
<td>133%</td>
<td>92%</td>
<td>125%</td>
</tr>
</tbody>
</table>

2. Fieldstone, Lots 1-6, Stoney Battery Road, Preliminary Plat, P.E.L.S.A. Company, Inc., First Election District.

Mike Paraskevich, Jr., P.E.L.S.A, Company, Inc. and Doug Willard, owner appeared and presented an overview of the project. This is the second time this project was presented to the TAC. Mr. Paraskevich explained there were significant changes to the plat the warranted them bringing this project before the TAC again.

Ms. Latham, MDE, said a GAP exemption would be necessary.

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

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

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 CCDBGW 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? Mr. Paraskevich said they are over-planting the lot. They are getting over 25% in either Afforestation or protected which will take care of the quality and quantity component.

3. If the existing pond on Lot 1 is proposed to be used as a SWM BMP an as-built, dam breach analysis, and an engineer’s report addressing MD Pond 378 requirements must be submitted with the SWM plan.

4. As previously stated the Lot 1 driveway must be identified on the preliminary plat. Call this out on the preliminary plat presented for Planning commission review or the Department will not recommend approval.

5. The normal requirements of Section 3.07.15 of the Road Code do not apply to this project due to the number of proposed lots as well as the existing condition of Stoney Battery Road.

6. Acceleration and deceleration lanes are required. The Department will accept 50’ long 10’ wide transition lanes due to the number of proposed lots and traffic loading on Stoney Battery Road.

7. The grading shown does not accommodate the shoulders required for a private mini road (3’ on each side). Show the road width and shoulders on the plan view.

8. The slopes of the proposed roadside swales must be reviewed to address velocity concerns (erosive velocity).
9. Driveway locations and driveway pipes if necessary must be identified on the plat presented to Planning Commission.

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 Requirements for Utility relocations.
10.4 Requirements for Stormwater Inspection and Maintenance Agreements
10.5 Requirements for Driveways.
10.6 Requirements for Stopping Sight Distance
10.7 Requirements for Private Mini Roads.
10.8 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 CDPWP for the construction shown hereon. A site construction as built shall be submitted to the CDPWP 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 CDPWP.”
   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. 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.
6. Applicant must provide stopping sight distance measurements for the Stoney Battery Road access locations to DPW prior to preliminary plat submittal. Mark the proposed entrance locations in the field by a survey stake or paint.
7. The Private Mini Road must comply with Section 2.13 of the Road Code.
8. A Public Works Agreement is required for the streets & storm drainage constructions.

Mr. Meaders, FA, had no comments

Mr. Di Giacomo provided the applicant with the comments from P&Z, SHA, CBCAC and CCSCS.

On behalf of the Cecil County Board of Education, Mr. Di Giacomo asked the applicant what the expected size, price, how many bedrooms there would be and when the project is expected to be started. Mr. Willard said the smaller lots would be $769, 000 and above with 4 bedrooms and the bigger lots would be considerably more. The house size would be around 3200 sq. ft. The start date is expected to be in the 4th quarter of 2008 if possible.

Mr. Di Giacomo, P & Z, read the comments of the department:
This proposal is in compliance with §3.8 & §3.9.1 regarding public notification.
With regard to the posting of plats on the County’s website, notice is hereby given the jpg file submissions can be only 11 inches, maximum, in any direction. Adherence to that requirement will enable the County to better serve the public.

Zoning: SAR & RCA

Density: The Concept Plat, proposing 7 lots on 56.03 acres, for a proposed density of 1/8.00\(^5\), 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.

The RCA overlay zone permits a density of 1/20. Only the proposed 22-acre Lot 1 is intended in the Critical Area. Per §200.1, an Environmental Assessment must be submitted.

This Preliminary Plat is generally consistent with the approved Concept Plat, except that only 6 lots are now proposed, for a revised, overall density of 1/9.53.

Is the new acreage (57.19 - Notes 1 & 6) the result of the completed boundary line survey? Mr. Paraskevich said yes.

The acreages provided in the table below Note # 16 total 57.18 acres, which is at odds with Notes 1 & 6 and does not account for the acreage of the proposed mini-road (§4.1.22 (r)).

The block, or grid, number has not been provided with the vicinity map (§4.1.22 (b)).

Some signature blocks are unnecessarily included. Final Plats shall conform to §4.2.13 (b).

The graphic for the Lot 1 septic areas needs to be modified.

Dwellings or impervious surfaces shall not occur on slopes with a grade of 25% or more covering a contiguous area of 10,000 ft\(^2\) or more. On slopes between 15 and 25%, good engineering practices shall be used to ensure sediment and erosion control and slope stabilization before, during and after disturbance activities.

Slopes greater than 25% must be shown on the Preliminary Plat. The steep slopes need to be differentiated between those greater than 25% and those between 15% and 25%.

The 110’ perennial stream 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 appears only 20’ wide.

---

\(^5\) 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.
The CBCAC commented that the stream buffer on proposed Lot 1, even though that area would be in forest retention, with no development proposed needs to be expanded. Nevertheless, the expanded stream buffer needs to shown on the plat.

Permits are required from the (US Army) Corps of Engineers and MDE for all non-tidal wetland and stream impacts prior to recordation. JD’s are required in conjunction with permitting. If no permits are required, and if the proposed project meets the policy standards established on 3/20/95 and revised on 1/16/96, or if the FSD/Conceptual Environmental Assessment finds that there are to be no impacts to field-delineated wetlands or stream impacts, or if the FSD/Conceptual Environmental Assessment finds that there are no wetlands or streams and that finding is consistent with the details of County wetlands maps and USGS quad maps, then no JD is required. If required, then a JD is recommended to be done prior to Final Plat review by the Planning Commission, but required to be completed prior to recordation.

Though preferred for SWM facilities, no common open space is required for only 6 lots.

No landscaping 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.

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)).

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 has been cited on the plat.

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.

<table>
<thead>
<tr>
<th>School information:</th>
<th>Elementary</th>
<th>Middle</th>
<th>High School</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Cecilton</td>
<td>Bo Manor</td>
<td>Bo Manor</td>
</tr>
<tr>
<td>FTE</td>
<td>306</td>
<td>513</td>
<td>717</td>
</tr>
<tr>
<td>Capacity</td>
<td>295</td>
<td>---------</td>
<td>1244--------</td>
</tr>
<tr>
<td>% Utilization</td>
<td>104%</td>
<td>99%</td>
<td>99%</td>
</tr>
</tbody>
</table>

Mr. Di Giacomo explained to the applicant that both of the plats presented by P.E.L.S.A today have signs up on the property but the plats that are on the signs are down and need to be updated.
3. Pleasanton Estates, Lots 1-4, Middle Neck Road, Preliminary / Final Plat, American Engineering and Surveying, Inc., Second Election District.

Stan Granger, American Engineering and Surveying, Inc. and Mrs. Pleasanton, owner appeared and presented an overview of the project. All engineering plans are in place. Mr. Granger said the only thing that needs to be in place are posting bonds.

Ms. Latham, MDE, said a notice of exemption will be required for this project.

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

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

Mr. Woodhull, DPW, read the comments of the department:
All plans for this project are technically approved and only administrative issues remain outstanding. The Department of Public Works will not sign the record plat until these issues have been addressed to the satisfaction of the Department.

Mr. Meaders, FA, had no comments.

Mr. Di Giacomo provided the applicant with the comments from CCSCS & P&Z. Comments have not yet been received from CBCAC.

On behalf of the Cecil County Board of Education, Mr. Di Giacomo asked what price, size, number of bedrooms and when the anticipated start date would be for this project. Mrs. Pleasanton said the four lots will be given to her four (4) children. She is not sure what they are planning to build. The children already attend Cecilton Elementary so there will be no additional traffic.

Mr. Di Giacomo, P&Z, read the comments of the department:
This proposal is in compliance with §3.8 & §3.9.1 regarding public notification.

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

Zoning: SAR

Density: The Concept Plat, proposing 4 lots plus remaining lands on 40.19 acres, for a proposed density of 1/8.0387, was approved on 11/20/06, conditioned on:
1) The boundary line survey being completed prior to the TAC’s review of the Preliminary Plat;
2) Documentation of the completion of the JD being submitted prior to the Planning Commission’s review of the Preliminary Plat;
3) The Bufferyard A 100’ BRL being depicted as necessary on all subsequent plats;
4) Note # 9 has being corrected as appropriate on all subsequent plats; and

6 The 40.19 figure is based upon the acreage of that portion of the property not encumbered by a MALPF Easement.
7 The SAR zone then permitted a maximum base density of 1 du/ 8 ac.
5) The cul-de-sac bulb being moved to the approximate location of the lot 2 and 3 boundary.

The down zoning that went into effect in January 2007 will preclude further subdivision of the remaining lands.

The plat shows that the proposed development is not within the Critical Area.

Has the boundary line survey been completed? Mr. Granger said yes.

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.⁸

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

A 25’ buffer is required around all non-tidal wetlands and intermittent streams present. Permits are required from the (US Army) Corps of Engineers and MDE for all non-tidal wetland and stream impacts prior to recordation. JD’s are required in conjunction with permitting. If no permits are required, and if the proposed project meets the policy standards established on 3/20/95 and revised on 1/16/96,⁹ or if the FSD/Conceptual Environmental Assessment finds that there are no impacts to field-delineated wetlands or stream impacts, or if the FSD/Conceptual Environmental Assessment finds that there are no wetlands or streams and that finding is consistent with the details of County wetlands maps and USGS quad maps, then no JD is required. If required, then a JD is recommended to be done prior to Final Plat review by the Planning Commission, but required to be completed prior to recordation.

No common open space is required for only 4 lots. No landscaping is required and no sidewalks were recommended.

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

What is the rationale of having the drainage swale to accommodate residential development traverse the MALPF Easement? Mr. Granger said he does not know of any precedence set forth similar to this subdivision.

Rows of street trees with 10’ planting easements are required, outside the right-of-way, along both sides of the proposed mini-road. No street tree planting easement has been shown.

The FSD was approved on 11/14/06. What is the status of the FCP and Landscape Plan, and are street trees included?¹⁰ Mr. Granger said the FFCP is approved. The only thing they need to do is the declaration of restrictions and landscape bond.

---

⁸ 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.”

⁹ 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.

¹⁰ They 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, with the metes and bounds description of the FRA being shown on the Final and Record Plats.

Per §4.1.22 (a), each plat sheet submitted must be sealed.

The proposed mini-road name, Pleasanton Way, had been approved. The new proposed name, Screaming Polly Lane, has also 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.

The contiguous operating farm notice has been provided on the plat as Note 12.

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.

<table>
<thead>
<tr>
<th>School information:</th>
<th>Elementary</th>
<th>Middle</th>
<th>High School</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Cecilton</td>
<td>Bo Manor</td>
<td>Bo Manor</td>
</tr>
<tr>
<td>FTE</td>
<td>306</td>
<td>513</td>
<td>717</td>
</tr>
<tr>
<td>Capacity</td>
<td>295</td>
<td>--------</td>
<td>1244-------</td>
</tr>
<tr>
<td>% Utilization</td>
<td>104%</td>
<td>99%</td>
<td>99%</td>
</tr>
</tbody>
</table>

4. Springhill, Lots 5-8, 23 & 24, Spring Hill Road, Preliminary Plat, American Engineering and Surveying, Inc., Sixth Election District.

Stan Granger, American Engineering and Surveying, Inc. appeared and presented an overview of the project. Section one (1) of this subdivision has already been recorded.

Ms. Latham, MDE, stated that GAP # CE2007GOO7 was issued in May 2007 and is in good standing.

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

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

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

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

2. Identify all Access, Inspection & Maintenance, and drainage easements on the preliminary plat presented for Planning Commission review.

3. How is SWM being addressed? The Department has concern about runoff on the Amber Court lots.

4. Please clarify whether open or closed section road is proposed. Some lots have driveway pipes and some do not and the inlets are shown at the edge of pavement. Mr. Granger said this will have curb and gutter.

5. The modified TIS has been approved.
6. Section 3.07.15 of the Road Code nominally directs that Spring Hill Road be upgraded to a Minor Collector Standard for a distance of 100’ either side of the points of intersection between Spring Hill Road and Amber Court & Natalie Way.

7. The Applicant has submitted a Protocol 3 road condition survey & road improvements plan for Spring Hill Road from Ridge Road to Horse Shoe Road. The offsite road improvement issues must be resolved to the Departments satisfaction prior to submitting the plat for Planning Commission for review. We suggest that we meet on site to discuss/resolve these issues.

8. Sight distance measurements have been approved for both Natalie Way and Amber Court intersections with Spring Hill Road.

9. The proposed acceleration & deceleration lanes must be shown on the preliminary plat presented to the Planning Commission for review.

10. Traffic barriers are required at the cul-de-sac islands proposed as SWMA.

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 Note and the Lot Grading Plan Construction Limits Note.
   11.3 Requirements for Utility relocations.
   11.4 Requirements for Stormwater Inspection and Maintenance Agreements
   11.5 Requirements for Public Works Agreements.
   11.6 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. 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.

Mr. Meaders, FA, had no comments.

Mr. Di Giacomo provided the applicant with the comments from CCSCS and P&Z.

On behalf of the Cecil County Board of Education, Mr. Di Giacomo asked the applicant what the expected price, size, number of bedrooms and expected start date would be. Mr. Granger said he does not know.
Mr. Di Giacomo, P&Z, read the comments of the department:
This proposal is in compliance with §3.8 & §3.9.1 regarding public notification.

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

Zoning: NAR

Density: The original Spring Hill Concept Plat proposing 19 lots on 98.501 acres\(^\text{11}\) for a density of 1/5.18, was approved on 12/21/98, conditioned on:
1) Amber Court being realigned to minimize the impact on the existing forest, and
2) The number of panhandle lots being re-evaluated and if at all possible, being reduced to two.

The Section 1 Preliminary and Final Plats were approved on 4/19/99 and 8/16/99, respectively. Section 1 consisted of Lots 2 & 19-22.

Subsequently, another Spring Hill Concept Plat (for Section 2) for the remaining lots\(^\text{12}\) was reviewed by the TAC on 3/7/01 and approved by the Planning Commission 3/19/01. It still showed an overall total of 19 lots (5 in Section 1 and 14 proposed in Section 2) on 98.501 acres.

The Springhill Section 1 (approved 8/16/99) Record Plats were signed on 10/17/02.\(^\text{13}\)

The Section 2 Preliminary Plat was approved on 4/16/01, but it expired because §4.1.17 stipulates that Preliminary Plat approvals are valid for two years – if a Final Plat is not recorded within that timeframe. Per §4.0.9, the 12/21/98 & 3/19/01 Concept Plat approvals have expired, as well.

Consequently, a Section 2 Concept Plat was submitted and reviewed by the TAC on 11/3/04. However, it was not subsequently submitted for Planning Commission approval. It proposed 14 lots, which, if approved, together with Section 1’s 5 lots, would have yielded an overall Springhill proposed density of 1/5.1842 – based on 98.501 acres.

The Section 2 Concept, proposing 16 new lots on the remaining 88.417 acres, yielding a density of 1/5.526,\(^\text{14, 15, 16}\) was approved on 12/21/06, conditioned on:
1) The boundary line survey being completed prior to the TAC’s review of the Preliminary Plat;
2) Documentation of the completion of the JD 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) A modified TIS being completed prior to the TAC’s review of the Preliminary Plat.

This Preliminary Plat is consistent with the approved Concept plat.

Per §4.1.22 (a), each plat sheet submitted must be sealed.

Has the boundary line survey been completed? Mr. Granger said yes.

\(^{11}\) The actual acreage was 105.5, but the 98.5 figure was erroneously used on Springhill submittals through 11/3/04. The error occurred through the renumbering of lots 2 and 4, one a minor, and the other a major subdivision lot.

\(^{12}\) 14 – based on the 98.5 acre figure.

\(^{13}\) This Record Plat cited the erroneous 98.5 acres of remaining lands, so it must be modified.

\(^{14}\) Based on the original 105.528 total acres, 21 total lots would yield a density of 1/5.025, but the original Concept Plat’s density approval has expired.

\(^{15}\) The NAR zone then permitted a maximum base density of 1 duw 5 ac. It is now 1/10, with no opportunity for bonus density.

\(^{16}\) NAR bonus density was not an issue.
Steep slopes have been shown\textsuperscript{17}.

The 100-year floodplain and stream buffers have again been shown.

A 25’ buffer is required around all non-tidal wetlands and intermittent streams present. Permits are required from the (US Army) Corps of Engineers and MDE for all non-tidal wetland and stream impacts prior to recordation. JD’s are required in conjunction with permitting. If no permits are required, and if the proposed project meets the policy standards established on 3/20/95 and revised on 1/16/96,\textsuperscript{18} or if the FSD/Conceptual Environmental Assessment finds that there are to be no impacts to field-delineated wetlands or stream impacts, or if the FSD/Conceptual Environmental Assessment finds that there are no wetlands or streams and that finding is consistent with the details of County wetlands maps and USGS quad maps, then no JD is required. If required, then a JD is recommended to be done prior to Final Plat review by the Planning Commission, but required to be completed prior to recordation.

15% common open space is required; 27.9% (29.446 acres) is proposed. No landscaping is required in the NAR zone and no sidewalks were recommended.

Bufferyard Standard C is required, outside the right-of-way, along the road frontages of Ridge, Spring Hill, and Slicer’s Mill Roads.

The 10’ street tree planting easement has been shown\textsuperscript{19}.

A 5-yr. extension of the 2/9/99 & 3/15/99 FSD were approvals was granted on 3/15/04.

The FCP\textsuperscript{20} and Landscape Plan were approved on 2/25/08.

A Landscape Agreement for the bufferyards and street trees 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.

The contiguous operating farm notice has been provided as Note 14. The Bufferyard Standard A has been shown.

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

The applicant is reminded of the 4:30 p.m. submission deadline on the 3\textsuperscript{rd} Thursday for review by the Planning Commission the following month.

<table>
<thead>
<tr>
<th>School information:</th>
<th>Elementary</th>
<th>Middle</th>
<th>High School</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Rising Sun</td>
<td>Rising Sun</td>
<td>Rising Sun</td>
</tr>
<tr>
<td>FTE</td>
<td>819.5</td>
<td>712</td>
<td>1129</td>
</tr>
</tbody>
</table>

\textsuperscript{17} 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{18} 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{19} Rows of street trees with 10’ planting easements are required, outside the right-of-way, along both sides of all internal roads.

\textsuperscript{20} The PFCP was approved on 4/10/01, but its roadway and lot configurations have changed.
5. Smith Creek (f/k/a Lands of John Harrison), Lots 4A & 6-13, Welder’s and Creek Lanes, Preliminary Plat, Welsh Engineering, First Election District.

Joe Welsh, Welsh Engineering, appeared and presented an overview of the project. Minor revisions have been made since the Concept Plat was approved. The minor revisions that the owner had asked for was to enlarge Lot 10 and Lot 7. FCP and the Environmental Assessment is being completed by Vortex Environmental. Mr. Welsh noted a typographical error on the plat that he submitted. Sheet one (1) should state the acreage as 149.29. Mr. Welsh stated the homes will have 3-4 bedroom homes, the price will be around $500,000+, the square footage will be around 2500 or larger. Lots 10 and 4A will be on the market quickly but the remainder of the lots will not be sold for some time.

Ms. Latham, MDE, said the GAP was already issued.

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

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

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

The extensive change in lot configuration between this submittal and the approved concept plat make this a more appropriate revised concept plat rather than a preliminary plat. With that said our comments are as follows:

1. You have a note referencing the road design & SWM plans being submitted to DPW for review. The Department last made comments to DMS Associates on 2/28/2007 and have had no response to date.

2. 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.

3. Has any consideration been given to how SWM quantity control will be addressed for this site? If a SWM pond or similar BMP is required it should be located in common open space. If it is on an individual lot language for all affected lots must be included in the deeds addressing rights and responsibilities of all parties. Mr. Welsh said DMS was doing the work and they were showing forest retention areas to meet the requirements for SWM.

4. Preliminary plat submittals must identify pavement width and slope for the proposed road and also show proposed stormwater conveyance. With open section road this at a minimum would entail the roadside drainage ditches as well as conveyance to any SWM facility and/or to the creek that this site drains to.

5. Stormwater drainage easements must be identified for all conveyances run out side of the County ROW. This certainly appears to have impact on Lots 7, 9, & 11.

6. If the stormwater management plan involves the redirection of some or all the stormwater runoff of the site or concentrates the release of stormwater runoff in an offsite area that previously received non-concentrated flow permission (via easements or other property interests) where necessary must be obtained.

7. Why was the fee simple add-on proposed for Lot 1 (adjacent to proposed Lot 6) on the approved concept plat removed? Mr. Welsh said the owner asked him to remove it. How does Lot 1 legally access the proposed road? Mr. Welsh said Lot 1 has access by title onto Bohemia Church Road.

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 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 Agreement.
8.6 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 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. A Public Works Agreement is required for the road & storm drain work.
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. Meaders, FA, stated that if the existing pond does not have a dry hydrant, it needs to have one. Please contact the local Fire Chief for input.

Mr. Di Giacomo provided the applicant with the comments from CCSCS, Delmarva Power and P&Z.

Mr. Di Giacomo, P&Z, read the comments of the department:
This proposal is in compliance with §3.8 & §3.9.1 regarding public notification.

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

Zoning: SAR & RCA (Critical Area)

Density: The Concept Plat, proposing 8 lots, a reconfigured Lot 4, and the inclusion of Lot 5 in the density calculation, on approximately 149.291 acres, for a density of 1:16.59, was approved on 12/21/06, conditioned on:

---

21 A previous Concept Plat for this portion of the property was approved on 8/19/02. A one year extension was granted of the concept plat on 8/16/04, and a subsequent one year extension was granted on 8/15/05. It was allowed to expire in August 2006.
22 As stated at the 2/22/00 Planning Commission meeting: “The dwelling on the proposed lot 5 must be located on the original Parcel 1 portion of the lot, not the Parcel 3 add-on piece. Therefore, lot 5 will be included in the density calculation for this and all future subdivision proposals for Parcel 1.”
23 SAR zone then permitted a base density of 1 du/8 ac. Today, it and the RCA overlay zone permit a density of 1 du/20 ac.
1) The boundary line survey being completed prior to the TAC’s review of any Preliminary Plat;
2) Documentation of the JD’s completion being submitted prior to the Planning Commission’s review of the Preliminary Plat;
3) Acreage totals consistently agreeing with one another on any Preliminary Plat;
4) Any Preliminary Plat’s title block accurately reflecting what is actually being proposed;
5) The PFCP and any preliminary environmental assessment being approved prior to the Planning Commission’s review of the Preliminary Plat;
6) All road name being approved prior to the Planning Commission’s review of the Preliminary Plat;
7) Any Preliminary Plat’s tabular information accurately reflecting lots in the proposal; and
8) Misspellings being corrected on all future submissions.

§2.0 permits a combined Preliminary-Final Plat only if there are from 1 to 5 lots. Therefore, this “Preliminary-Final Plat” must be treated as a Preliminary Plat.

This Preliminary Plat is not consistent with the approved Concept Plat. The layout has changed, and an additional lot is now proposed in Deed Parcel 3, which cannot be permitted.

In addition, the 3rd condition of Concept Plat approval has not been met. The Site Statistics and Density Tabulation Tables cite 147.16 and 149.291 acres, respectively.

The Density Tabulation Table’s statement of SAR permitted density is not correct, and must be changed. The applicant is reminded that if the Concept Plat approval is allowed to expire, the current SAR density limits shall apply.

The impervious area calculations do not indicate whether they are for the total area or the Critical Area portion. That must be clarified on any Planning Commission submission.

Note #12 suggests the boundary line survey has been completed. A signed and sealed copy must be submitted for the file; otherwise, that (1st) condition also has not been met.

Notes 4 & 5 are repeated as notes 6 & 7.

The sheet index on sheet 1 is inaccurate, and must be corrected prior to submission to the Planning Commission.

Three lots are proposed on 104.351 acres in the Critical Area portion of the property for a proposed density of 1:34.78.

The expanded 110’ Critical Area Buffer has been shown; it should be labeled as such.

An Environmental Assessment will need to be reviewed and approved prior to Planning Commission review of a Preliminary Plat (§4.1.23(h)).

In the Critical Area, forest clearing up to 20% must be replaced on a one to one basis.
A height limitation of 35’ is imposed in the Critical Area.

---

24 Proposed Lots 7 & 8 have been combined, the access to proposed Lot 12 has changed location, what was to be added to Lot 4A and more is now proposed to be added to proposed Lot 11, and John Lane has been renamed Creek Lane.

25 Proposed Lots 11, 12 & 13 are situated in the Critical Area, and each individually exceeds 20 RCA acres.
The Creek Lane road name had been previously disapproved by DES.

A 0.141 acre add-on to Lot 1 of Revised Minor Subdivision of J. Frank Skillman was proposed on the Concept Plat. What happened to it, and how will that lot be accessed?

An access easement across proposed Lot 6, immediately adjacent to the Lot 6 driveway is not a good design.

Is the structure on proposed Lot 11 now existing or proposed, and is it a dwelling? Mr. Welsh said it is a storage building. What about the structures on 4A? Mr. Welsh said there is an existing home on that lot.

The add-on hooks depicting the portion of Lot 4 proposed to be added to proposed Lots 12 and 13 for their panhandles needs to show the direction of the proposed transfer.

“Steep slope areas” need to be specifically graphically 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.26

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

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

No common open space is required for 8 lots, and no landscaping is required 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. They have not been shown.

What is the acreage of the proposed Creek Lane, and why hasn’t it been shown, consistent with §4.1.22 (r)?

The FSD approved on 12/18/99 was extended on 12/20/06 until 10/15/09.

26 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.”
What is the status of the PFCP & Preliminary Environmental Assessment, which must be approved prior to the Planning Commission’s review of the Preliminary Plat (§4.1.23(h))? Mr. Welsh said Vortex is presently working on it.

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

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, and no more than 20% of the forest or developed woodland may be removed. In the critical area, no structure shall exceed 35’ in height.

This proposal must come back to TAC prior to going on to the Planning Commission (particularly because of the proposed additional lot on Deed Parcel 3 and the disapproved proposed road name). The applicant is reminded that Concept approval is set to expire on 12/21/08.

### School information:

<table>
<thead>
<tr>
<th>School</th>
<th>FTE</th>
<th>Capacity</th>
<th>% Utilization</th>
</tr>
</thead>
<tbody>
<tr>
<td>Elementary</td>
<td>306</td>
<td>295</td>
<td>104%</td>
</tr>
<tr>
<td>Middle</td>
<td>513</td>
<td></td>
<td>99%</td>
</tr>
<tr>
<td>High School</td>
<td>717</td>
<td>1244</td>
<td>99%</td>
</tr>
</tbody>
</table>


Mr. Di Giacomo asked if there was a representative from the town present. No one spoke.

Doug Hill and Bruce Vanhorn, Town Point Development, appeared and presented an overview of the project. Through a public design process, input from county residents and Town of Perryville residents.
Ms. Latham, MDE, stated that as long as the water is supplied by the Town of Perryville, no GAP will be required.

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

Mr. Graham, Citizen’s Representative, read a letter in favor of this project sent to OPZ by Mr. Rupert Rossetti. See file.

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

1. The Department understands that the proposed project site has or will be annexed into the Town of Perryville. As such the roads, water service and sanitary sewer service will be owned by the Town. We recommend that the designs for the roads and services meet or exceed County standards. The Town should not approve the final plat until receiving notification from the County that the Stormwater Management design has been approved.

2. The SWM plan must be approved by the CCDPW before we will recommend Final Plat Approval by the Town of Perryville.

3. Has any consideration been given to how SWM will be addressed for this site? If a SWM pond or similar BMP is required it should be located in common open space. Mr. Vanhorn said they will use green roofs, rain gardens, etc. to reduce the need for stormdrains if not to completely eliminate them.

4. The existing Woodlands Coudon Blvd. road plans must be revised for this proposal and resubmitted.

5. What type of intersection do you propose for the Main Street/Coudon Blvd. entrance? Earlier discussions covered possibilities of a traffic signal and even a traffic circle being installed here. Mr. Hill said this has been discussed but it was left to keep their options open.

6. Please refresh our memory, has the traffic impact study been or this site been completed yet? Mr. Hill said yes.

7. Public Works agreements will be required for any work performed within County ROW. This would include but not be limited to new entrances onto Coudon Boulevard, water lines & connections, and sewer lines.

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 and the Lot Grading Plan Construction Limits Note.
   8.3 Requirements for Stormwater Inspection and Maintenance Agreements.

Notes and requirements identified for record:

1. The Final Plat must include the Lot Grading Plan standard note and the Lot Grading Plan must include the standard construction limits note.
   a. Final Plat: “A lot grading plan has been approved by the CCDPW for the construction shown hereon. A site construction as built shall be submitted to the CCDPW prior to use and/or occupancy of any of the sites shown hereon. Any change to the Forest Retention, Forestation, and/or Reforestation will require a consistency review, of the SWM approval, with CCDPW.
   b. Grading Plan: “No clearing or grading is permitted beyond the limits of disturbance show hereon. Any expanded clearing and/or grading in the absence of an approved revised lot grading plan may be considered non-compliance with Chapter 251 of the Cecil County Code and either or both the developer and/or Builder may be subject to the enforcement of the penalty provisions therein.”

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. Meaders, FA, asked if the applicants had met with the local Fire Department. Mr. Vanhorn said yes and that they have received comments from the department.

Mr. Di Giacomo provided the applicant with the comments for CCSCS, P&Z, Delmarva Power and SHA.

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

Proposals for this site were previously reviewed for the Town was previously reviewed 3/5/03 and 12/3/03 under the name Goldberg, and on 4/4/07 under the name Principio Station.

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

- Town Zoning: C2; MUD (floating zone).

- Walter Kulash, who reviewed the parking plan, is well noted for his progressive advocacy of alternative transportation modes. Therefore, has any consideration been given to creating additional bicycle or pedestrian access, or bike racks in public spaces? Mr. Vanhorn said yes, there will be a 40 ft. buffer all the way around the project, landscaped with a trail that meanders through it.

- It is recommended that sidewalks be given favorable consideration.

- Mr. Kulash states that the number of parking spaces is adequate, and, at a macro level, his analysis makes sense. However, at a finer level of analysis, is the number of parking spaces proximate to building number 21 adequate, given the competition for same likely to be generated by buildings 16-20? Mr. Hill said he does not know. Discussion ensued.

- Safety is of particular concern, owing to the anticipated, and potentially dangerous, mix of heavy trucks (on Coudon Blvd.) pedestrians, bicyclists and automobiles. Beyond the perfunctory signal warrant analyses, did the TIS adequately address these safety issues? Mr. Hill said it does address public safety issues. They have provided for a 40’ wide landscape buffer around the perimeter.

- In addition, names have not been proposed for several proposed thoroughfares. Does that not create addressing and emergency response issues? Mr. Hill said that was a labeling issue.

- It is recommended that the proposal not be approved until DES has approved all proposed thoroughfare names.

- Where is proposed residential Lot # 46, and what is the rationale for proposed Lot 47’s location inside the Highway Corridor Overlay District? Mr. Hill said Lot 46 does not exist, it is a labeling mistake. Lot 47 was proposed at the request of a life long resident of the Town of Perryville who lives within the bounds of this proposed development. She lives very close to
the highway now and she asks if they could provide her with a building lot very close to the high
ey. At the May Town of Perryville counsel meeting, Mr. Hill was asked by the Mayor and Counsel to remove Lot 47 and this submittal had already been made. Lot 47 will mostly be open space.

- 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 any 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.

- 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.27 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, especially in consideration of pedestrian and bicyclist safety.

- How will the practical matter dumpster access/parking/traffic flow conflict be handled? That is unclear. Mr. Hill said they intend to establish a HOA that will service not only the homeowners but also the retail offices within this district. Part of that servicing will include trash collection. Trash collection will not be done in typical fashion using a waste management company. The collection will be done using, by staff, smaller vehicles. There will be a central pick up stop for the trash.

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

---

27 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.
• 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 should be confirmed that all proposed signage is consistent with the design standards 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.

• It is generally recommended that hydrants be placed at landscaping or sidewalk bump-outs to maximize access and visibility.

• Water allocation should be confirmed by the Town of Perryville prior to final plat approval.

• 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 Overlay District for this proposal – which appears to present the Town of Perryville with an opportunity to create a very attractive and distinctive sense of place? It seems to be where most of the proposed parking spaces are concentrated. How does preponderance of parking along US 40 square with the New Urbanist design goal of putting parking in the rear? Mr. Hill said they want to extenuate that property in such a way that it speaks to

• When will the proposed zoning change be required? Is this design achievable without the zoning change?

• 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.

• It is recommended that the project, or components thereof, not be approved until detailed lighting plans that address safety and security have been approved.

• The TIS Executive Summary states, “By design, ‘Woodlands Perryville’ provides for multi-modal forms of transit.” The word “transit” probably should be changed to “transportation.” However, are there any aspects of this design that are transit-friendly?
DES has marked ‘Main Street’ & ‘Woodlands Blvd.’ as “unapproved” road names.

7. Valley Stream, Lots 5-9, Razor Strap Road, Preliminary Plat, RJK Engineering and Associates, Fifth Election District

Bob Blomquist, RJK Engineering and Barry Montgomery, owner appeared and presented an overview of the project. Mr. Montgomery stated that they have made a few adjustments to this plat to accommodate the adjoining piece of land that they also own. The first change is the relocation of the forest retention area to a tree bank in another location. The second change was the rewording of the “Common Open Space” to “Remaining Lands” as subdivisions fewer than ten (10) lots do not require common open space. This land will handle SWM.

Ms. Latham, MDE, stated since the water is being provided by the Town of North East, a GAP would not be required.

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

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

Mr. Woodhull, DPW, read the comments of the department:
The SWM, Sanitary Sewer, and Road & Storm Drain plans are technically complete and only administrative issues remain outstanding. The Department of Public Works will not sign the record plat until these issues have been addressed to the satisfaction of the Department.

Mr. Meaders, FA, asked that the fire hydrant in the back be move closer to the front of the development. Mr. Blomquist said they have already spoken with Mr. Piatelli with the Town of North East and he has already approved the location.

Mr. Di Giacomo provided the applicant with the comments from CCSCS, P&Z and stated that Delmarva had no comments regarding this project.

On behalf of the Cecil County Board of Education, Mr. Di Giacomo asked the applicant what the expected price, size, start date and number of bedrooms will be. Mr. Montgomery said there would be 2-4 bedrooms, $200,000-$300,000, expected start date would be 36 months.

Mr. Di Giacomo, P&Z, read the comments:
This proposal is in compliance with §3.8 & §3.9.1 regarding public notification.

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

Zoning = MH

Density: The Concept Plat was approved on 10/17/05, conditioned on:

28 Similar proposals for this site were reviewed by the TAC on 6/7/00 and again on 4/4/01, under the name Montgomery Bros., Inc., but never submitted for P.C. review. Under the name “Lakeside South,” this proposal was reviewed by the TAC on 9/7/05. The MH zone permits a density of 4 du/1 ac. with community facilities. These proposed lots make up Lot 5 in Minor Subdivision # 2188.
29 It proposed 5 lots on 4.953 acres for a density of 1/0.9906.
1) Minor Subdivisions 1989, 2982, and 3188 being referenced on the plat;
2) Water and sewer service providers being named on the Preliminary Plat;
3) The Jurisdictional Determination (JD) being completed prior to Preliminary Plat review by the Planning Commission
4) The density being correctly stated on the Preliminary Plat submitted for TAC review; and
5) Evidence being provided that Montgomery Bros. owns the abandoned Baron Road, or the abandoned road being shown on the Preliminary Plat.

The Prelim. Plat, though not signed & sealed, was approved on 4/17/06, conditioned on:
1) Health Department requirements being met;
2) DPW requirements being met;
3) Verification of water allocation being received from the Town of North East prior to Final Plat review;
4) Verification of sewer allocation being received from the DPW prior to Final Plat review;
5) The final FCP and Landscape Plan being approved prior to Final Plat review; and
6) A copy of the signed and sealed Preliminary Plat being provided to OPZ prior to Final Plat submittal.

Regarding the 6th condition, an engineer’s signature & seal appeared on a Preliminary Plat, but it doesn’t contain a Surveyor’s signature & seal, nor does the file contain a Surveyor’s signed & sealed boundary line survey copy. Has the boundary line survey been completed? Mr. Blomquist said yes; he will provide the staff with a sealed copy of the survey.

A one-year extension of Preliminary Plat validity was granted on 3/17/08.

This submission does not contain a Surveyor’s Certification.

The JD has been completed.

Rows of street trees with 10’ planting easements are required, outside the right-of-way, as shown. Have the recommended sidewalks been included in construction drawings? Mr. Blomquist said that DPW recommended to not having sidewalks. Mr. Di Giacomo recommended having sidewalks

The question of whether this layout would preclude a possible reopening of Baron Road was discussed at the Concept review, and resulted in condition of approval that required evidence being provided that Montgomery Bros. owns the abandoned Baron Road, or the abandoned road being shown on the Preliminary Plat.

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

20% landscaping of the gross site area is required in the MH zone.

An FSD for the minor subdivision was approved on 6/30/97. It expired on 6/30/02; a new one was approved on 10/11/05. The PFCP was conditionally approved on 4/10/06.

---

30 The boundary line survey was completed by American Land Surveyors, LLC.
31 Permits are required from the (US Army) Corps of Engineers and MDE for all non-tidal wetland and stream impacts prior to recordation.
32 In areas with community facilities, no street trees shall be planted within 20 feet of sewer laterals and cleanouts.
33 The abandoned Baron Road right-of-way was shown on the Lakeside South plat that was review by the TAC last month – both in the vicinity map and on the plat. Because that abandoned Baron right-of-way has the potential to significantly enhance levels of access and mobility in this part of the Development District, that information, which was provided to the TAC, ought not to have been denied the Planning Commission, consistent with § 4.0.13 (b). At TAC review, it was revealed that the developer of the Village of Stoney Run (reviewed by TAC on 8/3/05) proposal was considering the possibility of reopening Baron Road to Razor Strap Road.
The FCP & Landscape Plan were approved on 2/11/07. Details between the FCP & this revised Preliminary Plat still do not match. The FCP has not been revised to reflect changes. Where will the off-site forest retention/Afforestation be proposed? Mr. Montgomery said the tree bank that they will be using is in Elk Mills.

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. In addition, the Final and Record Plats shall reference the FCP that, the FCP and off site property on which the offsite Forest Conservation requirements will be satisfied.

General Note 13 indicates that water will be supplied by the Town of North East. The applicant is hereby advised that the language in Note 13 will not satisfy the §4.2.13 (u) requirements on the Final Plat. Nor will that in Note 15 satisfy the §4.2.13 (t) requirements.

This site is classified as W1 and S1 by the Master Water and Sewer Plan.

The previously proposed road name, Baron Drive, was disapproved. The new proposed road name, “Crystal Waters Drive,” has been approved.

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.

<table>
<thead>
<tr>
<th>School information:</th>
<th>Elementary</th>
<th>Middle</th>
<th>High School</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Bay View</td>
<td>North East</td>
<td>North East</td>
</tr>
<tr>
<td>FTE</td>
<td>561</td>
<td>826</td>
<td>1110</td>
</tr>
<tr>
<td>Capacity</td>
<td>556</td>
<td>712</td>
<td>1009</td>
</tr>
<tr>
<td>% Utilization</td>
<td>101%</td>
<td>116%</td>
<td>110%</td>
</tr>
</tbody>
</table>


Will Whiteman, Surveyor, appeared and presented an overview of this project. Mr. Whiteman stated that he did not do the concept plan for this project. The lots have since been reconfigured due to the percolation tests that were done on the property. Also, because of nontidal wetlands on the site, they are seeking a variance of the front building restriction line.

Ms. Latham, MDE, stated a GAP exemption would be required.

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

Discussion ensued regarding Minor Sub #3136.

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

---

34 The submission reviewed on 4/4/01 proposed private, individual wells and sewer service from the Cecil County Department of Public Works. That reviewed on 6/7/00 proposed water and sewer service from the Town and from the CCDPW, respectively. The original Preliminary Plat reviewed by the TAC proposed both water and sewer service to be provided by CCDPW.
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 for the proposed driveways were approved on 5-22-08.

3. The fee simple road frontage dedication must be extended across Lo1 including Parcel 385.

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

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

Mr. Meaders, FA, had no comment.

Mr. Di Giacomo provided the applicant with the comments from CCSCS, CBCAC, Delmarva Power and P&Z.

On behalf of the Cecil County Board of Education, Mr. Di Giacomo asked the applicant what the expected price, size, number of bedrooms and start date. Mr. Whiteman said the size would be around 2500 sq. ft., the price would be around $250,000 and the expected start date would be soon.

Mr. Di Giacomo, P&Z, read the comments of the department:
This proposal is in compliance with §3.8 & §3.9.1 regarding public notification.

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

Zoning: NAR & RCA

Density: The Concept Plat, proposing 3 lots on 11.5963 acres, for a proposed bonus density of 1/3.8654, was approved on 12/26/01, conditioned on:
1) The boundary line survey being completed prior to the TAC’s review of any Preliminary Plat;

---

35 The **NAR** zone then permitted a base density of 1 du/ 5 ac., with bonus density eligibility permitting density of 1/3.
2) Documentation of the JD’s completion being submitted prior to the Planning Commission’s review of the Preliminary Plat;
3) The PFPC and any preliminary environmental assessment being approved prior to the Planning Commission’s review of the Preliminary Plat;
4) The Critical Area acreage being added to all subsequent plats; and
5) Reference to remaining lands being supplanted by reference to the large lots on all subsequent plats.

The acres have been reduced to 11.5424. 36 Has the boundary line survey been completed? Mr. Whiteman said yes.

The Acreage & Density Table provided can satisfy the §4.1.22 (r) requirement. However, the aggregate acreages of the 3 lots do not total the combined P. 351 & 385 11.5424 acres.

The lot numbering is confusing. What the inserts show as proposed Lots 1 & 2, the plat shows as lots 2 & 3. Which Lot 2 is Note # 9 referencing? Mr. Whiteman said the insert is wrong.

All lot numbering depictions and references thereto shall be made consistent on any plat submitted for Planning Commission review.

Proposed Lot 1 is the large lot, upon which bonus density approval was predicated. That ‘lot,’ rather than ‘remaining lands,’ must be referenced in the language prohibiting further subdivision in the §4.1.22 (r) table and elsewhere.

Proposed Lot 1 is partially within the Critical Area, RCA overlay zone, which permits a density of 1/20. The Critical Area acreage of Lot 1 has again not been cited; therefore, the RCA density is still unknown. A Preliminary Plat cannot be approved without that information, which was a condition of Concept approval.

A copy of CBCAC staff comments are being provided to the applicant.

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.

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. 37

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

A 25’ buffer is required around all non-tidal wetlands and intermittent streams present. Permits are required from the (US Army) Corps of Engineers and MDE for all non-tidal wetland and stream impacts prior to recordation. JD’s are required in conjunction with permitting. If no permits are required, and if the proposed project meets the policy standards established on 3/20/95 and revised on 1/16/96, 38 or if the FSD/Conceptual Environmental Assessment finds that there are to be no impacts

36 Thus, the new proposed bonus density is 1/3.8475.
37 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.”
38 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 field-delineated wetlands or stream impacts, or if the FSD/Conceptual Environmental Assessment finds that there are no wetlands or streams and that finding is consistent with the details of County wetlands maps and USGS quad maps, then no JD is required. If required, then a JD is recommended to be done prior to Final Plat review by the Planning Commission, but required to be completed prior to recordation.

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

No landscaping is required and no sidewalks were recommended.

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

The FSD was conditionally approved as the Natural Heritage Service exceeded their 30-day response window.39 What is the status of the PFCP?40 Mr. Whiteman said it is being emailed to him today.

The FCP/Landscape Plan must be approved prior to Final Plat review (§6.3.B(1)(a)).

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.

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

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

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

<table>
<thead>
<tr>
<th>School information:</th>
<th>Elementary</th>
<th>Middle</th>
<th>High School</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Elk Neck</td>
<td>North East</td>
<td>North East</td>
</tr>
<tr>
<td>FTE</td>
<td>417</td>
<td>826</td>
<td>1110</td>
</tr>
<tr>
<td>Capacity</td>
<td>479</td>
<td>712</td>
<td>1009</td>
</tr>
<tr>
<td>% Utilization</td>
<td>87%</td>
<td>116%</td>
<td>110%</td>
</tr>
</tbody>
</table>

9. Lands of Ella L. Patchell, Lots 1 & 2 plus Remaining Lands, MD Rte. 274, Concept Plat, Northern Bay land Planning, Fifth Election District.

Mike Estes, Northern Bay and Ella Patchell, owner, appeared and presented an overview of the project. The purpose of this subdivision is for the owner to give her family members land.

Ms. Latham, MDE, said a GAP exemption would be required.

39 Habitats of rare, threatened, & endangered species must be avoided.
40 It must be approved prior to Planning Commission review of the Preliminary Plat (§6.2.B(1), Forest Conservation Regulations).
Mr. von Staden, DEH, read the comments of the department. See attached.

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

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 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:
   2.1 The Final Plat Lot Grading Note and the Lot Grading Plan Construction Limits Note.
   2.3 Requirements for Stormwater Inspection and Maintenance Agreements

Notes and requirements identified for record:

1. The Final Plat must include the Lot Grading Plan standard note and the Lot Grading Plan must include the standard construction limits note.
   a. Final Plat: “A lot grading plan has been approved by the CCDPW for the construction shown hereon. A site construction as built shall be submitted to the CCDPW prior to use and/or occupancy of any of the sites shown hereon. Any change to the Forest Retention, Forestation, and/or Reforestation will require a consistency review, of the SWM approval, with CCDPW.”
   b. Grading Plan: “No clearing or grading is permitted beyond the limits of disturbance shown hereon. Any expanded clearing and/or grading in the absence of an approved revised lot grading plan may be considered non-compliance with Chapter 251 of the Cecil County Code and either or both the developer and/or Builder may be subject to the enforcement of the penalty provisions therein.”

2. The downstream conveyance of storm water must be analyzed in accordance with Section 251-9 A. (5) of the county’s SWM Ordinance. If stormwater discharge is directed off of the site on to adjacent property it is the responsibility of the Developer to obtain appropriate easements from the affected property owners per Sections 251-13 and 251-15.D of the Cecil County SWM Ordinance.

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

Mr. Meaders, FA, had no comments.

Mr. Di Giacomo provided that applicant with the comments from CCSCS, SHA and P&Z.

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

This proposal is in compliance with §3.8 & §3.9.1 regarding public notification.

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

Zoning: NAR

Density: The NAR zone permits a maximum density of 1 du/ 10 ac. A Preliminary-Final Plat for Lot 1 was approved on 6/15/98, with a condition that any additional subdivision require a Concept Plat for the entire parcel. Thus, this Concept Plat proposes 1 new lot, 1 existing lot, and remaining lands on 69.977 acres, for a proposed density of 1/23.326.

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

§2.0 of the Subdivision Regulations allows for a combined Preliminary-Final Plat if there are from 1 to 5 lots.
Dwellings or impervious surfaces shall not occur on slopes with a grade of 25% or more covering a contiguous area of 10,000 ft\(^2\) or more. On slopes between 15 and 25%, good engineering practices shall be used to ensure sediment and erosion control and slope stabilization before, during and after disturbance activities.\(^{41}\)

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

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

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

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

No common open space is required.

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 the Biggs Highway.

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 requirements.

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

How is this project exempt under §3.2.k? The FSD) must be approved prior to Planning Commission review of the Concept Plat (§5.1.C, Cecil County Forest Conservation Regulations). Mr. Estes said the lot is being conveyed to the owner’s daughter.

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).

\(^{41}\) 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.”
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 applicant is reminded of the 4:30 p.m. submission deadline on the 3rd Thursday for review by the Planning Commission the following month.

<table>
<thead>
<tr>
<th>School information:</th>
<th>Elementary</th>
<th>Middle</th>
<th>High School</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Bay View</td>
<td>North East</td>
<td>North East</td>
</tr>
<tr>
<td>FTE</td>
<td>561</td>
<td>826</td>
<td>1110</td>
</tr>
<tr>
<td>Capacity</td>
<td>556</td>
<td>712</td>
<td>1009</td>
</tr>
<tr>
<td>% Utilization</td>
<td>101%</td>
<td>116%</td>
<td>110%</td>
</tr>
</tbody>
</table>


Jim Hunt, G. W. Stephens, Jr. and Tim Bishop appeared and presented an overview of the project.

Mr. Hunt said the purpose of the plat is strictly for conveyance purposes only.

Ms. Latham, MDE, said a GAP will not be required.

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

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

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

The subdivision proposed is for the purpose of land transfer only. Any development on this site will require a stormwater management approval from the Cecil County Department of Public Works.

Mr. Meaders, FA, had no comment.

Mr. Di Giacomo provided the applicant with the comments from SHA, CCSCS and P&Z. Thus far, comments have not been received from CBCAC.

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

The Office of Planning & Zoning’s comments relating to this proposed minor subdivision are as follows:
Town Zoning:  MC (Marine Commercial)
           CBD (Central Business District)

- This appears to be an add-on subdivision, entirely within the corporate limits of the Town of Port Deposit, from the lands of Pennsylvania Lines, which is partly in the County.

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

- It should be confirmed that the setbacks are consistent with the Town’s Zoning Ordinance for these zoning classifications.

- It should be confirmed that the proposal is consistent with the provisions of the Town’s Critical Area regulations.

- No comments have been received from the CBCAC staff.

- It should be confirmed that the proposal is consistent with the provisions of the Town’s Zoning Ordinance and/or Subdivision Regulations for add-on subdivisions in the flood plain.

- It should be confirmed that any landscaping that may be proposed is consistent with the landscaping requirements of the Town’s Zoning Ordinance and Subdivision Regulations, if required.

- It is recommended that any future Landscape Plan be approved prior to final subdivision approval.

- It is recommended that any resultant Landscape Agreement be executed prior to recordation and/or site plan approval.

- If this site is located entirely within the Critical Area, then this project is exempt under §3.2B. Under those circumstances, a note to that effect should appear on the plat.

- It should be confirmed that any future 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 Port Deposit’s Water Witch Fire Co.

- Any fire hydrant locations should be consistent with the Town’s Zoning Ordinance and Subdivision Regulations.

- Water and sewer capacity should be confirmed by the Town prior to final approval of any future proposed development.

Don Sutton, McCrone, Inc., appeared and presented an overview of the project.

Ms. Latham, MDE, said Mr. Sutton submitted the GAP exemption to her at this meeting.

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

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

Mr. Woodhull, DPW, read the comments of the department:
The subdivision proposed appears to be for the purpose of land transfer only. Any future development on this site will require a stormwater management approval from the Cecil County Department of Public Works.

Mr. Di Giacomo provided the applicant with the comments from CCSCS, Delmarva Power and P&Z.

Mr. Di Giacomo, P&Z, read the comments of the department:
This proposal is in compliance with §3.8 & §3.9.1 regarding public notification.

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

Zoning: TR

Density: The TR zone permits a maximum density of 1 du/ 10 ac. This plat proposes 2 new lots on 4.109 acres, for a proposed density of 1/2.05.

Has the boundary line survey been completed? Mr. Sutton said yes.

§4.0.1 allows for the elimination of a Concept Plat for projects with fewer than 10 lots and 25 acres, and §2.0 permits a combined Preliminary-Final Plat if there are from 1 to 5 lots.

Has the Town of Rising Sun been notified of this proposal, per §27.2? If not, then documentation of said notification shall be required prior to Planning Commission review.

What will happen to the access for Benham? The access will remain, Ms. Benham is a relative.

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. JD’s are required in conjunction with permitting. If no permits are required, and if the proposed project meets the policy standards established on 3/20/95 and revised on
1/16/96, or if the FSD/Conceptual Environmental Assessment finds that there are to be no impacts to field-delineated wetlands or stream impacts, or if the FSD/Conceptual Environmental Assessment finds that there are no wetlands or streams and that finding is consistent with the details of County wetlands maps and USGS quad maps, then no JD is required. If required, then a JD is recommended to be done prior to Final Plat review by the Planning Commission, but required to be completed prior to recordation.

The habitats of rare, threatened, and endangered species must be avoided. No common open space is required.

20% landscaping is required in the TR zone, but no sidewalks are recommended in this case.

Bufferyard Standard C is required, outside the right-of-way, along the road frontages of roads. What is the basis for the requested waiver?

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

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

What is the basis for the §3.2N exemption? The FSD must be approved prior to Planning Commission review of the Concept Plat (§5.1.C, Cecil County Forest Conservation Regulations). Mr. Hunt said there is no new development.

The PFCP must be approved prior to Planning Commission review of the Preliminary Plat (§6.2.B(1), Forest Conservation Regulations). 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/ Af forestation Areas (FRAs) must be recorded & noted on the plat prior to recordation, with the metes & bounds description of the FRA being shown on the Final and Record Plats.

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

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. Documentation of notification of the Town of Rising Sun shall be required prior to Planning Commission review.

School information: Elementary Middle High School
Elementary Rising Sun Rising Sun Rising Sun
Middle
High School
FTE 819.5 712 1129
Capacity 615 775 903
% Utilization 133% 92% 125%
12. Lands of Blueball Investment Group, LLC, Lots 1-4, Blue Ball Road, Preliminary Plat, McCrone, Inc., Ninth Election District.

Don Sutton and David Strauss, McCrone, Inc., appeared and presented an overview of the project. Mr. Strauss said he has talked to the owners regarding what their expectations are for this property. They have said their desire is to build on one or two lots and market the other lots for tenants.

Ms. Latham, MDE, said she was not clear on what would be required of this project due to the lack of knowledge as to what type of businesses will be occupying the property. She advised the applicants to apply for a GAP and a GAP exemption.

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

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

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 CCDDPW 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. We will require a traffic impact study for this development. Its major objective must be to determine the traffic loading generated by this development. Particular interest must be paid to the issue of left turn stacking on Blue Ball Road waiting to enter this site. The final location of the Blue Ball Road access points will be determined after analyzing the data from this study.
3. Requirements for acceleration, deceleration and bypass lanes apply to any/all entrances proposed onto Blue Ball Road. Please clarify the plan presented on Sheet 2. Are you proposing to create a 10’ wide paved lane along the entire Blue Ball Road frontage from the existing right turn lane at MD Route 273 to the Mendenhall Square property?
4. What type of truck traffic do you expect with the proposed site use? The entrance geometry must be accordance with Section 3.07.1 & 2 to accommodate the turning movements of the largest vehicle expected. Mr. Strauss said this will most likely be flex space usage; nothing large like a distribution center.
5. While the internal pavement arrangement does not fall under our jurisdiction outside of the proposed entrances the Department has some concern over the onsite cart way widths and geometry as to their ability to handle large delivery trucks operating in and out of this site. What we do not want to see is traffic backed out onto Blue Ball Road due to inadequate turning movements available onsite.
6. The well location for Lot 1 is at a point that is exposed to possible damage from truck traffic into both Lots 1 and 4. We recommend moving the well or at a minimum providing traffic barriers around it.
7. How do you intend to address SWM for these lots? If you intend to use the existing SWM pond located on the west side of the site you must verify that the pond was designed and built to accommodate runoff from this site. Mr. Strauss said the SWM for this site was included in the plan for the Mendenhall subdivision.
8. Do you propose installing curb along the Blue Ball Road frontage? If so how do you intend to handle the runoff from Blue Ball Road as well as the runoff that had been conveyed by the roadside drainage swale remove for the curb installation? Identify the runoff conveyance proposed for this frontage.
9. Preliminary plats must show storm water conveyance and SWM easements. These must be on the plat presented to the Planning Commission 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 and Lot Grading Plan Construction Limits Notes.
10.3 Requirements for Stormwater Inspection and Maintenance Agreements.
10.4 Requirements for Public Works Agreements.
10.5 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 Blue Ball 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. Strauss stated that he spoke with Butch King, SHA and he requested the TIS at site plan stage. Mr. Woodhull said he would like to at least see a stacking analysis.

Mr. Meaders, FA, had no comment.

Mr. Di Giacomo provided the applicant with the comments from CCSCS, Delmarva, SHA and P&Z.

Mr. Di Giacomo, P&Z, read the comments of the department:
This proposal is in compliance with §3.8 & 3.9.1 regarding public notification.

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

Zoning: BG

§4.0.1 allows for the elimination of a Concept Plat for subdivisions of fewer than 10 lots and fewer than 25 acres. §2.0 allows for a combined Preliminary-Final Plat if between 1 and 5 lots are proposed.

This was the BG-zoned portion of the Mendenhall Square site, the Concept Plat approval for which included the waiver of the Bufferyard C requirement along MD 273 in favor of a Bufferyard C between the BG zone and the NAR zone.

---

42 The Concept Plat (31 plus 4 minor lots on 94.2 acres, for a proposed density of 1/3.039) was approved on 7/21/03, conditioned on:
1) A boundary line survey being complete prior to the TAC’s review of the Preliminary Plat;
The Phase 1 Preliminary Plat’s approval was conditioned on a pedestrian access being designed into the plat from the residential to the commercial portion of the property. How does this layout accommodate that pedestrian access? Mr. Strauss said they have shown a pedestrian access along Blue Ball Road to the project.

The Phase 1 Final Plat was approved on 4/18/05, conditioned on:
1) Health Dept. requirements being met;
2) DPW requirements being met;
3) The Landscape Agreement being executed prior to recordation;
4) Deed restrictions for the long-term protection of the Forest Retention/Afforestation Areas (FRAs) being recorded and noted on the plat prior to recordation, with the metes and bounds description of the FRA being shown on the record plat;
5) Covenants prohibiting the subdivision of the large lot being recorded and noted on the plat prior to recordation;
6) A Homeowners’ Association for maintenance of common open space being established with $50 per recorded lot placed in escrow for improvements prior to recordation;
7) The contiguous operating farms notice being included on the Record Plat;
8) The Record Plat showing the location of the 30,000 gallon drafting tank; and
9) The connecting pedestrian path being shown on the Record Plat.

The Concept Plat was re-approved on 10/17/05, conditioned on:
1) All previous and now-pertinent conditions of approval remaining in full effect.

The Phase 2 Preliminary Plat was approved on 2/21/06, conditioned on:
1) Health Dept. requirements being met;
2) DPW requirements being met;
3) The TIS recommendations being agreed to by the County and SHA;
4) The FCP and Landscape Plan being approved prior to Final Plat review;
5) The FRAs being depicted on the Final Plat, and the details of the FCP, Landscape Plan, and Final Plat matching up;
6) The contiguous operating farms notice being included on the Final and Record Plats; and

2) A JD being completed prior to the Planning Commission’s review of the Preliminary Plat;
3) All proposed lots other than 34 & 35 having access off the internal roads;
4) The proposed Blackborne Drive entrance aligning directly with Blue Ball Village Drive;
5) A TIS with signal warrant analysis for the Blue Ball Road/MD 273 intersection being complete prior to the TAC review of the Preliminary Plat;
6) Lot 34’s Bufferyard C requirement along Blue Ball Road and the street tree requirement along Blackborne Drive being waived in favor of a rear Bufferyard B and a row of pines along the side lot lines;
7) A setback modification being granted for the existing building on proposed Lot 34;
8) The Bufferyard C requirement along MD 273 being waived and a Bufferyard C being provided between the BG zone and the NAR zone; and
9) Dry hydrants or a drafting tank being discussed with the Rising Sun Fire Company and a report being made to the Planning Commission with the Preliminary Plat.

41 The Phase 1 Preliminary Plat was approved on 6/21/04, conditioned on:
1) Health Dept. requirements being met;
2) DPW requirements being met;
3) The TIS recommendations being agreed to by the County and SHA;
4) The FCP and Landscape Plan being approved prior to Final Plat review;
5) The FRAs being depicted on the plat, and the details of the FCP, Landscape Plan, and Final Plat matching up;
6) The inclusion of a 30,000 gallon drafting tank in the final design; and
7) Pedestrian access being designed into the plat from the residential to the commercial portion of the property.

44 For Lots 1-16, 21-31 & 33-35.

45 When the Phase 2 Preliminary Plat, consisting of proposed Lots 17-20, 29, & 32, was reviewed by the TAC on 10/0/05, it was discovered that the Concept Plat approval had lapsed.
7) Owner, deed reference, and tax map & parcel information being updated on the Final and Record Plats.

The Phase 2 Final Plat was approved on 4/17/06 conditioned on:
1) Health Dept. requirements being met;
2) DPW requirements being met;
3) The TIS recommendations being agreed to by the County and SHA;
4) A Landscape Agreement being executed prior to recordation;
5) Deed restrictions for the long-term protection of the street trees being recorded and again noted on the plat prior to recordation;
6) The Record Plat depicting and noting the 10’ street tree planting easement;
7) Deed reference, tax map and parcel number information have not being included on the Record Plat;
8) The contiguous operating farms notice again being included on the Record Plats;
9) The correct Election District being cited on all sheets of the Record Plat; and
10) The Owner’s and Surveyor’s Certificates being signed, respectively, on the Record Plats.

Density: The BG zone sets no density limitations, per se.

The development of the individual lots must proceed through the site plan process, per §291 and §32, and the pedestrian access to Phase 1 must be provided. The issuance of building permits will be contingent upon site plan approvals.

Has the boundary line survey been completed? Mr. Sutton said yes.

How will this design comply with §171.3 & §171.4? Mr. Sutton said it is permitted by waiver.

How is this layout consistent with §’s 7.2.1, 7.2.4, 7.2.5, and 7.2.8?

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

A 25’ buffer is required around all non-tidal wetlands and intermittent streams present. Permits are required from the (US Army) Corps of Engineers and MDE for all non-tidal wetland and stream impacts prior to recordation. JD’s are required in conjunction with permitting. If no permits are required, and if the proposed project meets the policy standards established on 3/20/95 and revised on 1/16/96, or if the FSD/Conceptual Environmental Assessment finds that there are to be no impacts to field-delineated wetlands or stream impacts, or if the FSD/Conceptual Environmental Assessment finds that there are no wetlands or streams and that finding is consistent with the details of County wetlands maps and USGS quad maps, then no JD is required. If required, a JD is recommended to be done prior to Final Plat review by the Planning Commission. If required, a JD is required to be completed prior to recordation.

No common open space is required, unless it’s used to accommodate SWM facilities.

Landscaping of the development envelopes will be addressed in conjunction with the site plan approvals. Where feasible, the natural vegetative equivalent may be used to satisfy the bufferyard requirements.

---

46 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 MD 273 and Blueball Road.

The adjacent properties’ zoning has not been shown.

The FSD was approved for the entire Mendenhall property on 7/13/03.

The PFCP must be approved prior to Planning Commission review of the Preliminary Plat (§6.2.B(1), Cecil County Forest Conservation Regulations).

The FCP must be approved prior to Planning Commission’s Final Plat review (§6.3.B(1)(a)).

Landscape Plans/Agreements must be executed prior to site plan approvals.

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.

2 of the 4 proposed lots are panhandles.

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.

13. Knights Court, Lots 1-45, Sandy bottom Road, Preliminary Plat, McCrone, Inc., First Election District.

Don Sutton, McCrone, Inc., appeared and presented an overview of this project.

Ms. Latham, MDE, said she thought there was a GAP for this project but she could not find one. Ms. Latham said she would check on it.

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

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

Mr. Woodhull, DPW, read the comments of the department:
1. A SWM plan, Road and Storm Drain plan, and a Mass and Final Grading plan must be approved by the CCDPW prior to submittal for Final Plat Approval. The fees for design review of this project must be provided at the time of first design submittals.
2. How will SWM requirements be addressed for Lots 1-14?
3. Easements for SWM facility access as well as inspection & maintenance must be identified on the preliminary plat presented to the Planning Commission for review. The same applies for SWM pond inflow and outflow conveyance.
4. The storm drain pipe geometry adjacent to Lot 20 is less than 90° and must be addressed in the storm drain design for this project.
5. Sight distance measurements for the Knight Island Road access points have been submitted.
6. The protocol 3 road condition survey has been submitted. However there’s some confusion regarding any proposed improvements recommended for Knight Island Road. The survey’s conclusion makes the simple statement that the road is in good condition yet the entrance plans
submitted with the survey indicate of one lane to be milled & overlaid at the two proposed internal streets for a total of approximately 590’. Is this the only area along the entire frontage requiring mill & overlay? We suggest an onsite meeting to discuss the improvements required for Knight Island Road. The type and extent of any required improvements must be agreed upon by the Department and the work detailed by plan or note on the preliminary plat submitted to the Planning Commission for review.

7. The length of the area you propose to mill & overlay certainly meets the requirements of Section 3.07.15 of the Road Code, but why is only one lane being done? The intent of 3.07.15 is that improvements be done to the full width of the road and/or roadside ditching. If Knight Island Road needs to be milled & overlaid both lanes must be done.

8. The entrance plans submitted address the requirement for acceleration and deceleration lanes. The entrance plan submitted with the road condition survey needs to be made part of the preliminary & final plats. This will also serve to identify the extent of the Section 3.07.15 improvements.

9. The driveways for Lots 29, 30, & 40 must a minimum of 75’ from the adjoining intersections.

10. No direct driveway access will be allowed on to Gawain Drive and Lots 1 & 44 are denied direct access onto Guinevere Drive. This must be noted on the preliminary plat submitted for Planning Commission review.

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 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, 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. Meaders, FA, advised the applicant to meet with the local fire chief regarding this project’s fire department review.
Mr. Di Giacomo provided the applicant with the comments from CCSCS, CBCAC, Delmarva Power and P&Z.

Mr. Di Giacomo, P&Z, read the comments of the department:
This proposal is in compliance with §3.8 & §3.9.1 regarding public notice.

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 & RCA

Density: The Concept Plat, invoking the density provisions of §2.4.1 to propose 8 minor & 37 major subdivision lots on 298.86 acres, for a proposed density of 1/8.077, was approved on 11/27/06, conditioned on:
1) The boundary line survey being completed prior to the TAC’s review of the Preliminary Plat;
2) Documentation of the completion of the JD 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 fire suppression tank being shown on the Preliminary Plat; and
5) Indication that the existing land to Lot 23 is used for farm use being placed on all subsequent plats.

35.58 acres are located in the Critical Area RCA overlay zone, which permits a density of 1/20. Only one proposed lot would be in the Critical Area on each original parcel of record: the proposed Lots 23 and 45 Critical Area density is 1/17.79.

If it is determined that the tidal influence of Hall Creek extends beyond the Critical Area boundary, that boundary would need to be expanded. An environmental assessment may need be submitted in accordance with §200.1 of the Zoning Ordinance.

Has the boundary line survey been completed? Mr. Sutton said yes.

A note indicates that there are no steep slopes.

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

A 25’ buffer is required around all non-tidal wetlands and intermittent streams present. Permits are required from the (US Army) Corps of Engineers and MDE for all non-tidal wetland and stream impacts prior to recordation. JD’s are required in conjunction with permitting. If no permits are required, and if the proposed project meets the policy standards established on 3/20/95 and revised on

---

47 For two parcels of record.
48 The SAR zone permitted a base density of 1 du/ 8 ac. Bonus density is not an issue.
49 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.
or if the FSD/Conceptual Environmental Assessment finds that there are to be no impacts to field-delineated wetlands or stream impacts, or if the FSD/Conceptual Environmental Assessment finds that there are no wetlands or streams and that finding is consistent with the details of County wetlands maps and USGS quad maps, then no JD is required. If required, then a JD is recommended to be done prior to Final Plat review by the Planning Commission, but required to be completed prior to recordation.

15% common open space is required; 15.57% is proposed. No landscaping of the development envelope is required in the SAR zone and no sidewalks were recommended.

Bufferyard Standard C is required, outside the right-of-way, along the Knight Island and Sandy Bottom Road frontages. However, to better preserving the rural character of the area, staff would support a Bufferyard A along the road frontages of Knight Island and Sandy Bottom Roads, as well as along the SW lot lines of proposed Lots 31 & 32. Why is the Bufferyard C depicted? Mr. Sutton said they looked at the Afforestation requirements and they may needed area for reforestation. Mr. Di Giacomo said to include that as a bufferyard other than C.

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, as depicted.

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.

As the 30 day grace period for the Heritage Letter expired, the FSD was approved on 11/17/06, conditioned upon receipt of the Heritage Letter prior to PFCP approval.

What is the status of the PFPC & Prelim. Environ. Assessment? The PFPC & Prelim. EA must be approved prior to Planning Commission review of the Preliminary Plat (§6.2.B(1)). Mr. Sutton said it is presently being completed.

The FCP, Landscape Plan, and environmental assessment 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.

50 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 internal road names have been approved.

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

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

The contiguous operating farm notice has been provided on the plat. The title block on sheet 2 is not accurate.

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.

School information:

<table>
<thead>
<tr>
<th>School</th>
<th>FTE</th>
<th>Capacity</th>
<th>% Utilization</th>
</tr>
</thead>
<tbody>
<tr>
<td>Elementary</td>
<td>306</td>
<td>295</td>
<td>104%</td>
</tr>
<tr>
<td>Middle</td>
<td>513</td>
<td>1244</td>
<td>99%</td>
</tr>
<tr>
<td>High School</td>
<td>717</td>
<td>----------</td>
<td>99%</td>
</tr>
</tbody>
</table>

On behalf of the Cecil County Board of Education, Mr. Di Giacomo asked what the expected price, start date, number of bedrooms and size of the homes. Mr. Sutton the homes would be around $500,000, estimated time is six (6) plus years and the homes will be around 3000 sq. ft.

The June TAC meeting adjourned at 12:45 p.m.

Respectfully submitted,

Jennifer Bakeoven  
Administrative Assistant  
Office of Planning and Zoning
Present: Di Giacomo, Tony (CCP&Z), Woodhull, Mark (CCDPW), von Staden, Fred (DEH), Latham, Cindy (MDE), Brown, Chris (CCSCS), Bakeoven, Jennifer (CCP&Z).

Absent: Cwiek, Philip (USCoE), Ouano, Jun (Delmarva Power), West, Janel (CCBoE), King, Butch (SHA), Kyte, Jim (FA), Graham, Daniel (Citizen’s Representative).

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

1) Jane’s United Methodist Church, Courtesy Review for the Town of Rising Sun, Walnut Street and Louise Court, Major Site Plan, McCrone, Inc., Sixth Election District.

John Fellows, McCrone, Inc. appeared and presented an overview of the project. This project consists of a site plan for a building addition and a parking lot addition. The congregation for this church has grown greatly over the years and they are in need of more interior space and parking lot space.

Mr. Woodhull, DPW, read the comments of the department:
1. With the site located in the Town of Rising Sun the Cecil County Department of Public Works only reviews the Storm Water Management (SWM) for this proposal.
2. The Department has made its first review of the SWM plan and return comments on 5-15-08.
3. We request that the Town of Rising Sun not approve the final plat for this project until the SWM plan has been approved by the Department.
4. An access, inspection, & maintenance easement for the proposed SWM pond must be identified on the final plat.
5. An I&M Agreement and the appropriate surety are required and must be executed prior to the Department approving the SWM plan.

Mr. Brown, CCSCS, provided the applicant with soil maps and reports. See file.

Ms. Latham, MDE, stated that if the water is provided through the town of Rising Sun a GAP is not required.

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

Mr. Di Giacomo stated that no comments were received for this project from SHA, Fire Chief Representative or Citizen’s Representative.

Mr. Di Giacomo asked if there was anyone present from the town of Rising Sun. No one spoke.

Mr. Di Giacomo, P&Z, read the comments of the department:
This project is proposed in the Town of Rising Sun. The Cecil County TAC, as a courtesy to the towns in the County, reviews development proposals within the towns’ corporate limits.

The Office of Planning & Zoning’s comments and questions relating to this Concept Plat are as follows:

- **Town Zoning:** R1, R3
  - It is recommended that the proposed use be verified as being consistent with the Town’s Zoning Ordinance for the R1 and R3 zones.
  - It should be confirmed that the setbacks and other design features are consistent with the Town’s Zoning Ordinance for the R1 and R3 zones.
  - The Town of Rising Sun and Cecil County have not signed an “Assigning obligations under the Forest Conservation Act.” However, the Office of Planning and Zoning will review and comment on the FSD, PFCP, and FCP as a courtesy to the Town.

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

- 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 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, especially with respect to access point offsets from other access points – especially Leedle Court.

- Is the Meadow Valley Drive/ Walnut Street intersection’s traffic flow controlled by MUTCD signage? Is it adequate for the increased traffic volume? If not, then it should be installed. Mr. Fellows said he believes there is a stop sign for one approach.

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

• It should be confirmed that all proposed building heights, or floor area ratios, are consistent with limits established in the Town’s Zoning Ordinance and Subdivision Regulations.

• Consideration should be given to soliciting review and comment on the site plan layout by the Rising Sun Volunteer Fire Company.

• Consideration should be given to the use of protective fencing around the proposed stormwater management facility.

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

• It is recommended that a detailed lighting plan be submitted for review prior to site plan final approval. No new light standards are shown. It is recommended that the lighting plan balance safety and security needs without creating undue glare for surrounding residents. Mr. Fellows said there is a complete lighting plan.

• How will trash be disposed of? Any dumpster locations should be shown, and any resultant, potential traffic flow conflicts should be identified and corrected. Mr. Fellows said he will be working with the building committee and the architect to locate and address an enclosure.

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

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


Fred Sheckells, Clark Turner Communities and Betsy Vennell, Town of North East, appeared and presented an overview of the project. This project consists of 75 townhouses.

Mr. Woodhull, DPW, read the comments of the department:
1. 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-buils. Road & storm drain plans should meet or exceed County standards. We recommend that the Town not approve the final plat until receiving confirmation from CCDPW that all County approvals for SWM & Sanitary sewer have been issued.

2. Where is the sanitary sewer service for the proposed club house? Mr. Sheckells said the clubhouse is not yet designed. When appropriate, the clubhouse design will be included in the sewer plans.

3. A public Sewer allocation was granted for 345 ELU’s on August 7, 2005. No new allocation above this will be granted at this time. The allocation process is currently undergoing change and
under the new process, set for review by the BOCC in August, the 345 ELU will no longer be set aside for this development. Only units brought in for final plat will receive sewer allocation based on its availability at that time. A benefit assessment will apply to all residential building permits issued as a result of the ‘Mauldin Avenue Sewers’ project improvements within the North East Sanitary Sub-district.

4. The clubhouse & pool have no sewer allocation at this time.

5. Easements for the sanitary sewer mains are required from the Town of North East for lines located within their road ROW and from the HOA for lines outside of that ROW. These easements must be identified on the preliminary plat presented to the Town of North East’s Planning Commission for review. Mr. Woodhull stated that for those that are inside the town’s roads, a blanket easement for the road ROW would suffice.

6. While not the County’s to review we still have concern about the road geometry for Zelkova Circle & Arch Lane supporting emergency vehicles and snow removal by the Town.

7. With the increase in dwellings to 628 the Department will require a re-evaluation of the offsite improvements required for Mechanics Valley Road. Therefore a Protocol 2 road Condition Survey & Road Improvement Plan will be required for Mechanics Valley Road, from MD Route 7 to MD Route 40. A public works agreement and monetary surety for the required improvements shall be provided prior to the CCDPW approving any plans for this project. Mr. Sheckells said it was his understanding that when they came in for the overall subdivision with the 600 plus units, the improvements were agreed upon for Mechanics Valley Road with the exception being that they were to do another TIS half way through the build out of the subdivision. At that time, a new recommendation would be given for the improvements.

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 and Lot Grading Plan Construction Limits Notes.


8.3 Requirements for Public Works Agreements.

8.4 Requirements for Stormwater Inspection and Maintenance Agreements.

Notes and requirements identified for record:

1. The Final Plat must include the Lot Grading Plan standard note and 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. A Public Works Agreement is required for the public sewer system construction and all offsite road improvements to Mechanics Valley Road.

4. An Inspection & Maintenance Agreement is required for the private SWM facilities.
Mr. Brown, CCSCS, provided the applicant with soil maps and reports. See file.

Ms. Latham, MDE, stated if the water will be provided by the Town of North East, a GAP would not be required.

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

Mr. Di Giacomo read the comments of SHA. See file.

Mr. Di Giacomo stated that no comments were received by the Citizen’s Representative or the Fire Chief’s representative.

Mr. Di Giacomo asked, on behalf of the Board of Education, the proposed size, price, number of bedrooms and start date of this project would be. Mr. Sheckells said the price range for the singles that are selling right now are starting at $270,000. The townhouses are going to be around $200,000 and the duplex’s will be somewhere between those two prices. The community is currently selling homes. There will be 8-16 built per quarter.

Ms. Vennell said the town had some concerns about the forestation plan. There is a 2006 approved forestation plan. She has heard that the plan is changing. The town would like all forestation on site. They do not know if there is any guarantee on that request. The town would like a second, approved forestation plan. Also, the JD, some of the homes are proposed in the 25 ft. buffer of the Waters of the US. They are waiting to find out if that has been released. Mr. Sheckells said on the old JD, there is the Waters of the US and the buffer would impact one of the lots. They have met with Steve Uldinski from the COE, two months ago. He is revising the JD to reflect that it is not the Waters of the US. Mr. Sheckells also stated that the clubhouse is not proposed in Phase III. They are only grading it in Phase III. Mr. Woodhull suggested that they clearly state on the plat regarding the clubhouse.

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.

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

- **Town Zoning: R-4 and MPC Overlay**

- It should be confirmed that the proposed use and densities are permitted in the R-4 and MPC zones.

- It should be confirmed that this Phase III Preliminary Plat is consistent with the approved Concept Plat, as well as the Preliminary and Final Plats from other Phases.

- It is recommended that site plan level details of the clubhouse and pool area be included on the Preliminary Plat. Alternatively, a separate site plan could be approved prior to Preliminary Plat approval. Otherwise, it is recommended that the clubhouse and pool area be considered as a separate Phase.
• It is strongly recommended that no Preliminary Plat be approved until and unless all road names have been approved by the County 911 Emergency Center.

• Has a Traffic Impact Study (TIS) been completed? If not, then one should be completed prior to any Preliminary Plat approval. An updated TIS will be done when they are at 50% complete.

• The Town of North East and Cecil County signed an “Assigning obligations under the Forest Conservation Act” agreement. The County will work with the Town on the Forest Conservation and Landscape Plans.

• It should be confirmed that the setbacks, lot sizes, and lot widths are consistent with the Town’s Zoning Ordinance for the R-4 and MPC zones.

• It is strongly recommended that no townhouse units be approved where the design does not provide for alternative access to the rear yards. For example, for proposed Lots 357-360, it appears that the only way a homeowner could get a lawnmower to the back yard would be to carry it though the house. If so, that is a bad design.

• 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.

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

• Who will be responsible for the maintenance of the walking trail through the common open space? Mr. Sheckells said the HOA will be responsible.

• It should be confirmed that the mount of common open space proposed meets the minimum requirements of the Town.

• There habitats of any rare, threatened, and endangered species on site should be avoided.

• 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 subdivision approval.

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

• Sidewalks are recommended along both sides of all internal streets.
• It should be confirmed that all aspects of the proposed site design and layout are consistent with the Town’s Subdivision Regulations and Public Works street code.

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

• If some overflow parking spaces are in common open space rather than public right-of-way, then 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 a dry hydrant 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 and trails.

• It is recommended that a lighting plan that emphasizes pedestrian safety and security be submitted – especially in the clubhouse and pool area.

• 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.
3) Cherrington, 379 Units, Dogwood and Blue Ball Roads, Concept Plat, Van Cleef Engineering Associates, Third Election District.

Scott Lobdell, Van Cleef Engineering and Lee Rammunno, representative for the developer, appeared and presented an overview of the project. Mr. Lobdell said they are proposing 379 apartment units. The units will resemble townhouses.

Mr. Woodhull, DPW, read the comments of the department:
Are you pursuing annexation by the Town of Elkton? Mr. Lobdell said they have not pursued that completely. The developers had some conversations with the town of Elkton; nothing further than general discussion. They would prefer to say under the county jurisdiction. If not where do you propose to obtain both water and sanitary sewer service for this site? Mr. Lobdell said the developer has had conversations with the county regarding water and sewer. They are in the 0-5 year plan for the Master Water and Sewer Plan. Many conversations have been had regarding this. They were advised to submit the Concept Plat and then further progress the conversations regarding the water and sewer. The following comments are based on the site remaining un-annexed:

1. A SWM plan, Road & Storm Drain plan, Sanitary Sewer plan, Water Distribution 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. Mr. Woodhull asked if there was a representative from the town of Elkton present. No one spoke.

2. The water system must accommodate fire flow requirements. Identify fire hydrant locations on the preliminary plat submitted to the Technical Advisory Committee (TAC) for review. Also submit the proposed fire hydrant locations to the serving fire company for their review & comment. Mr. Woodhull stated that the local Fire Department is Singerly.

3. Easements for water & sewer lines outside of county ROW must be provided and shown on the preliminary plat presented to the TAC for review.

4. Identify all Access, Inspection & Maintenance, and drainage easements on the preliminary plat presented to TAC for review.

5. How is SWM being addressed especially water quality requirements? Mr. Lobdell said they would like to use Green Technology. The Department has a concern about where the discharge from the SWM pond adjacent to Bldg. No. 40. It appears that it will cross an adjoining property prior to reaching Dogwood Run. As such make sure that you comply with all necessary requirements of Section 251-13 D of the Cecil County Storm Water Management Ordinance.

6. The proposed 379 apartments with the 2,547 average daily trip ends they generate will greatly increase the traffic loading on Dogwood Road. Therefore a Traffic Impact Study (TIS) is required for this proposal and the applicant must provide a traffic count on Dogwood Road.

7. The proposed Dogwood Road entrance does not appear to be acceptable. The Developer does not own sufficient road frontage on Dogwood Road at the proposed entrance to accommodate the acceleration & deceleration lane requirements identified in Sections 3.07.6 & 3.07.7 of the Cecil County Road Code.

8. The requirements of Section 3.07.8, by-pass lane, must also be addressed for this development.

9. The Developer is responsible for obtaining any/all ROW required to accommodate the entrances.

10. Does the Developer own Parcels 210-215 on Dogwood Road? Mr. Lobdell said yes. Their combined 330’ of frontage would make the more sensible access point into the proposed apartment complex.

11. If the State Highway Administration (SHA) does not allow the proposed direct access onto MD 545 (Blue Ball Road) your only access points will be onto Dogwood Road. It is the Department’s
position that developments of this size need a minimum of two entrances and as such the Developer will have to redesign the layout to accommodate this.

12. With the condition of Dogwood Road and the traffic loading generated by the 379 units proposed the Developer needs to be aware that offsite road improvements to Dogwood Road will be required based upon a Protocol 2 road condition survey & road improvements plan for the full extent of Dogwood Road.

13. The proposed monumental entrance must be designed to accommodate the turning movement requirements identified in Section 3.07 of the Cecil County Road Code

14. The entrance and offsite road improvement issues must be resolved to the Departments satisfaction prior to submitting the preliminary plat for TAC review. That plat must identify all improvements agreed to by the Department.

15. A sight distance submittal is required for the proposed Dogwood Road access point. The submittal must be made prior to submitting the preliminary plat for TAC review. Mark the centerline of this proposed entrance in the field.

16. The internal streets will be privately owned and maintained by the apartment complex owner. While the County will not take ownership the internal streets must be designed to County standards.

17. 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:

17.1 The Final Plat Lot Grading Note and the Lot Grading Plan Construction Limits Note.
17.3 Requirements for Utility relocations.
17.4 Requirements for Stormwater Inspection and Maintenance Agreements
17.5 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 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.

Mr. Brown, CCSCS, provided the applicant with soil maps and reports. See file.

Ms. Latham, MDE, questioned where the water is coming from for this project. There is no pending applications for water appropriation permits. If Artesian is going to be running the franchise, Ms.
Latham said she does not know where they are getting the water from. As of now, they have not applied for water.

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

Mr. Di Giacomo read the comments of SHA and Citizen’s Representative. It was stated that all the comments given to the Citizen’s Representative were given anonymously. At such time as the project goes before the Planning Commission, direct public comment will be allowed and the participants will have to state their name and address for the record. See file for comments.

Mr. Di Giacomo stated that the Office of Planning and Zoning did not received comments from the Fire Chief’s Representative.

Mr. Di Giacomo, P&Z, read the comments of the department:
This proposal is in compliance with §3.8 & §3.9.1 regarding public notification. There was a discrepancy in some of the adjoining property owner notification letters. The applicants were advised to contact OPZ for further clarification.

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: This Concept Plat proposes 379 dwelling units on 66.14 acres, for a proposed density of 5.73/1. The RM zone permits a density of 12 du/ 1 ac. for townhouses and 16/1 for apartments (as a structure type).

The Election District information should be added to the title block.

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

Is Parcel 1135 included in the cited 66.14 acres? Mr. Lobdell said no. Mr. Lobdell also stated that some of the other lots along Dogwood Road are not included in the 66 plus acres.

Why are different parcel boundary graphics used for P. 1135 and P. 422, for example? Mr. Lobdell said that was a drafting 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.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

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.”
than 15% -- to a maximum distance of 160’. The depicted floodplain is tied to the FEMA map rather than actual topographic information.

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

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

20% open space is required in the RM zone; 67.1% is proposed.

At a minimum, 15% of the required open space shall not consist of perennial or intermittent stream buffers, nontidal wetlands or buffers, steep slopes, or habitats of rare, threatened and endangered species. No more than 40% of the common open space required shall consist of those areas designated as nontidal or tidal wetlands. The open space sensitive areas thresholds must be calculated for inclusion on the Preliminary Plat.

Per §29.5.a (1), a minimum of 25% of the development envelope shall be landscaped.

Sidewalks are recommended.

Per §29.5.a (1), a 25’ Bufferyard standard C is required around the perimeter of the development tract.

Bufferyard Standard C is required, outside the right-of-way, along the road frontages of Blue Ball and Dogwood Roads.

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

The minimum distance between townhouse structures shall be 60’ if the townhouse structures are face to face. No townhouse structure shall be closer than 20’ to any interior roadway or closer than 15’ to any off-street parking area – excluding garages built into an individual townhouse unit.

The maximum townhouse height is 35’.

Apartment buildings shall be set back at least 20’ from all parking areas and internal roads (§29.4.h).

No apartment building can be constructed closer to any property line of the development tract than a distance equal to the height of the building (§29.4.d).

The maximum length of an apartment building is 300 feet (§29.4.j).

Per §187.2, the Planning Commission may require bufferyards to separate different zoning districts from one another.
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 requirements. In areas with community facilities, no street trees shall be planted within 20 feet of sewer laterals and cleanouts.

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

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

A Traffic Impact Study (TIS) will be required prior to Preliminary Plat review.

A number of existing structures are depicted; what will be their disposition? Mr. Lobdell said they would be demolished.

Are Parcels 221, 222 & 294 proposed to access the new access road from MD 545? Mr. Lobdell said the developer is making attempts to purchase those parcels.

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 W2 and S2.

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

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

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

School information:  
<table>
<thead>
<tr>
<th></th>
<th>Elementary</th>
<th>Middle</th>
<th>High School</th>
</tr>
</thead>
<tbody>
<tr>
<td>Gilpin Manor</td>
<td>395.5</td>
<td>662</td>
<td>1097</td>
</tr>
<tr>
<td>Elkton</td>
<td>512</td>
<td>712</td>
<td>944</td>
</tr>
<tr>
<td>% Utilization</td>
<td>77%</td>
<td>93%</td>
<td>116%</td>
</tr>
</tbody>
</table>


Mike Burcham, McCrone, Inc., and John Curtis, owner appeared and presented an overview of the project. Mr. Burcham explained that Mr. Curtis will be retaining Lot 2C. Lots 2A and 2B will be for new construction. Due to the nature of the design, Mr. Burcham stated that he will probably bring this before the Planning Commission with a Preliminary Plat rather than an Preliminary / Final Plat.

Mr. Woodhull, DPW, read the comments of the department:
At this time only the Department can only recommend that the preliminary plat be approved by the Planning commission. Once all required plans have received at least technical approval the Department will be able to recommend approval of the final plat. With that said our comments are as follows:

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 joint access easement for Lots 2A & 2B meets the request of the Department for limited access points onto Bohemia Church Road.
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 Stopping Sight Distance Measurements.

Notes and requirements identified for record:

1. The Lot Grading Plan must include the standard construction limits note.
   a. Grading Plan: “No clearing or grading is permitted beyond the limits of disturbance show 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 Bohemia Church Road access location to DPW prior to preliminary plat submittal. Mark the proposed entrance location in the field by a survey stake or paint.

Mr. Brown, CCSCS, provided the applicant with the soil map and reports. See file.

Ms. Latham, MDE, stated an exemption will need to be filed for this project.

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

Mr. Di Giacomo stated that no comments were given from SHA, Citizen’s Representative or the Fire Chief’s Representative.

Critical Area comments were received. See file.

On behalf of the CCPS, Mr. Di Giacomo asked what the proposed size, price, number of bedrooms and start date are for this project. Mr. Curtis said they would be around 3000 sq. ft.

Mr. Di Giacomo, P&Z, read the comments of the department:
This proposal is in compliance with §3.8 & §3.9.1 regarding public notification.

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

Zoning: SAR

Density: The Concept Plat, proposing 3 lots on 36.2 acres, for a proposed density of 1/12.07, was approved 2 on 10/16/06, conditioned on:

- The boundary line survey’s being completed prior to TAC review of the Preliminary Plat; and
- Documentation of the JD’s completion being received prior to the Planning Commission’s review of the Preliminary Plat.

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

The Critical Area RCA overlay zone permits a density of 1/20. Only proposed Lot 2C is partially within the Critical Area; its proposed density is 1/29.9.

The proposed new lots, 2A and 2B, are located entirely outside the Critical Area. For that reason, if fitting, staff would recommend approval even if the CBCAC’s issues with §’s 195 and 200 have not been fully resolved.

Has the boundary line survey been completed? Mr. Burcham said yes.

Steep slopes have been depicted.

---

2 At that time, The SAR zone permitted a maximum base density of 1 du/ 8 ac. Bonus density was not an issue.
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’.

Currently, the policy regarding JD’s is as follows: A 25’ buffer is required around all non-tidal wetlands and intermittent streams present. Permits are required from the (US Army) Corps of Engineers and MDE for all non-tidal wetland and stream impacts prior to recordation. JD’s are required in conjunction with permitting. If no permits are required, and if the proposed project meets the policy standards established on 3/20/95 and revised on 1/16/96, or if the FSD/Conceptual Environmental Assessment finds that there are no impacts to field-delineated wetlands or stream impacts, or if the FSD/Conceptual Environmental Assessment finds that there are no wetlands or streams and that finding is consistent with the details of County wetlands maps and USGS quad maps, then no JD is required. If required, then a JD is recommended to be done prior to Final Plat review by the Planning Commission, but it is required to be completed prior to recordation.

Thus, the second condition of Concept Plat approval has been rendered moot.

No common open space was required. No landscaping of the development envelope is required, and no sidewalks are recommended in the SAR zone.

Bufferyard Standard C is required, outside the right-of-way, along the road frontages of Bohemia Church Road, and the 100’ BRL has been depicted.

The FSD was approved on 10/10/06.

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).

Ordinarily, an environmental assessment would need to be submitted in accordance with §200.1 of the Zoning Ordinance. However, as noted on the plat, there shall be no new development on Lot 2C, and proposed Lots 2A and 2B are located entirely outside the Critical Area.

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.

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

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.

<table>
<thead>
<tr>
<th>School information:</th>
<th>Elementary</th>
<th>Middle</th>
<th>High School</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cecilton</td>
<td>306</td>
<td>513</td>
<td>717</td>
</tr>
<tr>
<td>FTE</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Capacity</td>
<td>295</td>
<td>1244</td>
<td></td>
</tr>
<tr>
<td>% Utilization</td>
<td>104%</td>
<td>99%</td>
<td>99%</td>
</tr>
</tbody>
</table>

---

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.
5) Creamery Knoll, Lots 1-4, Knights Corner and Woods Road, Concept Plat, McCrone, Inc., Second Election District.

Don Sutton, McCrone, Inc., appeared and presented an overview of the project. Mr. Sutton stated that this land was originally part of the property that included Brantwood Golf Course and Brantwood Subdivision. On some of the early Preliminary Plats for Brantwood Subdivision, this land is shown as developed area. On later Preliminary Plats, it is shown as open space area. That issue was never finalized on any of the Final or Recorded plats or deed restrictions for the Brantwood Subdivision. There was a court hearing on the density issue for Brantwood Golf Course. The ruling was in favor of Brantwood.

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. A sight distance submittal for the proposed driveway locations must be made prior to the preliminary plat submittal to the TAC for review. Mark the proposed locations 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 Stopping Sight Distance Measurements.

   Notes and requirements identified for record:
   1. The Lot Grading Plan must include the standard construction limits note.
      a. Grading Plan: “No clearing or grading is permitted beyond the limits of disturbance show hereon. Any expanded clearing and/or grading in the absence of an approved revised lot grading plan may be considered non-compliance with Chapter 251 of the Cecil County Code and either or both the developer and/or Builder may be subject to the enforcement of the penalty provisions therein.”
   2. The downstream conveyance of storm water must be analyzed in accordance with Section 251-9.A. (5) of the county’s SWM Ordinance. If stormwater discharge is directed off of the site on to adjacent property it is the responsibility of the Developer to obtain appropriate easements from the affected property owners per Sections 251-13 and 251-15.D of the Cecil County SWM Ordinance.
   3. Where determined necessary by the utility companies, the owner, the designer, or DPW, utility poles must be relocated at the Developer’s expense.
   4. An Inspection & Maintenance Agreement is required for the private SWM facilities.

Mr. Woodhull asked Mr. Sutton where he was proposing the access on Knights Corner. Mr. Sutton said somewhere along the middle of the frontage for Lot 4.

Mr. Brown, CCSCS, provided the applicant with the soil maps and reports. See file.

Ms. Latham, MDE, said an exemption would be required.

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

Mr. Di Giacomo stated that no comment was received from SHA, Fire Chief’s Representative or the Citizen’s Representative.
On behalf of the CCPS, Mr. Di Giacomo asked what the proposed size, price, number of bedrooms and start date is for this project. Mr. Sutton said the size is 3000 sq. ft., there will be 3-4 bedrooms and the price will be around $300,000 to $500,000.

Mr. Di Giacomo, P&Z, read the comments of the department:
This proposal is in compliance with §3.8 & §3.9.1 regarding public notification.

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

Zoning: NAR

Density: The NAR zone permits a maximum base density of 1 du/ 10 ac. This Concept Plat proposes 4 lots on 42.64 acres, for a proposed density of 1/10.66.

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

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

Dwellings or impervious surfaces shall not occur on slopes with a grade of 25% or more covering a contiguous area of 10,000 ft² or more. On slopes between 15 and 25%, good engineering practices shall be used to ensure sediment and erosion control and slope stabilization before, during and after disturbance activities. 4

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

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

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

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

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

4 The Cecil County Subdivision Regulations define steep slopes as “15 percent or greater incline.” The Cecil County Zoning Ordinance defines steep slopes as consisting of a grade of 25% or more covering a contiguous area of 10,000 ft² or more. The Cecil County Forest Conservation Regulations define steep slopes as “areas with slopes greater than 25 percent slope.”
No landscaping of the development envelope is required, and no sidewalks are recommended in the NAR zone.

What is the basis for the requested Bufferyard Standard C waiver, and how would the “existing” rural character be maintained with the creation of four new residential lots? Mr. Sutton said the idea of the waiver is to request for Lot 4 to maintain the open area.

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. A 300’ ag buffer has been depicted, but the word “principal” has been misspelled.

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

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

The Forest Stand Delineation (FSD) 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 contiguous operating farm notice has been provided on the plat.

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.

<table>
<thead>
<tr>
<th>School information:</th>
<th>Elementary FTE</th>
<th>Middle Capacity</th>
<th>High School Capacity</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Chesapeake City</td>
<td>Bo Manor</td>
<td>Bo Manor</td>
</tr>
<tr>
<td>% Utilization</td>
<td>87%</td>
<td>99%</td>
<td>99%</td>
</tr>
<tr>
<td></td>
<td>287.5</td>
<td>513</td>
<td>717</td>
</tr>
<tr>
<td></td>
<td></td>
<td>----------------</td>
<td>---------------------</td>
</tr>
<tr>
<td></td>
<td></td>
<td>1244-------------</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>1244-------------</td>
<td></td>
</tr>
</tbody>
</table>

Don Sutton, McCrone, Inc., appeared and presented an overview of the project. Mr. Sutton said they would be submitting a Preliminary Plat rather than Preliminary / Final Plat.

Mr. Woodhull, DPW, read the comments of the department:
The Department will not recommend preliminary or final plat approval at this time. When comments from the concept plat review have been addressed and all required plans have been approved we will entertain a preliminary/final plat submittal.

Mr. Brown, CCSCS, had no additional comments.

Ms. Latham, MDE, had no additional comments.

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

Mr. Di Giacomo stated no comments were received from SHA, the Fire Chief’s Representative or the Citizen’s Representative.

Mr. Di Giacomo, P&Z, read the comments of the department:
This proposal is in compliance with §3.8 & §3.9.1 regarding public notification.

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

Zoning: NAR

Density: The NAR zone permits a maximum base density of 1 du/ 10 ac. This Preliminary Plat proposes 4 lots on 42.64 acres, for a proposed density of 1/10.66.

Has the boundary line survey must been completed? Mr. Sutton said yes.

The Concept Plat was just reviewed and has not been approved by the Planning Commission. §2.0 of the Subdivision Regulations allows for a combined Preliminary-Final Plat if there are from 1 to 5 lots. Mr. Di Giacomo said this statement is moot due to this being a Preliminary Plat rather than a Preliminary-Final Plat.

On slopes between 15 and 25%, good engineering practices shall be used to ensure sediment and erosion control and slope stabilization before, during and after disturbance activities.5

No steep slopes have been identified on the plat. What about the area of proposed right-of-way dedication along Knights Corner Road? Mr. Sutton said this will be completed before the Planning Commission review.

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.”
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. JD’s are required in conjunction with permitting. If no permits are required, and if the proposed project meets the policy standards established on 3/20/95 and revised on 1/16/96, or if the FSD/Conceptual Environmental Assessment finds that there are to be no impacts to field-delineated wetlands or stream impacts, or if the FSD/Conceptual Environmental Assessment finds that there are no wetlands or streams and that finding is consistent with the details of County wetlands maps and USGS quad maps, then no JD is required. If required, then a JD is recommended to be done prior to Final Plat review by the Planning Commission, but required to be completed prior to recordation.

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.

A Bufferyard Standard C waiver is being requested. It is unclear how the “existing” rural character would be maintained with the creation of four new residential lots.

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 300’ agricultural buffer has been depicted, but the word “principal” has been misspelled.

The appropriate road setbacks (BRLs) have been depicted.

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

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 contiguous operating farm notice has been provided on the plat.

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.
7) Lands of Johnson and Merriman, Lot 1, Rock Run and Burlin Road, Preliminary / Final Plat, Northern Bay Land Planning, Seventh Election District.

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

Mr. Woodhull, DPW, read the comments of the department:
All plans for this project are technically approved and only administrative issues remain outstanding. The Department of Public Works will not sign the record plat until these issues have been addressed to the satisfaction of the Department.

Mr. Brown, CCSCS, provided the applicant with soil maps and reports. See file.

Ms. Latham, MDE, stated an exemption has been granted for this project.

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

Mr. Di Giacomo stated that no comments were received from SHA, the Fire Chief’s or Citizen’s Representative.

On behalf of the CCPS, Mr. Di Giacomo asked what the proposed size, price, number of bedrooms and start date are for this project. Mr. Pyles said the home will be 3-4 bedrooms, $350,000 to $450,000 and time frame is around a year depending on the market.

Mr. Di Giacomo, P&Z, read the comments of the department:
This proposal is in compliance with §3.8 & §3.9.1 regarding public notification.

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

Zoning: NAR

Density: The Concept Plat, invoking the density provisions of §2.4.1 to propose 2 minor & 9 major subdivision lots on 47.49 acres, for a proposed density of 1/5.28\(^6\), was approved on 11/20/06, conditioned on:
1) The boundary line survey being completed prior to the TAC’s review of the Preliminary Plat;
2) Documentation of the completion of the JD being submitted prior to the Planning Commission’s review of the Preliminary Plat;

\(^6\) The NAR zone permitted a maximum base density of 1 du/ 5 ac. Bonus density is not an issue.
3) The PFCP being approved prior to the Planning Commission’s review of the Preliminary Plat; and
4) All road names being approved prior to the Planning Commission’s review of the Preliminary Plat.

This property, part of a separate deed parcel, was originally part of the Merlyn Park Concept Plat, whose 1998 Concept Plat approval has expired. §2.0 of the Subdivision Regulations allows for a combined Preliminary-Final Plat if there are from 1 to 5 lots.

Is the reduction (from 11.73 to 11.08) in acreage the result of the boundary line survey? Mr. Pyles said yes.

Is there currently a timber harvest on P. 26? (A DOI would preclude development for 5 years.) Mr. Pyles said Parcel 26, as shown on the tax map is actually 5 separate parcels within the deed. This is not included in the Timber Harvest of that parcel. Mr. Di Giacomo said he will need verification of that information. Mr. Pyles said he would provide documentation to the staff.

Steep slopes have been shown on the plat.

The 110’ perennial stream buffer has been shown on the plat.

Currently, the policy regarding JD’s is as follows: A 25’ buffer is required around all non-tidal wetlands and intermittent streams present. Permits are required from the (US Army) Corps of Engineers and MDE for all non-tidal wetland and stream impacts prior to recordation. JD’s are required in conjunction with permitting. If no permits are required, and if the proposed project meets the policy standards established on 3/20/95 and revised on 1/16/96,7 or if the FSD/Conceptual Environmental Assessment finds that there are to be no impacts to field-delineated wetlands or stream impacts, or if the FSD/Conceptual Environmental Assessment finds that there are no wetlands or streams and that finding is consistent with the details of County wetlands maps and USGS quad maps, then no JD is required. If required, then a JD is recommended to be done prior to Final Plat review by the Planning Commission, but it is required to be completed prior to recordation.

Thus, the second condition of Concept Plat approval has been rendered moot.

15% common open space is required; 15.03% was proposed.

No landscaping is required and no sidewalks were recommended in the NAR zone.

Bufferyard Standard C is required, outside the right-of-way, along the road frontages of Burlin & Rock Run Roads, as depicted.

The FSD was approved on 11/15/06. The PFCP must be approved prior to Planning Commission review of the Preliminary Plat (§6.2.B(1), Cecil County Forest Conservation Regulations).

The 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.

---

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

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.

<table>
<thead>
<tr>
<th>School information:</th>
<th>Elementary</th>
<th>Middle</th>
<th>High School</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Bainbridge</td>
<td>Perryville</td>
<td>Perryville</td>
</tr>
<tr>
<td>FTE</td>
<td>256</td>
<td>709</td>
<td>986</td>
</tr>
<tr>
<td>Capacity</td>
<td>455</td>
<td>688</td>
<td>860</td>
</tr>
<tr>
<td>% Utilization</td>
<td>56%</td>
<td>103%</td>
<td>115%</td>
</tr>
</tbody>
</table>

8) Browning Creek, Lots 1-47, Bohemia Church Road, Preliminary Plat, Stantec Consulting, First Election District.

Joel Comanda, Stantec and Mark Rutkoske, owner, appeared and presented an overview of the project. Mr. Comanda said the proposed homes will be 3-4 bedroom homes, around 3000-3500 sq. ft., and will be priced around $500,000.

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.

2. Pre-design geo-technical evaluations and borings are required along the proposed road alignments that cross perennial streams and non-tidal wetlands. Specific recommendations for subsurface drainage and street subgrade placement are required in the area of these crossings. New stream crossings must be approved as part of the overall road system design approval.

3. Where is the stopping sight distance measurements submittal for the Bohemia Church Road? This submittal as well as Departmental approval of the same is required prior to submitting this project for review by the Planning Commission. Mark the proposed access centerline in the field. Mr. Comanda said he would verify.

4. The developer shall upgrade Bohemia Church Road for a distance of 100’ either side of the point of intersection between the proposed entrance and Bohemia Church Road. Identify the extent of the improvements on the plat presented to the Planning Commission for preliminary plat review.

5. The acceleration/deceleration lanes for the private mini road must be shown on the preliminary plat. Refer to Sections 3.07.6 & 3.07.7 of the Cecil County Road Code for requirements.

6. What becomes of the existing access easement referenced in Minor Sub 3470? Mr. Comanda said they have maintained that access easement in place as a part of this project. Mr. Rutkoske said they have made provisions if, in the future, they want to come through the development, that they could. Mr. Woodhull said the deeds for the effected lots will need to include that information regarding the right to that easement.

7. In general, how will SWM quantity control be addressed for this development? Mr. Comanda said they would be using 2 ponds. It appears that at least half the development does not have SWM addressed. Mr. Woodhull said the level of detail needs to be shown for the Planning Commissions review.
8. Storm drains shown do not convey runoff to SWM facilities. The plat lacks a great deal of detail on how storm water conveyance is addressed in this development. This must be properly addressed on the plat presented to the Planning Commission for review.

9. Are all the existing swales shown on the plat being kept as SWM conveyances? Any swale retained in this capacity must be shown as being in a drainage easement and be so identified on the preliminary plat submitted for Planning Commission review.

10. The Department has concern about the swales on Lots 34 & 35. The final lot grading plan for these lots needs to satisfactorily address how this drainage will be accomplished.

11. Access, Inspection & Maintenance Easements must be identified for the proposed SWM facilities. As previously mentioned they must be identified on the preliminary plat submitted for Planning Commission review.

12. Where will the SWM facilities discharge? The discharge from the facility adjacent to Lot 6 must be analyzed for impact to State Highway ROW and be submitted to the SHA for review & approval. Mr. Comanda said the discharge would go to the SHA roadside ditch.

13. The open section road proposed has shoulders associated with it and they must be shown on the plat. Storm drain inlets must be located outside of the shoulders and in the roadside ditch.

14. The culvert under Sand Piper Blvd. at the perennial stream must be analyzed for its impacts both up & down gradient of the pipe. This culvert must be designed to accommodate the 100-year flood without overtopping the road surface.

15. Why has the perennial stream buffer been terminated where it has while the line identifying the stream centerline continues well south of Sand Piper Blvd.? We will need to see documentation that this in fact the end of any type of stream classification.

16. 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:

16.1 The Final Plat Lot Grading Note and the Lot Grading Plan Construction Limits Note.
16.3 Compliance with Section 3.07.15 of the Cecil County Road Code.
16.4 Requirements for Utility relocations.
16.5 Requirements for Public Works Agreements.
16.6 Requirements for Stormwater Inspection and Maintenance Agreements
16.7 Requirements for Private Mini Roads.
16.8 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 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 Bohemia Church 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. Public Works Agreements will be required for the Private Mini Road and internal street construction.

6. An Inspection & Maintenance Agreement is required for the private SWM facilities.
The Private Mini Road must comply with Section 2.13 of the Road Code.
Applicant must provide stopping sight distance measurements for the Bohemia Church Road access location to DPW. Mark the proposed entrance locations in the field by a survey stake or paint.

Mr. Brown, CCSCS, provided the applicant with soil reports and maps. See file.

Ms. Latham, MDE, said a GAP will be required for Final Approval.

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

Mr. Di Giacomo stated that no comments were received from the Citizen’s or Fire Chief’s Representatives.

Mr. Di Giacomo read the comments from SHA and stated comments were received from CBCAC. See file.

Mr. Di Giacomo, P&Z, read the comments of the department:
This proposal is in compliance with §3.8 & §3.9.1 regarding public notification.

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

Zoning: SAR

Density: The Concept Plat, proposing 4 minor\(^8\) and 43 major subdivision lots on the remaining 350.94 acres\(^9\), for a proposed density of 1/8.16, was approved on 8/21/06\(^10\), conditioned on:
1) The boundary line survey being completed prior to the TAC’s review of the Preliminary Plat;
2) Documentation of the completion of the JD being submitted prior to the Planning Commission’s review of the Preliminary Plat;
3) The PFCP and preliminary environmental assessment being approved, and any issues raised by the Natural Heritage letter being addressed, prior to the Planning Commission’s review of the Preliminary Plat; and
4) All road names being approved prior to the Planning Commission’s review of the Preliminary Plat.

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

Five lots (43-47) are proposed in the Critical Area (RCA) on 111.084 acres, for a proposed Critical Area density of 1/22.217\(^11\), as stated on the plat. Lots 43 & 44 are proposed entirely outside the expanded Critical Area Buffer/Expanded Buffer.

No dwelling sites are proposed within the 100-year floodplain.\(^12\), \(^13\)

\(^8\) The minor subdivision lots were included at a stated density of 1/1. Thus, the provisions of §2.4.1 were not invoked.
\(^9\) 76.04 acres of common open space were included.
\(^10\) The SAR zone then permitted a maximum base density of 1 du/8 ac.
\(^11\) The RCA overlay zone permits a density of 1/20.
\(^12\) Therefore, no §241.2.d (1) variance is required.
\(^13\) Should any variance application to create a building site in the 100-yr. tidal floodplain be successful, then the requirements of §243 must be strictly adhered to. §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.”
Note # 4 indicates that the boundary line survey has been completed.

Steep slopes have been depicted on the plat.

Stream, wetland & Critical Area buffers have been shown.

Currently, the policy regarding JD’s is as follows: A 25’ buffer is required around all non-tidal wetlands and intermittent streams present. Permits are required from the (US Army) Corps of Engineers and MDE for all non-tidal wetland and stream impacts prior to recordation. JD’s are required in conjunction with permitting. If no permits are required, and if the proposed project meets the policy standards established on 3/20/95 and revised on 1/16/96, or if the FSD/Conceptual Environmental Assessment finds that there are to be no impacts to field-delineated wetlands or stream impacts, or if the FSD/Conceptual Environmental Assessment finds that there are no wetlands or streams and that finding is consistent with the details of County wetlands maps and USGS quad maps, then no JD is required. If required, then a JD is recommended to be done prior to Final Plat review by the Planning Commission, but it is required to be completed prior to recordation.

Thus, the second condition of Concept Plat approval has been rendered moot.

15% common open space is required; 20.1% (was 20.20%) is proposed.

No landscaping of the development envelope is required and no sidewalks were recommended in the SAR zone.

Bufferyard Standard C is required, outside the right-of-way, along the road frontages of all roads. Note # 10 indicates that a modification, as depicted on the plat, is proposed. Why? Mr. Comanda said instead of a bufferyard C, a 30ft. planting strip would be provided along side the easement.

The strip of common open space obviates the need for any Bufferyard Standard A along the northern property line. However, there is nothing in the regulations that says it can be used “in lieu of” a Bufferyard Standard A. So long as the dwellings on proposed Lots 41 and 42 remain set back at least 300’, the Planning Commission may waive their Bufferyard A requirement.

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 and conceptual environmental assessment were approved on 8/18/06. Because the Natural Heritage Service exceeded the 30 days in which to respond to the consultant's inquiry regarding the presence of any rare species, the FSD was approved conditioned upon receiving the Natural Heritage letter, and addressing any issues raised by the letter, prior to PFCP approval. Are there any habitat protection areas? Mr. Comanda said no.

The PFCP/Preliminary Environmental Assessment must be approved prior to Planning Commission review of the Preliminary Plat (§6.2.B(1), Cecil County Forest Conservation Regulations).

The FCP/Landscape Plan and environmental assessment must be approved prior to Planning Commission review of the Final Plat (§6.3.B(1)(a), Cecil County Forest Conservation Regulations).

Per Note # 13, the portion of the project located in the RCA zone is exempt under §3.2B.

---

14 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 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. It is calculated to be 1.76%.

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.

Regarding the Topographic information, was a field run performed? Mr. Comanda said yes. Staff recommends a field run topo, per §4.1.22 (i).15

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

The internal road names must be approved by the County 911 Emergency Center prior to Planning Commission review of the Preliminary Plat (None were proposed at Concept Plat TAC review, as required.). The names Kingfisher Ct. & Sandpiper Blvd are disapproved.

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

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

The proposed mini-road has two mid-block turn-arounds and a cul-de-sac bulb. 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 in Note #14.

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. The applicant is further reminded that Concept Plat approval is set to expire on 8/21/08.

School information: Elementary Middle High School
Cecilton Bo Manor Bo Manor
FTE 306 513 717
Capacity 295 1244
% Utilization 104% 99% 99%

15 Estimation from USGS data is permitted but not interpolation.
9) Lands of Herschell B. Claggett, Lots 4-6, Glebe Road, Preliminary / Final Plat, Michael A. Scott, Inc., First Election District.

Mike Scott, Surveyor and Herschell Claggett, owner, appeared and presented an overview of the project. This project was in for review by the Planning Commission at last months meeting. Mr. Scott withdrew this project because of a road issue. The proposed lane was shown as a private mini road but because of the agreement between Mr. Claggett and the Eastern Shore Land Conservancy, the road was a considered a fourth lot. They are now proposing the lane as a common access. Mr. Claggett gave an overview. Discussion ensued.

Mr. Woodhull, DPW, read the comments of the department:
The Developer must be aware that although the access to the proposed lots is now called a common access lane the previously submitted & technically approved entrance & road plans still apply. All plans for the proposed subdivision 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. Claggett stated that he received a packet from DPW requiring a permit fee for inspection. Mr. Claggett stated he also got another invoice for $8700 for the entrance way. He asked if that could be done as a Letter of Credit. Mr. Woodhull referred Mr. Claggett to Lydia Gambill in DPW.

Mr. Brown, CCSCS, provided the applicant with soil maps and reports. See file.

Ms. Latham, MDE said an exemption has already been granted for this project.

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

Mr. Di Giacomo stated that no comments had been received from SHA, Fire Chief’s or Citizen’s Representative.

Mr. Di Giacomo, P&Z, read the comments of the department:
This proposal is in compliance with §3.8 and §3.9.1 regarding public notification.\(^{16}\)

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, RCA

Density: The Concept Plat, proposing 3 lots\(^{17}\) on 209.3 acres, for a proposed density of \(1/69.77\),\(^{18}\) was approved on 8/20/07,\(^{19}\) 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; and

---

\(^{16}\) 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.

\(^{17}\) Minor Subdivision #3682, Pegasus Farms LLC (m52, p487) was approved on 5/31/07; thus, there currently exists no more minor subdivision potential.

\(^{18}\) The SAR zone permits a maximum base density of \(1 \text{ du/20 ac.}\)

\(^{19}\) Subsequently, on 12/20/07 a deed of conservation easement was made between Herschell B. Claggett, Sr. and the ESLC for that property and recorded (WLB 2449/399).
3) The PFCP/Environmental Assessment being completed prior to Preliminary Plat review by the Planning Commission.

The proposed RCA density is 1/26.07. The CBCAC’s issues with §’s 195 and 200 have not yet been fully resolved; the hiatus in CA Final Plat approvals remains.

The Preliminary Plat was approved on 4/21/08, conditioned on:
1) Health Department requirements being met;
2) DPW requirements being met;
3) The FCP, EA and Landscape Plan being approved prior to Planning Commission’s review of the Final Plat;
4) Deed restrictions for the long-term protection of the Forest Retention/Afforestation Areas (FRAs) being recorded and noted on the plat prior to recordation, with the metes and bounds description of the FRA being shown on the Final and Record Plats;
5) The contiguous operating farms notice’s being included on the Final and Record Plats; and
6) All comments from the CBCAC being fully addressed and met to the satisfaction of the Office of Planning and Zoning prior to Final Plat approval.

This Preliminary/Final Plat proposes to slightly revise the previous Preliminary Plat, but be otherwise consistent with it and the approved Concept Plat.

The private mini-road was eliminated from the design due to there being an ESLC conservation easement limiting development to 3 lots, and the ESLC considering the proposed mini-road to be a 4th lot.

The new proposed layout essentially includes the previously-proposed mini-road as part of Lot 4, with proposed Lots 5 & 6 having an access easement across out to Glebe Road. This new proposed layout is consistent with approved Variance #3312.

A PRMA must be executed prior to recordation.

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 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.

The plat has been signed and sealed; and the boundary line survey has been completed.

Note # 4 on sheet 2 of 9 serves to satisfy the §4.1.22 (r) requirement.

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.\(^{22}\)

Slopes greater than 25% have been shown.

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. JD’s are required in conjunction with permitting. If no permits are required, and if the proposed project meets the policy standards established on 3/20/95 and revised on 1/16/96, or if the FSD/Conceptual Environmental Assessment finds that there are to be no impacts to field-delineated wetlands or stream impacts, or if the FSD/Conceptual Environmental Assessment finds that there are no wetlands or streams and that finding is consistent with the details of County wetlands maps and USGS quad maps, then no JD is required. If required, a JD is recommended to be done prior to Final Plat review by the Planning Commission, but required to be completed prior to recordation.\(^{23}\) These new requirements of the Corps of Engineers supersede the second condition of Concept Plat approval.

Per the Natural Heritage Letter, no rare, threatened, or endangered species exit onsite.\(^{24}\) This subdivision shall be subject to the habitat protection criteria of the County’s Critical Area Program.

No common open space or landscaping is required, and no sidewalks are recommended.

The adjacent properties’ zoning has been shown.\(^{25}\)

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

The FSD was approved, with conditions, on 8/16/07.\(^{26}\) An Environmental Assessment has been submitted in accordance with §200.1.

The PFCP & Preliminary Environmental Assessment were approved on 3/19/08.

The FCP, EA and Landscape Plan has been approved, but must be revised

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.

\(^{22}\) 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.

\(^{24}\) The site may contain FIDS habitat, and the adjacent open waters are known as historic waterfowl concentration areas.

\(^{25}\) Per §187.2, the Planning Commission may require bufferyards to separate different zoning districts from one another.

\(^{26}\) Per §5.1.C, Cecil County Forest Conservation Regulations. The condition was that the existing dwelling and two barns be removed prior to PFCP approval (Demolition Permit # H4495).
The CBCAC staff sent comments on 3/4/08. As stated at the 3/5/08 TAC review, they must be thoroughly addressed prior to proceeding to the Planning Commission. What actions have been taken in that regard?

The contiguous operating farm notice has been provided as a note on sheet 4 of 9.

<table>
<thead>
<tr>
<th>School information:</th>
<th>Elementary</th>
<th>Middle</th>
<th>High School</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Cecilton</td>
<td>Bo Manor</td>
<td>Bo Manor</td>
</tr>
<tr>
<td>FTE</td>
<td>306</td>
<td>513</td>
<td>717</td>
</tr>
<tr>
<td>Capacity</td>
<td>295</td>
<td></td>
<td>1244--------</td>
</tr>
<tr>
<td>% Utilization</td>
<td>104%</td>
<td>99%</td>
<td>99%</td>
</tr>
</tbody>
</table>


James Keefer, Morris & Ritchie Associates, Inc., appeared and presented an overview of the project. Mr. Keefer said no school age children are expected to be living in this subdivision. They are proposing this project as a resort community to include residential lots and fractional memberships. Mr. Keefer said no school age children are expected to be living in this subdivision.

Mr. Woodhull, DPW, read the comments of the department:
The Cecil County Department of Public Works has no objection to the granting of the allocation requested.

Mr. Brown, CCSCS, had no comment.

Ms. Latham, MDE, had no comment.

Mr. von Staden, DEH, had no comment.

Mr. Di Giacomo read the comments of the CBCAC.

Mr. Di Giacomo, P&Z, read the comments of the department:
Zoning: SAR, RCA (Critical Area) -- GROWTH ALLOCATION

Growth Allocation is basically a process of designating new LDA and IDA areas in the Critical Area in order to accommodate more intense activity or more intense density. In this case, the proposed project seeks to have 40 of 276.589 SAR/RCA acres re-designated as LDA.

§206.2 and 210.2.a (1) of the Cecil County Zoning Ordinance stipulate that Growth Allocation applications be placed on the Technical Advisory Committee (TAC) and Planning Commission agendas.

Pursuant to that requirement, the TAC is reviewing the application today.

The Planning Commission review will take place subsequently. After the Planning Commission reviews the application, it then recommends to the Board of County Commissioners whether or not to
award the Growth Allocation. Their recommendation is based upon the established point award system.

Scoring: The Cecil County Critical Area Program, adopted 7/5/88, established an application screening process “whereby only development projects that are exemplary of sensitive development in the Critical Area are given Growth Allocation.” That process consists of a point award system, the intent of which is “to encourage location of projects for Growth Allocation in or adjacent to existing Limited Development or Intensely Developed Areas and in the Suburban, Town, or Development Planning Districts as described in the Comprehensive Plan through the point award system.”

The details of the point award system are contained in §206, 207 and 208 of the Zoning Ordinance, and provide that the minimum scoring threshold for consideration of award of Growth allocation and reclassification is 90 points. The Ordinance does not provide for any alternative screening mechanism.27

The applicant has scored the project and awarded it 102 points, which is above the threshold for the awarding of Growth allocation and reclassification. The points awarded by the applicant are as follows:

1. For “Development Type,”28 a maximum score of 40 points is possible, and the applicant has self-scored the project 40 points. 87.2% open space is proposed.29 Forest contiguity is maintained and the 20-acre minimum open space outside the Critical Area is exceeded by approximately 180 acres. Staff concurs with the 40 point score.
2. For “Buffer Enhancement,”30 a maximum score of 20 points is possible, with the applicant having self-scored the project 0 points. Staff concurs.
3. For “Location of Development,”31 the applicant has self-scored the project 10 out of a maximum score of 15 points. Staff again concurs.
4. For “Forest and Woodland Protection,”32 a maximum score of 10 points is possible, with the applicant having taken credit for 4. Staff concurs with the analysis, but, since there isn’t 40% forest cover, only 3 points can be awarded.
5. For “Habitat Protection,”33 a maximum score of 10 points is possible, and the applicant has self-scored the project 10 points. Until the easements referenced in item ‘b’ can be clearly demonstrated, and the enhancements referenced in ‘e’ are finalized, those 8 self-awarded points must be reduced to 4, at least for the time being.
6. For “Water Quality,”34 a maximum score of 8 points is possible, with the applicant having self-scored the project all 8 points. Staff concurs.
7. For “Resource Utilization,”35 the applicant has self-scored the project 0 out of a possible 6 points. Staff again concurs.

---

27 This proposed project is located in Suburban District as defined by the Cecil County Comprehensive Plan. Therefore, there can be no exemption from the point award system, as provided by §212 of the Zoning Ordinance, since the location is not in a Development District.
28 §208.1.
29 The applicant’s commentary incorrectly cites 60 open space being required. In fact, §175.2.k requires at least 70% open space, which can include one “large lot.”
30 §208.2.
31 §208.3.
32 §208.4.
33 §208.5.
34 §208.6.
35 §208.7.
8. For “Erosion Control,” a maximum score of 3 points is possible, with the applicant having self-scored the project 3 points. Staff agrees with that score.
9. For “Water-dependent Facilities,” a maximum score of 3 points is possible, with the applicant having taken credit for 2 for 50% shoreline protection. Staff agrees.
10. For “Bonus Points,” a maximum score of 65 points is possible, and the applicant has self-scored the project 25 points. Based on the narrative, staff concurs.

The net result is that there appears to be a surplus of 7 points, although the self-scoring by the applicant showed a surplus of 12 points. Based on this analysis, staff finds to that this project is eligible for consideration for the granting of Growth Allocation.

SEE FILE FOR SCORING SHEET.


James Keefer, Morris & Ritchie Associates, Inc., appeared and presented an overview of the project.

Mr. Woodhull, DPW, read the comments of the department:
1. While the Cecil County Department of Public works concurs with the Developers request that the internal streets proposed be private, the Applicant must seek a variance from the Zoning Board of Appeals in regards to lots not fronting on a county road. The issue of this variance should be resolved prior to the Planning Commission reviewing the preliminary plat.
2. The Department would want assurances that if the management organization fails the ownership and associated responsibility for the roads would be legally transferred to the owners of the units proposed. The type, details and language of said assurances must be established to the satisfaction of this Department prior to our recommending approval of the final plat to the Planning Commission.
3. The Road Code variances requested by the Applicant are currently under review.
4. The Developer will be responsible for the previously approved offsite road improvements and those improvements must be identified on the preliminary plat submitted for Planning Commission review. A Public Works Agreement will be required for these improvements to Grove Neck Road.
5. The plat proposed indicates that a shared waste water facility is provided to service this development only.
6. It is the Department’s position that for shared facilities DPW be the Controlling Authority. However in accordance with Section 175 of the Subdivision Regulation the Board of County Commissioners of Cecil County designates the Controlling Authority.
7. The Applicant needs to make a formal request of the Board of County Commissioners to designate DPW as the Controlling Authority. The issue of who is the Controlling Authority must be resolved prior to the Planning Commission review of the preliminary plat.
8. The Developer(s) must be aware of the fact that over and above the construction cost they will be responsible for the ongoing maintenance costs of the proposed shared sewerage facility.
9. The Master Water & Sewer Plan must be amended to include this development.

36 §208.8.
37 §208.9.
38 §208.10
10. A SWM plan, Road & Storm Drain plan, Mass and Final Grading plan, and a Sanitary Sewer 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.

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

12. PWA’s will be required for the shared WWTF, streets and storm drains.

13. The Final Plat must include the standard note recognizing the applicability of the Lot Grading Plans, which will appear in the minutes but will not be read at this time. (“A lot grading plan has been approved by the CCDPW for the construction shown hereon. A site construction as built shall be submitted to the CCDPW prior to use and/or occupancy of any of the sites shown hereon. Any change to the Forest Retention, Forestation, Reforestation will require a consistency review, of the SWM approval, with CCDPW.”)

14. The Lot Grading Plan must include the standard note addressing the limits of construction, which will appear in the minutes but will not be read at this time. (“No clearing or grading is permitted beyond the limits of disturbance show hereon. Any expanded clearing and/or grading in the absence of an approved revised lot grading plan may be considered non-compliance with Chapter 251 of the Cecil County Code and either or both the developer and/or Builder may be subject to the enforcement of the penalty provisions therein.”)

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

Ms. Latham, MDE, states a GAP was issued for the 106 lots. Ms. Latham asked if the subdivisions name has been changed. Mr. Keefer said the Bracebridge Estates subdivision has been recorded. What they are seeking to do is to revise the project. The existing property is referred to as “Bracebridge Hall”. That is what they are thinking they will call it. This is a two phase project. Ms. Latham said if a renewal is needed, the applicant will need to clarify the name of the project. MDE was not aware of the golf course or the clubhouse. Ms. Latham asked if the clubhouse would be on an individual well. Mr. Keefer said yes. Ms. Latham said the will either require an exemption or a GAP depending on what type of facilities are associated and irrigation of the golf course will need a GAP as well.

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

Mr. Di Giacomo provided the applicant with a copy of the comments from CBCAC.

Mr. Di Giacomo, P&Z, read the comments of the department:  
This item involves the possible modification to an approved and recorded subdivision.

Zoning: SAR & RCA

Density: The Concept Plat was approved at 1/5 bonus density\(^{39}\) on 7/19/04, conditioned on:

1. A boundary line survey being done for the preparation of the Preliminary Plat for density calculation purposes;
2. A sensitive species survey being done prior to the Planning Commission’s review of the Preliminary Plat;
3. A JD being done prior to the Planning Commission’s review of the Preliminary Plat;

\(^{39}\) The SAR zone then permitted a maximum base density of 1 du/8 ac., or 1/5 if bonus density is granted. The RCA overlay zone permitted a density of 1/20.
4) A note being placed on the plat to the effect that the Critical Area portion of the property is exempt from the Forest Conservation Regulations, per §3.2B;
5) A Traffic Impact Study (TIS) being completed prior to the TAC’s review of the Preliminary Plat;
6) A mid-block turnaround being required on Gettysburg Drive (outside the Critical Area in so far as possible) and a mid-block turnaround being waived on McGill Creek Farm Lane; and
7) Water quality issues being met.

A Preliminary Plat with a slightly revised layout was presented to the Planning Commission, for informational purposes only, on 11/21/05.

A 1-year extension of Concept Plat approval was granted on 5/15/06.40

The Preliminary Plat, proposing 106 lots on 530.502 acres41 at a density of 1/5.005, was approved on 8/21/06,42 conditioned on:
1) Health Department requirements being met;
2) DPW requirements being met;
3) The FCP, Landscape Plan and Final Environmental Assessment being completed prior to Final Plat review(s);
4) The requested (7/11/06 letter) details and plat copy being supplied to the CBCAC staff prior to Final Plat review;
5) The adjacent agricultural operations notice being placed on the Final and Record Plats;
6) Deed restrictions for the long-term protection of the Forest Retention/ Afforestation Areas (FRAs) must be recorded and noted on the plat prior to recordation. The metes and bounds description of the FRA must be shown on the Final and Record Plats; and
7) Bald Eagles Nest Zone 3’s critical dates being listed on the Final/Record Plats.

The Final Plat was approved on 4/16/07 conditioned on:
1) Health Department requirements being met;
2) DPW requirements being met;
3) The Landscape Agreement being executed prior to recordation;
4) The Critical Area designation, density and boundary being included on the Record Plat;
5) The Record Plat noting the §3.2B exemption;
6) The adjacent agricultural operations notice being placed on the Record Plat;
7) Deed restrictions for the long-term protection of the Forest Retention/ Afforestation Areas (FRAs) being recorded and noted on the plat prior to recordation, with the metes and bounds description of the FRA being shown on the Record Plat;
8) A Homeowners’ Association for maintenance of common open space being established with $50 per recorded lot placed in escrow for improvements prior to recordation;
9) 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; and
10) Permits being obtained for any wetland or stream impacts prior to recordation.

40 A Preliminary Plat was reviewed by the TAC on 4/5/06.
41 26.711 acres of tidal wetlands had been deducted for a net tract area of 530.502 acres.
42 The Critical Area Commission staff raised an issue regarding the RCA density calculation, because some lots outside the Critical Area would be served by a SWM facility inside. In the absence of specific citations regarding the interpretation of CA density calculation in the County or state CA Programs, and in the absence of precedents of its application, staff did not perceive that issue as the basis of any recommendation of disapproval of a Preliminary Plat. Subsequently, documentation was received on 1/17/07 that all CA issues had been satisfactorily addressed.
The Record Plat was signed on 9/12/07 and recorded. Thus, all 106 lots legally exist.

The plat’s Project Address (under ‘Site Data’) must be changed to Grove Neck Road.

Mention has been made of a possible bed & breakfast on site. The applicant is advised that, per §84.1, bed & breakfasts are permitted in the SAR zone only with a Special Exception, and, per §84.1.a, only if the dwelling was in existence at the time of the adoption of the Zoning Ordinance (7/1/93).

The proposed golf course will require Growth Allocation and the reclassification from RCA to LDA, which was just reviewed. That is a requirement of §100.6. If granted, the Growth Allocation and reclassification from RCA to LDA shall not increase the number of lots beyond the 106 that legally exist today.

The proposed new club house facilities must be approved by the site plan process, consistent with §291 and Appendix A, as well as §100 and §157.

The proposed golf course must be consistent with the provisions of §100 and §157.

§100.4 requires vegetative screening (Bufferyard standard B) of off-street parking. This is also required by §157.8. How does this design satisfy that requirement? Mr. Keefer said there is no parking proposed adjacent to any public roads. Mr. Di Giacomo stated that he does not think by having those as private roads that all the requirements, which the staff would constitute as a good design, would suffice. Mr. Keefer said there would be a landscape plan.

§157.1 mandates a 200’ setback for the fairway centerline from all lot lines, unless a vegetative buffer is provided. A few areas appear not to satisfy that requirement.

§157.2 requires 100’ & 175’ setbacks from lot lines for tees and greens, respectively, unless vegetative buffers are provided. Proposed vegetative buffers must be approved as part of the Landscape Plan, per §157.3.

The proposed driving range is consistent with §157.5’s design standards.

The proposed dwelling setbacks appear consistent with §157.4.

The provisions of §157.10 shall not apply to this proposal.

If private roads are now proposed, then a Variance from the Board of Appeals will be required prior to final approval of the revisions by the Planning Commission.

The proposed use of shared facilities will require an amendment to the Master Water & Sewer Plan, as well as compliance with §175, prior to final approval by the Planning Commission.

§175.2.k requires at least 70% open space, which can include one “large lot.”

§175.3.c.1 requires that there be 10,000 ft² of subsurface disposal area set aside for each dwelling unit using the shared facility.

43 If the proposed golf course is to be a public facility, then it shall be consistent with the provisions of §106.
44 The Growth Allocation application’s documentation erroneous cites 60%.
This proposal must fully comply with all provisions of §175, including §175.2.e, §175.2.i, and §175.2.l.

All approvals of the shared community facilities shall precede final approval of the proposed revisions.

The Zoning Ordinance is silent on the issue of fractional ownership. Single family dwellings, as a structure type, are permitted in the SAR zone. Inasmuch as the ITE Trip Generation manual suggests that interval ownership units generate fewer trips than single family dwellings, staff will not recommend a revised TIS. However, the Board of Appeals may want to revisit the TIS question in conjunction with any §84.1 Special Exception application.

Would the factional, or interval, ownership component have an impact on school attendance projections? Mr. Keefer said no.

Again, all required Special Exceptions, Variances, Master Water & Sewer Plan amendments, the Growth Allocation, and the site plan approval for the proposed clubhouse must be obtained in advance of final approval of the revisions by the Planning Commission. Final approval of the proposed revisions by the Planning Commission shall precede recordation of the Revised Recordation Plats.

The use of dry hydrants is recommended, in consultation with the Cecilton Fire Company.

The nebulous, proposed “expansion” of the existing boat dock shall be governed by §’s 169 & 198.

All Health Department requirements shall be met prior to final approval.

All DPW requirements shall be met prior to final approval.

A revised FCP/Landscape Plan/Environmental Assessment shall be approved prior to final approval.

Resultant, revised deed restrictions for the long-term protection of forest retention/afforestation areas, street trees, and vegetative buffers shall be recorded prior to any re-recordation, with the metes and bounds description of the FRA’s appearing on the Revised Final and Revised Recordation Plats.

As cited in Note# 19, this project is exempt, per §3.2B.

If revisions are necessary, then revisions to the HOA documents shall be recorded prior to the re-recording of the Revised Recordation Plats. Would the proposed fractional ownership units fall under a condominium regime? Mr. Keefer said he is not sure but he believes the answer would be no.

All previous conditions of Preliminary and Final Plat approvals shall remain in effect, as applicable.

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.
Mr. Keefer asked Mr. Woodhull about the requirement of the variance in his first comment. Mr. Keefer asked if the issuance of the variance needs to be prior to Planning Commission’s review of Preliminary Plat. Mr. Woodhull said that is the department’s opinion. Mr. Keefer said in a meeting held regarding this issue, it was decided that it could be done concurrently. Mr. Woodhull said the sooner that issue is resolved, the better off the applicant will be.

12) Elk Point Marina, Growth Allocation Exhibit, Oldfield Point Road, CNA Engineers, Inc., Third Election District.

Doug Kopeck, CNA Engineers, appeared and presented an overview of the project. Mr. Kopeck said this is an amendment to the Concept Plat that he first brought before the TAC. It now includes 70 townhouses and 5 single family homes.

Mr. Woodhull, DPW, read the comments of the department:
The Cecil County Department of Public Works has no objection to the granting of the allocation requested.

Mr. Brown, CCSCS, had no comment.

Ms. Latham, MDE, had no comment.

Mr. von Staden, DEH, had no comment.

Mr. Di Giacomo, P&Z, read the comments of the department:
Zoning: SR, RCA (Critical Area) -- GROWTH ALLOCATION

Growth Allocation is basically a process of designating new LDA and IDA areas in the Critical Area in order to accommodate more intense activity or more intense density. In this case, the proposed project seeks to have 23.25 of 48.331 SR/RCA acres re-designated as LDA.

§206.2 and 210.2.a (1) of the Cecil County Zoning Ordinance stipulate that Growth Allocation applications be placed on the Technical Advisory Committee (TAC) and Planning Commission agendas.

Pursuant to that requirement, the TAC is reviewing the application today.

The Planning Commission review will take place subsequently. After the Planning Commission reviews the application, it then recommends to the Board of County Commissioners whether or not to award the Growth Allocation. Their recommendation is based upon the established point award system.
Scoring: The Cecil County Critical Area Program, adopted 7/5/88, established an application screening process “whereby only development projects that are exemplary of sensitive development in the Critical Area are given Growth Allocation.” That process consists of a point award system, the intent of which is “to encourage location of projects for Growth Allocation in or adjacent to existing Limited Development or Intensely Developed Areas and in the Suburban, Town, or Development Planning Districts as described in the Comprehensive Plan through the point award system.”

The details of the point award system are contained in §206, 207 and 208 of the Zoning Ordinance, and provide that the minimum scoring threshold for consideration of award of Growth allocation and reclassification is 90 points. The Ordinance does not provide for any alternative screening mechanism.45

The applicant has scored the project and awarded it 105 points, which is above the threshold for the awarding of Growth allocation and reclassification. The points awarded by the applicant are as follows:

1. For “Development Type,”46 a maximum score of 40 points is possible, and the applicant has self-scored the project 15 points. As was previously commented, since common open space acreages and calculations have not been provided, staff cannot, with certainty, verify that the criteria have been met.47

2. For “Buffer Enhancement,”48 a maximum score of 20 points is possible, with the applicant having self-scored the project 0 points. Staff concurs.

3. For “Location of Development,”49 the applicant has self-scored the project 10 out of a maximum score of 15 points. Staff again concurs, but the applicant’s scoring sheet indicates an “N/A” for category in which they are claiming 10 points.

4. For “Forest and Woodland Protection,”50 a maximum score of 10 points is possible, with the applicant having taken credit for 1. Staff concurs.

5. For “Habitat Protection,”51 a maximum score of 10 points is possible, and the applicant has self-scored the project 12 points – 2 more than the maximum allowed. Until the easements referenced in item ‘b’ can be clearly demonstrated, those 4 self-awarded points must be deducted.

6. For “Water Quality,”52 a maximum score of 8 points is possible, with the applicant having self-scored the project all 8 points. Staff concurs.

7. For “Resource Utilization,”53 the applicant has self-scored the project 3 out of a maximum score of 6 points. Staff again concurs.

8. For “Erosion Control,”54 a maximum score of 3 points is possible, with the applicant having self-scored the project 3 points. Staff agrees with that score.

45 This proposed project is located in Suburban District as defined by the Cecil County Comprehensive Plan. Therefore, there can be no exemption from the point award system, as provided by §212 of the Zoning Ordinance, since the location is not in a Development District.

46 §208.1.

47 The Concept Growth Allocation Exhibit’s growth Allocation Calculations Summary indicates that 66.1% of the area is proposed as open space, but it isn’t specified whether that percentage includes common open space in the IDA portion, what the acreage actually is, and what percentage of the 66.1% is uplands.

48 §208.2.

49 §208.3.

50 §208.4.

51 §208.5.

52 §208.6.

53 §208.7.

54 §208.8.
9. For “Water-dependent Facilities,” a maximum score of 3 points is possible, with the applicant having taken credit for none.
10. For “Bonus Points,” a maximum score of 65 points is possible, and the applicant has self-scored the project 40 points. Until and unless the basis for the awarding of 10 points under item ‘b’ can be clarified, staff believes they must be deducted –especially since the Concept Plat cites a “private boat launch and slips.”

The net result is that there appears to be a deficit of 24 points. However, if the details relating to the 25 points in section 1 are clarified, as seems reasonable, that item alone would raise the overall total points to 91.

Therefore, staff recommends that the clarification of those items be submitted in writing to OPZ prior to the applicant’s proceeding to the Planning Commission.

SEE FILE FOR SCORING SHEET.

13) Elk Point Marina, Lots 1-75, Oldfield Point Road, Concept Plat, CNA Engineers, Third Election District.

Mr. Kopeck gave no additional comments for the Concept Plat presentation. He asked that the TAC members refer to the handout that they were provided by Mr. Kopeck. See file.

Mr. Brown, CCSCS, provided the applicant with soil maps and reports. See file.

Ms. Latham, MDE, stated that they received an application for a GAP but in the county sign-off section it said is not consistent with county Planning & Zoning. Therefore, MDE can not go very far with this application. Mr. Kopeck said the reason they submitted early is to get a jump on well yields that they might obtain in the area.

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

Mr. Woodhull, DPW, read the comments of the department:
1. A SWM plan, Road & Storm Drain plan, Sewer & Water 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? Water quality facilities within the IDA are required to meet the 10% pollutant load removal rule. Mr. Kopeck said they plan to use direct discharge to the tidal waters. They will be requesting a waiver for quantity management.
3. All SWM conveyance easements and/or inspection & maintenance easements must be shown on the preliminary and final plats.
4. Do you propose open or closed section roadway? Identify the pave width, shoulders and storm water conveyance on the preliminary plat submitted for TAC review. Mr. Kopeck said the roadways would be open.

§208.9.
§208.10
5. With county minor roads, all driveways accessing them 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. The cul-de-sac bulbs are in non-compliance with Road Code Standard detail R-14, as to ROW diameter. As proposed a Road Code Variance will be required.

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 Elk Point Road. 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 Department of Public Works requires that any Road Code Variances 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), for the proposed access point on to Oldfield Point Road, must be submitted and approved prior to the preliminary plat submission for TAC review.

10. The Department has some concern about the horizontal curvature of Elk Point Road near the proposed intersection with Oldfield Point Road. Section 3.04 of the Road Code applies.

11. A traffic impact study will be required for this development.

12. All water & sewer lines serving this development must be shown on the preliminary plat submitted to the TAC.

13. The Master Water & Sewer Plan must be amended to include this property.

14. The plat proposed indicates that a shared waste water facility is provided to service this development only.

15. It is the Department’s position that for shared facilities DPW be the Controlling Authority. However in accordance with Section 175 of the Zoning Ordinance, the Board of County Commissioners of Cecil County designates the Controlling Authority.

16. The Applicant needs to make a formal request of the Board of County Commissioners to designate DPW as the Controlling Authority. The issue of who is the Controlling Authority must be resolved prior to the Planning Commission review of the preliminary plat.

17. The Developer(s) must be aware of the fact that over and above the construction cost they will be responsible for the ongoing maintenance costs of the proposed shared sewerage facility and a shared water treatment plant (which is not shown on the plat).

18. The Department requires that gravity sewer be used to the maximum extent possible. With that said, what is the conceptual approach proposed for the sewer lines going to the proposed sewage treatment & pump station?

19. Who will own & operate the proposed community wells? The plat fails to identify a water treatment and storage facility. Please discuss the approach you intend for the water treatment and distribution in this development.

20. 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:

   20.1 The Final Plat Lot Grading and Lot Grading Plan Construction Limits Notes.
20.3 Requirements for Stormwater Inspection and Maintenance Agreements.
20.4 Requirements for Public Works Agreements for County Roads.
20.5 Requirements for Utility relocations.
20.6 Requirements for Public Works Agreements for WWTP & Sanitary Sewer System.
20.7 Requirements for Public Works Agreements Water Wells, Storage, and Distribution System.

**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.
   - **Final Plat:** “A lot grading plan has been approved by the CCDPW for the construction shown hereon. A site construction as built shall be submitted to the CCDPW prior to use and/or occupancy of any of the sites shown hereon. Any change to the Forest Retention, Forestation, and/or Reforestation will require a consistency review, of the SWM approval, with CCDPW.”
   - **Grading Plan:** “No clearing or grading is permitted beyond the limits of disturbance 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.
6. A Public Works Agreement is required for the WWTP & sanitary sewers.
7. A Public Works Agreement is required for the water wells, treatment facility, and distribution system.

Mr. Di Giacomo stated that no comments were received from SHA or the Fire Chief’s Representative.

Mr. Di Giacomo read a letter sent to staff from Tom McWilliams and provided the applicant with a copy of the letter from Mr. McWilliams and the CBCAC.

On behalf of the CCPS, Mr. Di Giacomo asked what the proposed size, price, number of bedrooms and start date would be for this subdivision. Mr. Kopeck said the townhouses would be around 35x40 ft., they do not have a price range yet, and start date would be as soon as approval is granted.

Mr. Di Giacomo, P&Z, read the comments of the department:
This proposal is in compliance with §3.8 & §3.9.1 regarding public notification.

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

Zoning: MB, SR, IDA (Critical Area), & RCA (Critical Area)

Density: The SR zone permits a base density of 1 du/ 1 ac., or 2/1 with community facilities. The MB zone, per §’s 54.4, 69, 70.3, 75.2, 76.2 and the Schedule of Zone Regulations, permits various types of residences under various circumstances and conditions.
In the SR zone, this Concept Plat proposes 5 lots on 47.65 acres, for a revised proposed density of approximately 1/8. The SR-zoned area of the site is coterminous with its RCA overlay zone, which permits the density of only 1 du/20 ac. For that reason, a Growth Allocation will be required if this proposal’s design is to be achieved.

In the MB zone, this Concept Plat proposes 70 lots on 27.96 acres, for a proposed density of approximately 2.5/1. Per §75.2, the density is limited to 4/1, and the MB-zoned portion of the site is coterminous with its IDA overlay zone, which permits the density of the underlying zoning district. Therefore, the proposed density is consistent with the MB & IDA zones.

This proposal calls for the use of a shared water system and shared community sewer system. Therefore, the Master Water and Sewer Plan must be amended accordingly.

This proposal must fully comply with all provisions of and applicable subsections of §175.

§175.3.c.1 requires 10,000 ft² of subsurface disposal area to be set aside for each dwelling unit. Therefore, 750,000 ft² have been designed to serve 75 proposed dwelling units.

In addition, this proposal invokes provisions of §6.1 of the Subdivision Regulations regarding “residential cluster development.”

The intent of §6.1 is to permit greater flexibility for creative design, using the clustering of homes to save permanent open space, which would provide recreational opportunities close to home. Such clustering may be accomplished through allowing reductions in the respective minimum lot area and yard requirements.57

It should be noted that §6.1.5 (a) (b) & (c) of the Subdivision Regulations require strict compliance, as follows:
   a) Resubdivision shall not be permitted in cluster development so as to reduce lot areas below those permitted in the originally recorded Final Plat.
   b) The development of land within the cluster is permitted only in accordance with the approved site development plan on file at the Office of Planning and Zoning.
   c) The agreements concerning the ownership and maintenance of open space land shall be recorded simultaneously with the Final Plat.

This Concept Plat has not shown estimated staging of construction, as required in §6.1.1 (e) of the Subdivision Regulations.

Inasmuch as no Concept Plat has ever actually been approved, the word “amended” should be deleted from the title block.

57 There may some question as to whether §’s 6.2 & 165 of the Cecil County Zoning Ordinance are in conflict with §6.1 of the Subdivision Regulations. The Zoning Ordinance makes quite clear that its authority supersedes that of other laws or regulations, specifically with respect to lot area and yard requirements. However, the Zoning Ordinance also makes clear that its purpose is not to replace existing laws, rules, regulations, etc.

In addition, §170 of the Cecil County Zoning Ordinance grants the Planning Commission the power to modify front, rear, and side setbacks, as well as lot widths in major subdivisions where it is demonstrated that the modifications will contribute to better subdivision design and will not have an adverse effect on adjacent properties.

Therefore, in general, it is the reasoned opinion of staff that the provisions of §6.1 of the Cecil County Subdivision Regulations, regarding “residential cluster development,” are consistent with the various sections of the Cecil County Zoning Ordinance and the Cecil County Comprehensive Plan as to language and intent.
§4.0.13 (b) requires that the block, or grid, number be provided in addition to the tax map and parcel numbers.

Per General Note # 8, Growth Allocation will be required. As to the issue of Growth Allocation, it is basically a process of designating new LDA and IDA areas in the Critical Area to accommodate more intense activity or density. In this case, the RCA zone, whose density limitation is 1/20, will not permit the proposed density of approximately 1/5. Therefore, the applicant must have the site awarded Growth Allocation to reclassify the Critical Area designation from RCA to LDA.

§’s 206.2 & 210.2.a (1) of the Zoning Ordinance stipulate that Growth Allocation applications be placed on the Technical Advisory Committee (TAC) and Planning Commission agendas. The Planning Commission will make a recommendation for the Board of County Commissioners – who will decide whether or not to award the Growth Allocation. Therefore, a separate application has been submitted for TAC review.

As to the scoring under the point scoring system, the Cecil County Critical Area Program, adopted 7/5/88, established an application screening process “whereby only development projects that are exemplary of sensitive development in the Critical Area are given Growth Allocation.” That process consists of a point award system, the intent of which is “to encourage location of projects for Growth Allocation in or adjacent to existing Limited Development or Intensely Developed Areas and in the Suburban, Town, or Development Planning Districts as described in the Comprehensive Plan through the point award system.”

The details of the point award system are contained in §’s 206, 207 and 208 of the Zoning Ordinance, and provide that the minimum scoring threshold for consideration of award of Growth Allocation and reclassification is 90 points. The Ordinance does not provide for any alternative screening mechanism.58

This proposed design uses the “lotominium” concept to creatively cluster and find a way around the limiting yard requirements contained in ARTICLE VI’s Schedule of Zone regulations. Based on the precedent of the 6/18/01 Chesapeake Club, Fairhaven Estates, Lotominium 104, Preliminary-Final Plat approval, staff will recommend that this project follow the normal review and approval process, rather than the one approved on 3/19/91 for condominiums.

The Cecil County Subdivision Regulations (§2.0) define “Condominium” as follows: “A condominium is an ownership arrangement, not a land use; therefore, it is allowed in any district and under the same restrictions as the residential land uses that it comprises. A condominium shall not negate lot nor other requirements intended to provide adequate light, air, and privacy. A condominium is a dwelling unit which has all of the following characteristics:

(a) The use (the interior and associated exterior areas designated for private use in the development plan) is owned by the occupant.

(b) The unit may be any permitted dwelling type.

(c) All or a portion of the exterior open space and any community interior spaces are owned and maintained in accordance with the Condominium Act of the State of Maryland and other requirements specified in the County Code regarding such open spaces.”

58 §212 provides for exemptions from the Point Scoring System for sites in the Development District.
Based upon the submitted lotominium proposal, it appears that each townhouse owner would own, fee-simple, the ground on which his townhouse sits, and that the individual owners in each cluster of 4 would collectively own the surrounding common area specific to their cluster. (If not, then how will the lotominium area be differentiated from the common open space in terms of the lotominium regime, as well as practical, day-to-day matters?) Mr. Di Giacomo asked the applicant if that was correct. Mr. Kopeck said yes.

An existing cemetery is shown between proposed units 2 & 3. §93 requires a Bufferyard standard between the burial plot(s) and all lot lines. Mr. Kopeck said the cemetery does not have any stones to identify it; it is picked up by deed reference. ART. 27, §267 of COMAR covers abandoned cemeteries.

Any proposed signage or fencing associated with the cemetery must being included in the public works agreement.\(^{59}\)

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.\(^{60}\)

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 100-year floodplain boundary has been more clearly labeled, in conjunction with a legend.

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, and soils on slopes greater than 15%, or areas of impact including streams, wetlands, or other aquatic environments.

What is the rationale for proposing the marina and clubhouse parking in the Buffer? A Variance would be required, per §195.3.b & c. Mr. Kopeck said he wanted to get as close as possible to boat slips and the community center.

What is the rationale for the boat launch and slips, and what are the details and how are those details consistent with §’s 169 and 198, especially §198.2.a(2)(b)? Mr. Kopeck provided Mr. Di Giacomo with a copy of the documentation that they provided MDE for the bulk head repair and maintenance. Mr. Di Giacomo asked if this was a marina. Mr. Kopeck said yes. Mr. Di Giacomo then asked if it was in continuous use. Mr. Kopeck said yes. At this time, Mr. Kopeck presented an enlarged photograph of the marina. Discussion ensued.

\(^{59}\) This is based upon the Meadow Run precedent, 6/30/97.

\(^{60}\) 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 25’ buffer is required around all non-tidal wetlands and intermittent streams present. Permits are required from the (US Army) Corps of Engineers and MDE for all non-tidal wetland and stream impacts prior to recordation. JD’s are required in conjunction with permitting. If no permits are required, and if the proposed project meets the policy standards established on 3/20/95 and revised on 1/16/96, or if the FSD/Conceptual Environmental Assessment finds that there are to be no impacts to field-delineated wetlands or stream impacts, or if the FSD/Conceptual Environmental Assessment finds that there are no wetlands or streams and that finding is consistent with the details of County wetlands maps and USGS quad maps, then no JD is required. If required, a JD is recommended to be done prior to Final Plat review, but required to be completed prior to recordation.

The habitats of any rare, threatened, and endangered species must be avoided. The concentric protective zones associated with the bald eagle’s nest on the adjacent property have been shown.61

15% common open space is required. This appears to exceed that requirement, but no “common open space” is shown or referenced and no acreages have been provided. In addition, the sensitive areas common open space percentages will need to be calculated. At a minimum, 15% of the required open space shall not consist of perennial or intermittent stream buffers, nontidal wetlands or buffers, steep slopes, or habitats of rare, threatened and endangered species. No more than 40% of the common open space required shall consist of those areas designated as nontidal or tidal wetlands. The C.O.S. sensitive areas thresholds must be calculated for inclusion on the Preliminary Plat.

The SR zone requires 20% landscaping (of the development envelope); 25%, in the MB zone.

Sidewalks are not recommended, to reduce impervious surfaces.

Bufferyard Standard C is required, outside the right-of-way, along the road frontage of Oldfield Point Road.

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.

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 Dept. of Natural Resources.

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

61 If seasonal perc tests are required, then that portion of the subsurface discharge area that is within a date-constrained protective zone could be problematic.
No more than 15% of the surface area can be converted to impervious surface in the RCA or LDA.
No more than 20% of the forest or developed woodland may be removed.

In the IDA, §199.4 mandates demonstration that Best Management Practices for stormwater assure a
ten percent reduction of pre-development pollutant loadings. In a related matter, the clubhouse
details, including required parking and impervious surfaces, must be included on the Preliminary Plat.
Those cited in §291 shall be required.

In the critical area, no structure shall exceed 35’ in height.

What is the status of the Environmental Assessment? Mr. Kopeck said they are currently working
on the EA.

The Preliminary Environmental Assessment must be approved prior to Planning Commission review
of the Preliminary Plat (§4.1.22(a)).

The final Environmental Assessment and Landscape Plan must be approved prior to Planning
Commission’s 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.

Some lots appear to exceed §7.4.2’s 3:1 length-to-width ratio, but the dimensions of proposed Lots
71-75 have not been provided, as required by §4.0.13 (j).

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

A Traffic Impact Study (TIS) must be completed prior to the TAC’s review of any Preliminary Plat.

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

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

---

62The Conceptual Environmental Assessment must be approved prior to Planning Commission's review of the Concept Plat
(§4.0.13(a)).
All required final approvals or permits for the community water system must be provided by the applicant prior to the Planning Commission’s review of the Final Plat. Its details must be included on the Preliminary Plat, and all provisions of §175 must be satisfied.

All required final approvals or permits for the shared community sewer system must be provided by the applicant prior to the Planning Commission’s review of the Final Plat. Its details must be included on the Preliminary Plat and all provisions of §175 must be satisfied.

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

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

<table>
<thead>
<tr>
<th>School information:</th>
<th>Elementary</th>
<th>Middle</th>
<th>High School</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Elk Neck</td>
<td>North East</td>
<td>North East</td>
</tr>
<tr>
<td>FTE</td>
<td>417</td>
<td>826</td>
<td>1110</td>
</tr>
<tr>
<td>Capacity</td>
<td>479</td>
<td>712</td>
<td>1009</td>
</tr>
<tr>
<td>% Utilization</td>
<td>87%</td>
<td>116%</td>
<td>110%</td>
</tr>
</tbody>
</table>

The July TAC meeting adjourned at 12:51 p.m.

Respectfully submitted,

Jennifer Bakeoven  
Administrative Assistant  
Office of Planning and Zoning
CECIL COUNTY TECHNICAL ADVISORY COMMITTEE
Wednesday August 6, 2008, 9:00 a.m.
County Administration Building
200 Chesapeake Blvd., Elk Room, Elkton, Maryland

Present: Di Giacomo, Tony (CCP&Z), Woodhull, Mark (CCDPW), Scramlin, Angela (DEH), Kyte, Jim (FA), West, Janel (CCPS), Bakeoven, Jennifer (CCP&Z).

Absent: Cwiek, Philip (USCoE), Ouano, Jun (Delmarva Power), King, Butch (SHA), Graham, Daniel (Citizen’s Representative), Latham, Cindy (MDE), Brown, Chris (CCSCS),

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

1) Worsell Manor (f/k/a Nieves Property), Lots 1-41, Worsell Manor Road, Preliminary Plat, McCrone, Inc., First Election District.

Don Sutton, McCrone, Inc., and Mr. Nieves, owner appeared and presented an overview of the project. Mr. Sutton stated that this property received Concept Plat approval in December 2006. The design has been slightly modified since receiving Concept approval.

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. At concept plat review we required that a Traffic Impact Study (TIS) be submitted for this development. The condition driving the need for TIS has changed to some degree therefore the Department will only require a trip distribution analysis.
3. We required a protocol 3 road condition survey & road improvements plan for Worsell Manor Road, from Bohemia Church Road to the northern extent of road improvements required of Warwick Mushroom Farm, be submitted to the Department prior to submitting the preliminary plat to the TAC. Where is it? Mr. Sutton said it was already sent to DPW. Mr. Woodhull said this needs to be resolved prior to going before the Planning Commission.
4. Section 3.07.15 of the Road Code nominally requires that Worsell Manor Road be upgraded to a Minor Collector Road or equivalent standard for 100’ either side of the proposed entrance locations. However with the number of lots and the condition of the existing road, additional offsite improvements may very well be required. The road survey will reviewed by the Department and we will determine the full extent of the work required. The detail and extent of the offsite required must be agreed to by the Department and the Applicant prior to submitting the preliminary plat to the Planning Commission.
5. 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.
6. The applicant must provide sight distance measurements (includes intersection & stopping) submittal for both Worsell Manor Road access locations to DPW prior to preliminary plat submittal. Where is it? Mark the proposed entrance locations in the field by flagging or stake on the roadside bank.
7. Lots 1-3 are denied direct access to Worsell Manor Road and must be so indicated on the final plat and final lot grading plan.
8. The minimum horizontal curvature radius for a Minor Road is 200’. The proposed road geometry adjacent to Lots 36-39 and Lots 2-20 must comply. Mr. Woodhull asked if the applicant plan to keep the paddock and barn area. Mr. Nieves said that he would like to leave it to the home owners.
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 the Lot Grading Plan Construction Limits Note.
   9.3 Requirements for Utility relocations.
   9.4 Requirements for Public Works Agreements.
   9.5 Requirements for Stormwater Inspection and Maintenance Agreements.
   9.6 Requirements for County Roads.
   9.7 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. 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. 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 the County 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.

Mr. Kyte, FA, stated that, in the past, he had asked for a fire suppression tank for this proposed subdivision. Mr. Kyte asked the applicant what they are proposing as far as fire suppression. Mr. Sutton said they need to determine if the pond size is adequate enough to be a wet pond. A dry hydrant may be a possibility if the pond is large enough to be able to support wet pond surface area. Mr. Kyte asked if elevation is going to be an issue between the pond and the cul-de-sac. Mr. Sutton said it is only about a 4ft. bulb. It is a pretty flat area. Mr. Kyte said that since this is an open shoulder road, 20ft wide, no parking signs need to be placed on the streets. Mr. Kyte also requested that there be sufficient parking for each house.

Ms. West, CCPS, provided the applicant with a copy of the Bus Stop Safety Guidelines. Mr. Di Giacomo asked Ms. West if the public schools still needed to know the size, price and start date of the proposed subdivisions. Ms. West said that information would be helpful if there is phasing
information. Mr. Sutton said they would like the first phase to be complete in 2 to 3 years and the homes will have 4 bedrooms and be at least $500,000. Mr. Nieves said that they are targeting older occupants but there may be children as well.

Ms. Scramlin, DEH, read the comments of the Health Department. See file.

Mr. Di Giacomo read the comments of MDE.

Mr. Di Giacomo stated that Delmarva and SHA had no comments.

Mr. Di Giacomo stated that staff did not receive comments from CCSCS.

Mr. Di Giacomo, P&Z, read the comments of the department:
This proposal is in compliance with §3.8 & §3.9.1 regarding public notification.

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

Zoning: SAR

Density: The Concept Plat, proposing 41 lots on 330.58 acres, for a proposed density of 1/8.06\(^1\), was approved on 12/21/06, 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;
3) The PFCP being approved prior to the Planning Commission’s review of any Preliminary Plat; and
4) A joint TIS being completed with the developers of the adjacent Worsell Manor project prior to the Planning Commission’s review of any Preliminary Plat.

At Concept Plat review, OPZ commented that it was unclear if Parcel 42 was coterminous with proposed Lot 41; however, parcel 42 was shown to consist of 50 acres, while Lot 41 was, and is, proposed to consist of 48.32 acres. We advised that that issue must be resolved prior to the TAC’s review of any Preliminary Plat. Mr. Sutton said the discrepancy is due to the area taken out for road frontage.

The gross acreage has decreased to 329.554, and the proposed density is now 1/8.038. In addition, Parcel 42 is no longer cited, as required in §4.1.22 (b). Why isn’t Parcel 42 cited, and why is Parcel 27’s shape at odds with the depiction on Tax Map 58? Mr. Sutton said Parcel 42 should have been cited and that it will be corrected. As far as Parcel 27, Mr. Sutton believes the tax map is incorrect.

Has the boundary line survey been completed? Mr. Sutton said yes.

Steep slopes have been shown.\(^2\) A 110’ perennial stream buffer is required from all perennial streams present.\(^3\)

\(^1\) The SAR zone then permitted a maximum base density of 1 du/8 ac. As of 1/107, the SAR permitted density changed to 1/20.
A 25’ buffer is required around all non-tidal wetlands and intermittent streams present. Permits are required from the (US Army) Corps of Engineers and MDE for all non-tidal wetland and stream impacts prior to recordation. JD’s are required in conjunction with permitting. If no permits are required, and if the proposed project meets the policy standards established on 3/20/95 and revised on 1/16/96, or if the FSD/Conceptual Environmental Assessment finds that there are to be no impacts to field-delineated wetlands or stream impacts, or if the FSD/Conceptual Environmental Assessment finds that there are no wetlands or streams and that finding is consistent with the details of County wetlands maps and USGS quad maps, then no JD is required. If required, then a JD is recommended to be done prior to Final Plat review by the Planning Commission, but required to be completed prior to recordation.

Thus, the second condition of Concept Plat approval has been rendered moot.

A minimum of 15% common open space is required; 15.5% (was 16.92%) is now proposed. Why has the amount of common open space been reduced? Mr. Sutton said since Concept approval, the actually dimensions of the property are now put on the ground; things are squeezing together more than what the Concept Plat had shown.

The approved Concept Plat noted that proposed Lots 40 and 41 were prohibited from further subdivision. Why have those notations been deleted on this Preliminary Plat? Mr. Sutton said that was an error and that it will be corrected.

OPZ previously cited that the details the proposed barn, paddocks, and arenas must be submitted with the Preliminary Plat. No details have been provided.

Are those facilities proposed to be open to the public? Mr. Sutton said they would like to leave that decision to the HOA. Mr. Di Giacomo said if the HOA wants them to remain than a site plan will be required.

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

Bufferyard Standard C is required, outside the right-of-way, along the road frontages of Bohemia Church and Worsell Manor Roads. It has not been shown in some locations. Mr. Sutton said they will be requesting a waiver of that.

The Bufferyard Standard A’s have been shown, with the 100’ BRL.

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.

---

2 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 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’.

4 55.94 acres were proposed; only 51.155 acres are now proposed.

5 As required in Appendix A.

6 At Concept Plat TAC review, it was revealed that these facilities would not be open to the public.
What is the status of the MALPF districts? Mr. Nieves stated that it has been terminated.

The FSD was approved on 11/21/06.

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.

All internal road names have been approved.

The subdivision proposed on the adjacent Merrill Lynch property, will not take place; therefore the Planning Commission may waive the TIS or it may continue to require it.

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.

If the 3 proposed cul-de-sacs are intended as private mini-roads, then Mini-road Maintenance Associations for maintenance of the mini roads must be established prior to recordation, with the owners of all lots accessing the mini-roads becoming members.

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

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.

<table>
<thead>
<tr>
<th>School information:</th>
<th>Elementary</th>
<th>Middle</th>
<th>High School</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Cecilton</td>
<td>Bo Manor</td>
<td>Bo Manor</td>
</tr>
<tr>
<td>FTE</td>
<td>306</td>
<td>513</td>
<td>717</td>
</tr>
<tr>
<td>Capacity</td>
<td>295</td>
<td>---------</td>
<td>1244--------</td>
</tr>
<tr>
<td>% Utilization</td>
<td>104%</td>
<td>99%</td>
<td>99%</td>
</tr>
</tbody>
</table>

---

7 Parcel 42 and part of 27 were in MALPF districts. MALPF termination documentation needed to be recorded prior to the Planning Commission’s review of the Final Plat.
The August TAC meeting adjourned at 9:23 a.m.

Respectfully submitted,

Jennifer Bakeoven
Administrative Assistant
Office of Planning and Zoning
CECIL COUNTY TECHNICAL ADVISORY COMMITTEE
Wednesday September 3, 2008, 9:00 a.m.
County Administration Building
200 Chesapeake Blvd., Elk Room, Elkton, Maryland

Present:   Di Giacomo, Tony (CCP&Z), Whittie, Tim (CCDPW), von Staden, Fred (DEH), West, Janel (CCPS), Brown, Chris (CCSCS), King, Butch (SHA), Latham, Cindy (MDE), Graham, Daniel (CR), Bakeoven, Jennifer (CCP&Z).

Absent:  Cwiek, Philip (USCoE), Ouano, Jun (Delmarva Power), Kyte, Jim (FA).

Mr. Di Giacomo called the meeting to order at 9:03 a.m.

1) Remmel Property, Lots 1-19, Spears Hill Road, Preliminary Plat, Century Engineering, Second Election District.

Troy Slevin, Century Engineering, appeared and presented an overview of the project.

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. The applicant has provided sight distance measurements identifying adequate distances are obtainable for the Spears Hill Road access location.

3. The protocol 3 road condition survey & road improvements plan for the entire length of Spears Hill Road has been submitted and reviewed. We concur with the findings presented. The Department’s August 7, 2008 letter has identified the extent of the Applicant’s responsibilities as road side drainage improvements along the development’s Spears Hill Road frontage and the mill & overlay of both lanes of Spears Hill Road for 100’ either side of the point of intersection with the proposed access road.

4. The Department previously requested that the applicant amend the TIS for Brickhouse Farm Estates to address the additional traffic loading generated by this development. However due to the relatively small number of lots (19) we no longer see a benefit to revisit the Brickhouse Farm TIS at this time and withdraw our request.

5. Lot 1 has been denied access to the proposed street for the first 75’ from Spears Hill Road as required.

6. The existing access drive shown on proposed Lot 1 must be removed and the plat must reflect this.

7. Why hasn’t the proposed driveway location for Lot 1 been shown on the plat?

8. It appears that driveway pipes will be required for all but one or two lots. These pipes must be analyzed & sized to provide adequate drainage to the SWM facility.

9. The proposed street tree location within the County ROW is not acceptable to the Department. These trees must be located outside the ROW.

10. On the plat the extent of proposed open space is shown by an arrow that extends to the edge of pave along Spears Hill Road. That indicates that the 30’ strip of land being dedicated in fee
simple to the County is incorrectly being shown as open space. Please move the arrowhead to the proposed fee simple dedication line instead.

11. What specifically is meant by Note # 29? Mr. Slevin said signage along Spears Hill Road identifying the subdivision will not be present on site.

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 Utility relocations.
   12.4 Requirements for Public Works Agreements.
   12.5 Requirements for Stormwater Inspection and Maintenance Agreements.
   12.6 Requirements for County Roads.
   12.7 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 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 constructions.

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

6. The internal street grade leaving Spears Hill 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.

Mr. King, SHA, had no comment.

Mr. Graham, Citizen’s Representative, received comments from Mr. Stubbs. Mr. Stubbs’ concerns include the north and west sides of this property being hunting preserves. Also, the land, yearly, gets pig, cow and chicken manure spread on it which will cause a nuisance affecting the new homeowners.

Mr. Brown, CCSCS, provided the applicant with soil reports and maps. He also stated that the applicant should take into consideration that all soils on this site were listed as very limited for septic systems and also soil KPC2 shown going through Lot 2 and the open space was not listed in the soils legend.

Mrs. West, CCPS, provided the applicant with a copy of the bus stop guidelines.

Mr. von Staden, DEH, read the comments of the department. See file.
Mrs. Latham, MDE, stated that a notice of exemption will be required for Final Plat.

Mr. Di Giacomo stated that Delmarva had no comment.

Mr. Di Giacomo, P&Z, read the comments of the department:
This proposal is in compliance with §3.8 & §3.9.1 regarding public notification.

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

Zoning: NAR

Density: Invoking the density provisions of §2.4.1, the Concept Plat, proposing 2 minor- and 17 major-subdivision lots on 51.7017 acres, at a bonus density of 1/3.042, was approved on 12/21/06, conditioned on:

1) The boundary line survey being completed prior to the TAC’s review of the Preliminary Plat;
2) The roadway easement acreage’s deduction clearly demonstrating there to be at least 60% net common open space for bonus density eligibility;
3) Documentation of the completion of the JD being submitted prior to the Planning Commission’s review of the Preliminary Plat;
4) The PFCP being approved any sensitive species issues also being adequately addressed prior to the Planning Commission’s review of the Preliminary Plat;
5) All road names being approved prior to the Planning Commission’s review of the Preliminary Plat; and
6) An amendment to the Brickhouse Farm Estates TIS being 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.

No 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’.

A 25’ buffer is required around all non-tidal wetlands and intermittent streams present. Permits are required from the (US Army) Corps of Engineers and MDE for all non-tidal wetland and stream impacts prior to recordation. JD’s are now required in conjunction with permitting. If no permits are required, and if the proposed project meets the policy standards established on 3/20/95 and revised on

---

1 The NAR zone’s permitted density was reduced to 1/10, effective 1/1/07.
2 The NAR zone permitted a base density of 1 du/ 5 ac.; bonus density eligibility carried with it a permitted density of 1/3.
3 This condition was added, the request of DPW. There was no Brickhouse Farm Estates TIS, and a Protocol 3 Road Condition Survey was completed instead, to the satisfaction of DPW. See Note # 19.
4 The Cecil County Subdivision Regulations define steep slopes as “15 percent or greater incline.” The Cecil County Zoning Ordinance defines steep slopes as consisting of a grade of 25% or more covering a contiguous area of 10,000 ft² or more. The Cecil County Forest Conservation Regulations define steep slopes as “areas with slopes greater than 25 percent slope.”
1/16/96, or if the FSD/Conceptual Environmental Assessment finds that there are to be no impacts to field-delineated wetlands or stream impacts, or if the FSD/Conceptual Environmental Assessment finds that there are no wetlands or streams and that finding is consistent with the details of County wetlands maps and USGS quad maps, then no JD is required. If required, then a JD is recommended to be done prior to Final Plat review by the Planning Commission, but required to be completed prior to recordation.5

Thus, the third condition of Concept Plat approval has been rendered moot.

No rare, threatened, or endangered species exist on site.

15% common open space is required; 60.8% is proposed.6 As stated at Concept Plat reviews, all ‘common open space’ must be consistently labeled and referenced as such.

Concerning Parcels 618, 619, and 620 in Tax Map 38, a note must appear on any Final and Record Plat stating that they can be activated as building lots only via the major subdivision process.

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 Spears Hill Road.

Is a Bufferyard Standard A proposed on the common open space? Mr. Slevin said yes. The principal and accessory structure setbacks do not have to be shown on proposed common open space – which must be so labeled.

The setbacks on the proposed building lots are indicated in Note #7, and the front BRL’s are depicted on the plat.

Rows of street trees with 10’ planting easements are required, outside the right-of-way, along both sides of all internal roads. Their details are provided on sheet 2, but they are depicted inside the right-of-way and outside the street tree planting easement. Where feasible, the natural vegetative equivalent may be used to satisfy the bufferyard and street tree requirements.

The FSD was approved on 11/08/06.

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.

---

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.

6 The roadway easement depicted in the common open space is specifically prohibited in §176.2.a. Therefore, the roadway easement’s acreage has been deducted from the common open space total acreage, and the proposal is still eligible for bonus density under the provisions of §22 that were in effect on 12/21/06.
The internal road name, Remmell Way, has been approved.

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

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

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

It is unclear why a signature block has been provided on the plat for the Zoning Administrator. Should this project move forward to Final Plat, then any Final Plat shall contain signature blocks pursuant to §4.2.13 (b).

Notes 4, 10 & 12 and the acreage insert below the Line Table meet the §4.2.13 (r) requirement.

The applicant is reminded of the provision of §7.2.12.B.6.

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.

<table>
<thead>
<tr>
<th>School information:</th>
<th>Elementary</th>
<th>Middle</th>
<th>High School</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Chesapeake City</td>
<td>Bo Manor</td>
<td>Bo Manor</td>
</tr>
<tr>
<td>FTE</td>
<td>287.5</td>
<td>513</td>
<td>717</td>
</tr>
<tr>
<td>Capacity</td>
<td>331</td>
<td>--------</td>
<td>1244--------</td>
</tr>
<tr>
<td>% Utilization</td>
<td>87%</td>
<td>99%</td>
<td>99%</td>
</tr>
</tbody>
</table>

Mr. Di Giacomo stated that the comments of the Health Department regarding perc hole 48 will need to be adequately addressed.

2. The Estate of Isaac Boyd, 1 Lot, Ridge Road, Preliminary / Final Plat, Northern Bay Land Planning, Sixth Election District.

Mike Estes, Northern Bay Land Planning, appeared and presented an overview of the project.

Mr. Whittie, DPW, read the comments of the department:
Is the purpose of this subdivision to create a lot around an existing dwelling? Mr. Estes said yes. If that is the case no Stormwater Management (SWM) is required. However any future increases in impervious surface must address SWM at the building/grading permit stage.

Mr. King, SHA, had no comment.

Mr. Graham, Citizens’ Representative, had no comment.

Mr. Brown, CCSCS, provided the applicant with soil maps and reports.

Mrs. West, CCPS, had no comment.

Mr. von Staden, DEH, read the comments of the department. See file.
Mrs. Latham, MDE, stated that a notice of exemption has been submitted.

Mr. Di Giacomo read the comments of Delmarva Power. See file.

Mr. Di Giacomo, P&Z, read the comments of the department:
This proposal is in compliance with §3.8 & §3.9.1 regarding public notification.

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

Zoning: NAR

§4.0.1 of the Subdivision Regulations allows eliminating a Concept Plat for projects with fewer than 10 lots and 25 acres, & §2.0 allows for a combined Preliminary-Final Plat if there are from 1 to 5 lots.

Density: The NAR zone permits a base density of 1 du/10 ac. This Preliminary-Final Plat proposes 1 lot plus remaining lands on 213.53 acres, for a proposed density of 1/106.765.

Per note # 5, 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. Slopes greater than 25% must be shown on the Preliminary Plat.

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

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

No common open space is required.

No landscaping of the development envelope is required & no sidewalks are recommended.

---

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 See Note # 10.
Any tree removal within a public right-of-way requires approval from the Maryland DNR.

Is there a request for a Bufferyard Standard C waiver for this existing dwelling? Mr. Estes said they will be requesting a waiver of the Bufferyard A and C at the Planning Commission meeting. The request is being made because they feel the waiver is necessary to maintain the rural character of the property.

The FSD was approved on 11/27/06. As no additional development is proposed, staff will recommend that a sensitive species survey not be required.9

The FCP/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).

A Landscape Agreement must be executed prior to recordation.

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

The Data Column information meets the §4.2.13 (r) requirement.

The contiguous to operating farms notice has been provided on the plat as Note # 9.

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.

School information: Elementary Middle High School
Rising Sun Rising Sun Rising Sun
FTE 819.5 712 1129
Capacity 615 775 903
% Utilization 133% 92% 125%

3. The Estate of Ella L. Patchell, Lot 2, MD Rte. 274, Preliminary / Final Plat, Northern Bay Land Planning, Fifth Election District.

Mike Estes, Northern Bay Land Planning, appeared and presented an overview of the project.

Mr. Whittie, 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 approval of any grading/building permit for Lot 2. The fees for design review of this project must be provided at the time of first design submittals.
2. 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:
   2.2 Requirements for Stormwater Inspection and Maintenance Agreements

9 The Natural Heritage Letter reported four endangered species (Serpentine Aster, Rigid Tick-trefoil, Northern Dropseed, & Northern Bedstraw) could occur onsite.
Notes and requirements identified for record:

1. The downstream conveyance of storm water must be analyzed in accordance with Section 251-9 A. (5) of the county’s SWM Ordinance. If stormwater discharge is directed off of the site on to adjacent property it is the responsibility of the Developer to obtain appropriate easements from the affected property owners per Sections 251-13 and 251-15.D of the Cecil County SWM Ordinance.
2. An Inspection & Maintenance Agreement is required for the private SWM facilities.

Mr. King, SHA, read the comments of the department. Mr. King asked the applicant when they would begin construction on this lot. Mr. Estes said they want to get everything in place first. He is not sure when they will begin. See file for comments.

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

Mr. Brown, CCSCS, provided the applicant with soil reports and maps.

Mrs. West, CCPS, had no comment.

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

Mrs. Latham, MDE, stated that an exemption notice would be needed.

Mr. Di Giacomo stated that Delmarva Power had no comment.

Mr. Di Giacomo, P&Z, read the comments of the department:
This proposal is in compliance with §3.8 & §3.9.1 regarding public notification.

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

Zoning: NAR

Density: The NAR zone permits a maximum density of 1 du/10 ac. A Preliminary-Final Plat for Lot 1 was approved on 6/15/98, with a condition that any additional subdivision will require a Concept Plat for the entire parcel.

Thus, the Concept Plat, proposing 1 new lot, 1 existing lot, and remaining lands on 69.977 acres, for a proposed density of 1/23.326, was approved on 7/21/08, Conditioned on:
1) The boundary line survey’s being completed prior to TAC review of the Preliminary Plat.

Has the boundary line survey been done? Mr. Estes said yes.

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

Dwellings or impervious surfaces shall not occur on slopes with a grade of 25% or more covering a contiguous area of 10,000 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

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.”
No steep slopes are 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’.

A 25’ buffer is required around any non-tidal wetlands or intermittent streams present. Permits are required from the (US Army) Corps of Engineers and MDE for all non-tidal wetland and stream impacts prior to recordation. JD’s are required in conjunction with permitting. If no permits are required, and if the proposed project meets the policy standards established on 3/20/95 and revised on 1/16/96, or if the FSD/Conceptual Environmental Assessment finds that there are to be no impacts to field-delineated wetlands or stream impacts, or if the FSD/Conceptual Environmental Assessment finds that there are no wetlands or streams and that finding is consistent with the details of County wetlands maps and USGS quad maps, then no JD is required. If required, then a JD is recommended to be done prior to Final Plat review by the Planning Commission, but required to be completed prior to recordation.

No common open space is required.

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 the Biggs Highway.

The Bufferyard A setbacks have been shown, but not the planted buffer. Mr. Estes said the planted buffer would be part of that Bufferyard A other than on the southeastern part of the property where there is existing vegetation.

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

Per Note # 9, this project is exempt under §3.2.K.

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).

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 adjacent agricultural operations notice is provided as Note # 10.

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.

<table>
<thead>
<tr>
<th>School information:</th>
<th>Elementary</th>
<th>Middle</th>
<th>High School</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Bay View</td>
<td>North East</td>
<td>North East</td>
</tr>
<tr>
<td>FTE</td>
<td>561</td>
<td>826</td>
<td>1110</td>
</tr>
<tr>
<td>Capacity</td>
<td>556</td>
<td>712</td>
<td>1009</td>
</tr>
<tr>
<td>% Utilization</td>
<td>101%</td>
<td>116%</td>
<td>110</td>
</tr>
</tbody>
</table>
4. Larson’s Northeast Overlook, 63 Units, MD Rte. 272, Concept Plat, Frederick Ward Associates, Fifth Election District.

Jen Verji, Frederick Ward Associates, appeared and presented an overview of the project.

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

1. A SWM plan, Water & Sewer 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. This development as proposed is dependant on the Villages at North East being built to the point that water & sewer service could be accessed. In addition and more importantly the Villages at North East cannot proceed until the De La Plaine pump station has been upgraded to accommodate additional flow from this area. The Developer proceeds at his own risk in regards to this dependence. Also, as part of the Villages of North East, they have to build a pump station in addition to the improvements and upgrades to De La Plaine, the Shady Beach pump station has to be constructed by the Villages of North East for this project to be applicable.

3. The trip generation associated with the 63 lot development proposed accounts for an ADT of 630 which exceeds minor road loading. That by itself requires that the main access road back to the tee intersection at Lot 14 be designed as a minor collector road. With the potential for additional traffic loading resulting from the proposed connections to adjoining properties the extent road being classified as minor collector may increase.

4. What is the development potential for the Parcels 76, 105, & the remainder of 197? Ms. Verji said she does not know.

5. The Department requests that the Planning Commission require that a Traffic Impact Study be prepared and submitted prior to any review of the preliminary plat.

6. Closed section road is required throughout this development.

7. Why is a private mini road proposed? Other than allowing for additional lots to be cut out of this parcel we see no benefit. The Department recommends that the private mini road be redesigned as a County road. This road is the primary access to the proposed SWM facility adjacent to Lot 39.

8. Will the proposed dwellings have garages? How many off-street parking spaces will you provide on each lot?

9. Identify that the existing driveway for Parcel 267 must be removed prior to Lot 1 & Clubhouse permit request. Once the county road is cut in as far as Lot 1 the access point for Parcel 267 needs to be relocated to the construction entrance for the proposed development.

10. The dirt path must be removed from Lots 12-14.

11. What impact does the easement associated with SRC #17012 have on Lots 1, 39 & 40 as well as the Clubhouse?

12. What consideration has been given to where the SWM area adjacent to Lot 39 will discharge? Where do you intend to direct the discharge?

13. The preliminary plat must reflect all easements required for SWM, storm drains, and utilities.

14. Who do you propose to supply this development with water? Ms. Verji said they will have an onsite community system.

15. Proposed sanitary sewer run outside of County ROW must be ductile iron.

16. Water and sewer allocations must be requested from the Cecil County Department of Public Works.

17. Have you discussed the proposed connections with the Developer of Villages at North East? Have you analyzed their plans to determine availability of capacity of the sewer line you intend to
connect to. Is it sized to handle additional flow? Is the water system sized for your additional demand?

18. The water distribution system must be designed to provide adequate fire flow and pressure throughout your subdivision as well as the potential development on Parcels 76, 105, & remainder of 197.

19. It appears that many of the lots proposed cannot use gravity sewer to reach the MH adjacent to Lots 19/20. Do you intend to provide a pump station? Ms. Verji said yes.

20. The preliminary plat must identify the storm drains, show in general how runoff will be conveyed to proposed SWM areas, and where those areas will discharge.

21. 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:

   Notes and requirements identified for record:

   21.1 The Final Plat Lot Grading and Lot Grading Plan Construction Limits Notes.
   21.3 Requirements for Public Works Agreements.
   21.4 Requirements for Stormwater Inspection and Maintenance Agreements.
   21.5 Requirements for County Roads.
   21.6 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. The downstream conveyance of storm water must be analyzed in accordance with Section 251-9 A. (5) of the county’s SWM Ordinance. If stormwater discharge is directed off of the site on to adjacent property it is the responsibility of the Developer to obtain appropriate easements from the affected property owners per Sections 251-13 and 251-15.D of the Cecil County SWM Ordinance.
   3. A Public Works Agreement is required for the streets & storm drains, water, and sewer systems.
   4. An Inspection & Maintenance Agreement is required for the private SWM facilities.
   5. The internal street grade leaving Spears Hill Road 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.

Mr. Whittie reminded the applicant that the new Cecil County Road Code has been approved by the Board of County Commissioners. This project will have to be in accordance with the new Cecil County Road Code guidelines.

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

Mr. Graham, Citizen’s Representative, received letters and telephone calls from Michelle and William McKinney, Mary Lou and Kathryn McKinney, Mr. Miller and Bonnie Lincoln in opposition of this project. See file for letters and correspondents.

Mr. Brown, CCSCS, provided the applicant with soil reports and maps.
Mrs. West, CCPS, asked the applicant when they are expecting to begin building, the size of the homes, how many bedrooms the homes would have and the price range of the homes. Ms. Verji said approximately three (3) years to start building, the size of the homes would be around 40x60, number of bedrooms in undetermined as well as the expected price of the homes. The applicant was provided a copy of the bus stop guidelines.

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

Mrs. Latham, MDE, stated that since the applicant will own the water supply (wells), aquifer testing and public notification will be required. Ms. Latham provided the applicant with a copy of the procedures. The well would have to be sited by the State and Health Department and water quality testing.

Mr. Di Giacomo stated that Delmarva had no comments.

Mr. Di Giacomo reminded the applicant, on behalf of the Fire Chief’s Representative, to consider the spacing and location of the fire hydrants. Mr. Di Giacomo also stated that with 149 homes proposed in all with only one access, an additional emergency access would be needed.

Mr. Di Giacomo, P&Z, read the comments of the department:
This proposal is in compliance with §3.8 & §3.9.1 regarding public notification.

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

Zoning: SR

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

The review and approval process for this PUD proposal is established in §256 of the Zoning Ordinance. §256.1 stipulates that a PUD is permitted in the SR zone by Special Exception. §256.2 requires that the “Sketch Plat/Special Exception Application” shall be reviewed by the TAC, which is being done today. Up to that point, there is no difference between the PUD approval process and the normal subdivision review and approval process.

§256.3 requires that the “Sketch Plat/Special Exception Application” next shall be reviewed by the Planning Commission, and that the Planning Commission shall “make recommendations to the Board of Appeals.”

After the Planning Commission’s review, the Sketch Plat/Special Exception must be placed on the Board of Appeals’ agenda, pursuant to §256.4, which specifies that then “The Sketch Plat/Special Exception shall be reviewed by the Board of Appeals. The Board shall consider the recommendations

11 Moreover, §’s 256.3 & 256.4 make clear that the Planning Commission’s role now is to make a recommendation to the Board of Appeals on the “Sketch Plat/Special Exception Application” rather than an actual decision on what would otherwise be considered a Concept Plat.
of the Technical Advisory Committee, the Planning staff, the Planning Commission and the standards in Article XVII, Part II, in making their determination to approve or disapprove the proposed PUD.12

§256.5 stipulates, in part, that “Following approval of the PUD Special Exception by the Board of Appeals the PUD or section thereof shall be processed in accordance with the provisions of the Cecil County Subdivision Regulations.” Thus, assuming approval of the PUD Special Exception, Preliminary Plats and Final Plats would be reviewed in the regular way, with the Planning Commission rendering decisions approving or disapproving such submissions, rather than making recommendations to any other body.

Just as is the case with a Concept Plat approval, the possible PUD “Sketch Plat/Special Exception Application” approval by the Board of Appeals would not guarantee any subsequent Preliminary or Final Plat approvals by the Planning Commission.

Density: The SR zone permits a maximum base density of 1 du/1 ac., or 2/1 with community facilities, or 4/1 if a PUD. This Concept Plat proposes 63 lots on 96.4262 acres, for a proposed density of 1/1.531.

The proposed density must be cited on the Sketch Plat/Special Exception Application submitted for review by the Planning Commission and Board of Appeals. A boundary line survey13 must be done in conjunction with the preparation of the Preliminary Plat for density calculation purposes.

The Parcel Map and Vicinity Map inserts fulfill the §4.0.13 (b) requirements.

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.14

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’. What is the rationale for showing a 100’ stream buffer? Ms. Verji said that was a mistake; it should read “10”

If the stream buffer must be expanded, then proposed Lot 26 may not be achievable.

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

---

12 It is incumbent upon the applicant to become thoroughly familiar with all aspects Article XVII, Part II.
13 Note # 1 indicates that the boundary line survey has already been completed.
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 ft² or more. The Cecil County Forest Conservation Regulations define steep slopes as “areas with slopes greater than 25 percent slope.”
field-delineated wetlands or stream impacts, or if the FSD/Conceptual Environmental Assessment finds that there are no wetlands or streams and that finding is consistent with the details of County wetlands maps and USGS quad maps, then no JD is required. If required, then a JD is recommended to be done prior to Final Plat review by the Planning Commission, but required to be completed prior to recordation.

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

30% common open space is required; 41.1% is proposed. However, only 15.9% of the total acreage is proposed as common open space.

At a minimum, 15% of the required open space shall not consist of perennial or intermittent stream buffers, nontidal wetlands or buffers, steep slopes, or habitats of rare, threatened and endangered species. No more than 40% of the common open space required shall consist of those areas designated as nontidal or tidal wetlands. The C.O.S. sensitive areas thresholds must be calculated for inclusion on the Preliminary Plat.

All common open space must be consistently labeled and referenced as such.

The Development Summary indicates the potential for 149 lots. What is proposed for the balance of the property, how will it be accessed, and how can the requirements of §256.1 be met without this information?

With no road frontage on Shady Beach Road, why does the title block suggest otherwise?

30% landscaping of the gross development site is required (§251.3).

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

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

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

A 20’ buffer is shown behind proposed Lots 1-14. What is its purpose, and why isn’t it shown elsewhere? Ms. Verji said this is based on a discussion with the owner. The owner has an agreement with the neighbor.

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.

Note # 2 indicates that the wetlands have been field delineated.
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 street trees & Forest Retention/ Afforestation Areas (FRAs) must be recorded & noted on the plat prior to recordation, with the metes and bounds description of the FRA being shown on the Final & Record Plats.

The Development Summary indicates the potential for 149 lots. A Traffic Impact Study (TIS) must be completed prior to the TAC’s review of any Preliminary Plat.

What is the purpose of the “future access easement” depicted between proposed Lots 2 & 3? Ms. Verji said this is also an agreement between the owner and the neighbors.

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

What is the purpose of the unnamed stub roads to common open space and to the adjacent lands of D. R. Horton? Ms. Verji said their purpose is for future connectivity and another agreement between the owner and the neighbors. Mr. Di Giacomo suggested that the stub road between Lots 14 and 15, if not being used for future access, be made into a cul de sac.

Do, or will, the parcels on the west side of MD 272 access that road across this parcel? Ms. Verji said not at this point.

Why doesn’t the proposed MD 272 access point coincide with the existing access point, and has it been verified that the proposed access location is consistent with sight distance requirements, §7.2.12.E.4 and §7.2.12.E.5?

The Development Summary indicates the potential for 149 lots – an additional 86 lots, which would be the majority of the project. Inasmuch as the current proposed density is achievable without invoking PUD provisions, there must be plans for the balance of the property. When will they be presented for review?

The applicant is reminded of the provisions of §7.2.12.B.11.

With the potential for 149 lots, will future plans include a second entrance? Ms. Verji said the owner is not planning on ever developing 149 lots. That number is the maximum density allowed on this

---

16 Per §176.2.a, this may be prohibited.

17 Until this information is provided, the information required by §256.1 cannot be included, and, therefore, the application is incomplete.
project. This project will only include 63 units in total. Mr. Di Giacomo stated that with 63 lots, a PUD does not need to be proposed.

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

Per §255.2, why hasn’t direct pedestrian access to the club house area been proposed from the unnamed mini-road to the north or the unnamed street to the east?

The Preliminary Plat must have site-plan level details for the proposed club house area.

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.

Since the stormwater management area on the unlabeled common open space would likely be accessed from the private mini-road, and since the stormwater management area would serve more than just those homes on the private mini-road, that seems more appropriate as a public road.

Considering §255.3, what is the rationale for including a mini-road\(^\text{18}\) in a PUD? 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 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 S3 only. Therefore, the Master Water and Sewer Plan must be amended no later than prior to Final Plat review.

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.

§248.1 states that ARTICLE XII’s intent is to “offer a variety of building types … including, detached single-family dwellings, duplexes, semi-detached dwellings, townhouses and apartments.”

Do the 2 building types proposed reasonably provide enough variety?

\(^{18}\) It is proposed to serve 6 lots, 38-43.
Clearly, a mixed use scenario is fundamental to the PUD concept. Why is no mixed use proposed?

The misspelling in Note # 8 should be corrected prior to the Planning Commission and Board of Appeals submittals.

The word ‘County’ must be added to the title block. ‘Cecil’, alone, will not suffice.

Proposed Lots 26 & 39 do not meet the minimum lot width requirement at the front BRL.

MD 272 is functionally classified as an arterial road; therefore, per ARTICLE VI, the required 50’ setback from the right-of-way must be depicted on the plat. That could affect the ultimate principal structure locations on proposed Lots 1, 39, and 40, as well as the proposed clubhouse.

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.

§256.1 (a) – (f) require very specific pieces of information to be included as part of the Sketch Plat/Special Exception Application, as follows: “… the Sketch Plat/Special Exception Application shall contain the following information:

(a) Elevations of each building type.
(b) Proposed open spaces, their size, their location, their uses, and their proposed ownership (County and/or association).
(c) General statement concerning provision of utilities (draft terms and provision of a public works agreement).
(d) Statement of expected County responsibilities.
(e) Cost-Revenue ratio of the proposed PUD for the County.
(f) Tentative time table and staging development. (Schedule of construction)”

Unless and until those pieces of information are provided, the Sketch Plat/Special Exception Application shall remain incomplete, and it is a complete application that “shall” be reviewed by the TAC, Planning Commission, and Board of Appeals.

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; however, as this submission is incomplete, consistent with §256.1 and §256.2, the TAC must first have the opportunity to review a complete Sketch Plat/Special Exception Application prior to subsequent reviews by the Planning Commission (§256.3) and the Board of Appeals (§256.3).

<table>
<thead>
<tr>
<th>School information:</th>
<th>Elementary</th>
<th>Middle</th>
<th>High School</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Elk Neck</td>
<td>North East</td>
<td>North East</td>
</tr>
<tr>
<td>FTE</td>
<td>417</td>
<td>826</td>
<td>1110</td>
</tr>
<tr>
<td>Capacity</td>
<td>479</td>
<td>712</td>
<td>1009</td>
</tr>
<tr>
<td>% Utilization</td>
<td>87%</td>
<td>116%</td>
<td>110%</td>
</tr>
</tbody>
</table>

17
Mr. Graham, Citizen’s Representative, made additional comments regarding concerns that surrounding neighbors have with their wells possibly running dry due to this proposed subdivision.

Mrs. Latham said MDE would have to look into that prior to issuing permits.

The September TAC meeting adjourned at 10:17 a.m.

Respectfully submitted,

Jennifer Bakeoven  
Administrative Assistant  
Office of Planning and Zoning
Present: Black, David (CCP&Z), Woodhull, Mark (CCDPW), von Staden, Fred (DEH), West, Janel (CCPS), Brown, Chris (CCSCS), Graham, Daniel (CR), Bakeoven, Jennifer (CCP&Z).

Absent: Di Giacomo, Tony (P&Z), Cwiek, Philip (USCoE), Ouano, Jun (Delmarva Power), Kyte, Jim (FA), King, Butch (SHA), Latham, Cindy (MDE).

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

1) Bohemia Crossing, Lots 1-10 (Lots 11-15 are located in New Castle County, DE), Preliminary Plat, Old Telegraph Road, Landmark Consulting Engineers, Inc., Second Election District.

Kevin McAghon, Landmark Engineers, Inc., George Hobbs, developer and Keith Baynes, Esq., appeared and presented an overview of the project.

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. Sight distance measurements for the Old Telegraph Road access have been submitted and approved.
3. The required Protocol 3 Road Condition Survey & Road Improvements Plan for Old Telegraph Road, along the entire frontage of this development, has been submitted. In accordance with the Department’s May 21, 2008 comments the Applicant shall be responsible for the following work and this must be identified on the preliminary plat submitted to the Planning Commission:
   3.1. Replacement of the existing culvert under Old Telegraph Road located immediately north of the proposed entrance.
   3.2. Re-establish the roadside drainage swale on the east side of Old Telegraph Road, immediately north of the existing culvert.
   3.3. Mill and overlay both lanes of Old Telegraph Road along the entire frontage of the proposed development.
4. The ROW for the proposed Centennial Circle must be revised in the area of Lot 11 to hold the 50’width through the curve. This will require that Lot 11 be adjusted in size to provide for the required road frontage for its access to Centennial Circle. Lot 11 will have some portion of its acreage in Maryland as well as in Delaware. The Department sees no benefit to the County in taking in the additional ROW proposed. Discussion ensued regarding this comments.
5. Have you discussed the proposed Centennial Circle stream crossing with MDE? Mr. McAghon said yes. Specifically the type of culvert (i.e. closed vs. open bottom) allowed, and what permitting will be required. The Department will require proof that any/all MDE approvals have been obtained prior to approval of the final road & storm drain plans.
6. Geo-technical analysis of all road crossings of wetlandsstreams to determine suitability of the sub-base to support a county road are required. This analysis must be included in the road & storm drain design submittal.

7. The Old Telegraph Road frontage dedication requirement is not clearly identified by note on the plat. The correct note must read “strip of land to be dedicated in fee simple to the Board of County Commissioners of Cecil County” and the width must be shown on the plat.

8. The minimum horizontal curvature radius for a Minor Road is 200'.

9. The proposed driveway and driveway pipes locations must be shown on the preliminary plat submitted to the Planning Commission.

10. The driveway for Lot 4 must be a minimum of 75’ from the centerline of the intersection.

11. The preliminary SWM submittal incorrectly identifies this site as being in the Transitional Region. This site is in the Coastal Plain and as such no 251-9.A.3 determination is required.

12. The Recharge Volume Requirements (Rev) for this or any site cannot be met by use of the proposed above ground detention basin (P1-5, or W1-4). Refer to Table 4.3 BMP Selection – Stormwater Treatment Suitability of the MDE 2000 Design Manual. Recharge must be accomplished outside of the basin. Look at Table 4.3 for acceptable methods to meet the Rev requirements (i.e. roadside ditches as dry swales, infiltration basins, bioretion, etc…).

13. What type of BMP are you proposing?

14. The drainage indicated in the rear yards of Lots 2-5 must be in a private storm water conveyance easement identified on the preliminary plat. Verify with the Health Department that adequate separation exists between the swales and the septic reserve areas on each lot.

15. Have you given any consideration as to how you will address SWM for this site?

16. For the portion of the development in Delaware the applicant must comply with all pertinent requirements imposed by them in regards to SWM, lot grading, building permits, etc…

17. 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:

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


17.3 Requirements for Utility relocations.

17.4 Requirements for Public Works Agreements.

17.5 Requirements for Stormwater Inspection and Maintenance Agreements.

17.6 Requirements for County Roads.

17.7 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. 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. 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 Old Telegraph 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 from the roadway must be paved to the crest. If the development is phased these requirements will apply to each phase when 80% of the lots are built-out. All of these requirements must be reflected on the Lot Grading Plan.

Mr. von Staden, DEH, read the comments of the department:
A Groundwater Appropriation Permit Exemption must be filed with Maryland Department of the Environment prior to final plat approval.

Percolation data table is required on preliminary plats. Add a note indicating percolation holes were located by field survey. All percolation holes must be numbered on the preliminary plat. Locate all perc holes (numbers 9 and 24).

Adjust wells on lots 1, 3, 6 and 10 to avoid the need for a well variance. Submit a written request for a well variance for lot 7. Adjust well on lot 4 to be 30’ from proposed dwelling.

Mr. Brown, CCSCS, read the comments of the department. Soil maps and reports were provided for the applicant. See file.

Mrs. West, CCPS, provided the applicant with the bus stop guidelines.

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

Mr. Black stated that SHA and Delmarva Power had no comments.

On behalf of MDE, Mr. Black read the comments of the department:
A notice of exemption to appropriate and use ground water will be required for final plat.

Mr. Black provided the applicants with a copy of a letter received from the CBCAC. See file.

Mr. Black, P&Z, read the comments of the department:
This proposal is in compliance with §3.8 & §3.9.1 regarding public notification.

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

Zoning: SAR and RCA

Density: The Concept Plat, invoking the density provision of §2.4.1 and proposing 4 minor and 6 major subdivision lots on 49.20 acres, for a proposed density of 1/8.2, was approved on 12/18/06, conditioned on:
1) The boundary line survey being completed prior to the TAC’s review of the Preliminary Plat;
2) Documentation of the completion of the JD being submitted prior to the Planning Commission’s review of the Preliminary Plat;

\[1 \text{ The permitted density of the SAR zone was then } \frac{1}{8}. \text{ Effective 1/1/07, the permitted SAR maximum density became } \frac{1}{20}.\]
3) The PFCP being approved prior to the Planning Commission’s review of the Preliminary Plat;
4) All areas of natural constraints table data being corrected prior to the TAC’s review of any Preliminary Plat; and
5) Road names must be approved by the County 911 Emergency Center prior to Planning Commission review of the Preliminary Plat, and, since New Castle County 911 will handle, and the Middletown Fire Company will respond to, emergency calls for the 5 proposed NCC homes, documentation of NCC’s approval of the road name on which the NCC lots front will also be submitted prior to the Planning Commission’s review of any Preliminary Plat.

No new lots are proposed within the Critical Area RCA overlay zone. The plat incorrectly stated that 6.19 acres are in the Critical area; that was to be corrected, as were other modifications to coefficients in the areas of natural constraints table. The RCA Critical Area acreage has not been provided.

As to the development of the proposed lots in New Castle County, respective Final Plats for this project must be approved in both counties prior to recordation in either county. Final Plat should make crystal clear the fact that the NCC lots are not being approved by the Cecil County Planning Commission.

General Note # 2 indicates that a boundary line survey was completed March, 2007. A signed and sealed copy has not been submitted for inclusion in the project file, and only sheet 6 of 9 has been signed and sealed by a Maryland Professional Land Surveyor.

The dual sheet numbering/identification systems are confusing. A single sheet numbering system must be used for all subsequent submittals for this project. Mr. McAghon stated that the used numbering system is at the direction of the Conservation District. They have included numbering to satisfy the Conservation District and TAC.

Why has a certification block been included for the Zoning Administrator’s signature?

In the Site Data information on sheet 1, why is the “minimum parcel size” differentiated from the “gross site area”?

It is unclear why signature blocks have been included on a Preliminary Plat. Should this project move forward to Final Plat review, the plat shall conform to the requirements of §4.2.13 (b), and signature blocks shall appear on all sheets, should there be more than one.

The graphics suggest that the Lands of Weymouth on Old Telegraph Road, Parcel 33, is part of the project.

The potential for confusion is compounded by the fact that the Vicinity Map does not incorporate the Tax Map, Block, and Parcel(s) information, as required by §4.1.22 (b).

In addition, this plat does not meet the §4.1.22 (r) requirement to incorporate an area/ density table.

Sheet 1’s General Note # 18 does indicate that Parcel B is not included, but Parcel B is not identified on sheet 1. Where Parcel B is identified, there is no disclaimer as to its exclusion.

2 The Concept Plat reported both 5.14 and 6.19 Critical Area RCA overlay zone acres.
On sheet ES-2, the NE corner of the Cecil County portion of the property shows a “Centennial Road R.O.W.” in an area now wooded. If any of that area has been used to calculate the common open space acreage, it must be subtracted, per §176.2.a. How does the “Centennial Road R.O.W.” relate to the proposed Centennial Circle?

If the “Centennial Road R.O.W.” is for access to proposed Lot 11 in New Castle County, then it must be confirmed that DPW will accept ownership and maintenance responsibilities for a road to 1 single lot outside the County and state.

Slopes greater than 25% have been shown only on sheet 7 of 9. That sheet shows the Critical Area Buffer line outside of the Critical Area. That error must be corrected on all subsequent submissions, as well as on the PFCP/Preliminary Environmental Assessment. The applicant must address CBCAC Buffer concerns expressed in their 9/23/08 letter.

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

A 25’ buffer is required around all non-tidal wetlands and intermittent streams present. Permits are required from the (US Army) Corps of Engineers and MDE for all non-tidal wetland and stream impacts prior to recordation. JD’s are required in conjunction with permitting. Thus, the 2nd condition of Concept Plat approval has been rendered moot. If no permits are required, and if the proposed project meets the policy standards established on 3/20/95 and revised on 1/16/96, or if the FSD/Conceptual Environmental Assessment finds that there are to be no impacts to field-delineated wetlands or stream impacts, or if the FSD/Conceptual Environmental Assessment finds that there are no wetlands or streams and that finding is consistent with the details of County wetlands maps and USGS quad maps, then no JD is required. If required, then a JD is recommended to be done prior to Final Plat review by the Planning Commission, but required to be completed prior to recordation.

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

15% common open space is required; 60.06% is now proposed.

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

Bufferyard Standard C is required, outside the right-of-way, along the road frontages of Old Telegraph Road. No Bufferyard Standard C has been shown. Is a design modification being requested? Mr. McAghon said that it will probably be a combination of existing vegetation and supplement.

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. No 10’ street tree planting easement has been shown or noted. That

---

1 Dwelling 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 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.
deficiency must be corrected on all subsequent submittals. Where feasible, the natural vegetative equivalent may be used to satisfy the bufferyard and street tree requirements.

Because the Natural Heritage Service has exceeded their 30-day response window, the FSD was conditionally approved on 11/16/06. The Natural Heritage Letter must be submitted prior to PFCP approval, and any recommended species surveys must be completed prior to the TAC’s review of any Preliminary Plat.

The submitted PFCP/Preliminary Environmental Assessment also showed the Critical Area Buffer outside the Critical Area. No Buffer was depicted inside the Critical Area. That must be corrected to achieve approval, which, in turn, must occur prior to Planning Commission review of the Preliminary Plat (§6.2.B(1), Forest Conservation Regulations; §4.1.22 (a)).

The FCP, Landscape Plan, and environmental assessment 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 Centennial Circle road name has been approved by the County 911 Emergency Center.

New Castle County has approved addresses for the 5 proposed NCC homes, and NCC Emergency Services has been notified. There is no documentation that Cecil County Emergency Services has also been notified.

With respect to fire suppression, what is planned in the way of a drafting tank and/or dry hydrants? Mr. McAghon said nothing at this time.

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.

What appear to be stormwater management areas are shown on private lots. All SWM facilities must be located in areas of common open space.

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.

The GAP may need to be issued prior to Final Plat review. Coordination between MDE and DNREC may be necessary.

Per 9/23/08 CBCAC comments, a note should be included on the plat and the Environmental assessment to the effect that the development rights in the RCA are exhausted.

The Cecil County Public Schools reported that any potential students in the 5 NCC homes would be served by schools of the Appoquinimink School District.
The 4th condition of Concept Plat approval was that all data in the ‘areas of natural constraints’ table be corrected prior to the TAC’s review of any Preliminary Plat. Where is that information now included and what corrections have been made? Mr. McAghon said he thought they had made the appropriate corrections.

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

The applicant is reminded of the 4:30 p.m. submission deadline on the 3rd Thursday (10/16/08) for review by the Planning Commission the following month. However, such submission can be accepted only if all deficiencies are remedied and the PFCP/Preliminary Environmental Assessment has been approved.

<table>
<thead>
<tr>
<th>School information:</th>
<th>Elementary</th>
<th>Middle</th>
<th>High School</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Cecilton</td>
<td>Bo Manor</td>
<td>Bo Manor</td>
</tr>
<tr>
<td>FTE</td>
<td>301</td>
<td>488</td>
<td>643</td>
</tr>
<tr>
<td>Capacity</td>
<td>350</td>
<td>---------</td>
<td>1244--------</td>
</tr>
<tr>
<td>% Utilization</td>
<td>86%</td>
<td>91%</td>
<td>91%</td>
</tr>
</tbody>
</table>

Mr. Woodhull added the following comments:

- In regards to the location of the SWM facilities and any conveyance to them, the easements need to be shown for the swale that appears between Lots 2-10.
- An easement needs to be shown for the culvert pipe that runs between Lots 4, 5, 7 & 8.
- The I&M and access easement for the SWM facility should be shown when presenting this plat to the Planning Commission.
- Anywhere there is a pipe or a swale that is used for conveyance does need to be shown in easements.

Mr. von Staden added that anywhere an easement is added, sewage areas can not be in the easement. If a swale is added, the sewage area will have to be 25’ away. If swales are created, sewage areas will need to be adjusted.

The October TAC meeting adjourned at 9:36 a.m.

Respectfully submitted,

Jennifer Bakeoven
Administrative Assistant
Office of Planning and Zoning
CECIL COUNTY TECHNICAL ADVISORY COMMITTEE
Wednesday November 5, 2008, 9:00 a.m.
County Administration Building
200 Chesapeake Blvd., Elk Room, Elkton, Maryland

Present:   Di Giacomo, Tony (CCP&Z), Woodhull, Mark (CCDPW), von Staden, Fred (DEH), Davis, Gary (SHA), West, Janel (CCPS), Brown, Chris (CCSCS), Graham, Daniel (CR), Bakeoven, Jennifer (CCP&Z).

Absent:  Cwiek, Philip (USCoE), Ouano, Jun (Delmarva Power), Kyte, Jim (FA), Latham, Cindy (MDE).

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

1) Larson’s Northeast Overlook, 61 Units, MD Rte. 272, Concept Plat, Frederick Ward Associates, Fifth Election District.

Ed Steere and Jennifer Zhai, Frederick Ward Associates, appeared and presented an overview of the project.

Mr. Woodhull, DPW, read the comments of the department:
1. A SWM plan, Water & Sewer plans, 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. This development, as proposed, is dependant on the Villages at North East being built to the point that water & sewer service could be accessed. In addition and more importantly the Villages at North East cannot proceed until the De La Plaine pump station has been upgraded to accommodate additional flow from this area. The Developer proceeds at his own risk in regards to this dependence.
3. Have you discussed the proposed connections with the Developer of Villages at North East? Mr. Steere said he believes the developer has spoken with representatives from the Villages of North East. Do they have excess water supply to meet your demand? Mr. Steere said he does not know. Does their proposed sanitary sewer pump station have the capacity, as designed, to meet your additional demand? Have you analyzed their plans to determine whether the water & sewer lines you intend to connect to are adequately sized?
4. Sewer allocation must be requested from the Cecil County Department of Public Works.
5. The ownership of the proposed Villages at North East water system has not been determined. When this issue is resolved the final plat must reflect the correct ownership for the water source. If it is the County a water allocation must be requested from the Cecil County Department of Public Works.
6. Proposed sanitary sewer run outside of County ROW must be ductile iron.
7. The water distribution system must be designed to provide adequate fire flow and pressure throughout your subdivision as well as the potential development on Parcels 76, 105, & remainder of 197.
8. It appears that many of the lots proposed cannot use gravity sewer to reach the proposed MH adjacent to Lots 19/20. Do you intend to provide a pump station?

9. The trip generation associated with the development (61 lots & Club House) proposed accounts for a minimum ADT of 610 which exceeds minor road loading. That by itself requires that the main access road back to the tee intersection at Lot 15 be designed as the minor collector road as identified on the plat by the 60’ ROW shown.

10. What is the development potential for the Parcels 76, 105, & the remainder of 197? Mr. Steere said does not know. With the potential for additional traffic loading resulting from future connection to the remainder of Parcel 197 through the Lands of Eveland (Parcel 105) the cul-de-sac of Susan Jean Way adjacent to Lots 14-15 may eventually be modified to a through street.

11. Why was the road stub with a temporary tee-turnaround adjacent to Lots 19-20, shown on the September 3, 2008 concept plat, removed? Mr. Steere said that is an error. That road stub & tee-turnaround must be shown on the plat presented to the Planning Commission or the Department will not recommend approval.

12. The Department requests that the Planning Commission require that a Traffic Impact Study prepared and submitted prior to any review of the preliminary plat.

13. Closed section road is required throughout this development.

14. Why are private mini roads proposed? Mr. Steere said he felt the smaller roads were a better fit for this development. There will be less impervious surface impact and he believes the county standards are beyond what should be required. Mr. Woodhull stated that the county has supported smaller cul-de-sac bulbs in the development corridor for a small number of lots off of a county road but with a smaller cul-de-sac bulb. The requirement of a fire hydrant being located at a convenient location that would be set by the local fire department would be set forth. Other than allowing for additional lots to be cut out of this parcel we see no benefit. The Department recommends that the private mini roads be redesigned as County roads. In particular Lucas Loyal Court is the primary access to the proposed SWM facility adjacent to Lot 45.

15. Will the proposed dwellings have garages? How many off-street parking spaces will you provide on each lot?

16. What impact does the easement associated with SRC #17012 have on Lots 1 & 45 as well as the Clubhouse? Mr. Steere said it is part of the slope easement.

17. The prelimanry plat must reflect all easements required for SWM, storm drains, and utilities.

18. The preliminary plat must also show all storm drains and in general how runoff will be conveyed to the proposed SWM areas. Also identify where the SWM areas will discharge.

19. What consideration has been given to where the SWM area adjacent to Lot 45 will discharge? Where do you intend to direct the discharge? Mr. Steere said they are going towards the state highway.

20. The Single Family & Semi-detached Lot typical details indicate a lot width of 65’. However on the plat they measure out to be 90” +/- for most single family lots and many of the semi-detached lots measure 70’ or more. Why the discrepancy? Mr. Steere said he would not call it a discrepancy; they were accruing the minimum standard on your typical. Mr. Woodhull said he would not call it typical.

21. 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:

   Notes and requirements identified for record:

21.1 The Final Plat Lot Grading and Lot Grading Plan Construction Limits Notes.
21.3 Requirements for Public Works Agreements.
21.4 Requirements for Stormwater Inspection and Maintenance Agreements.
21.5 Requirements for County Roads.
21.6 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. The downstream conveyance of storm water must be analyzed in accordance with Section 251-9 A. (5) of the county’s SWM Ordinance. If stormwater discharge is directed off of the site on to adjacent property it is the responsibility of the Developer to obtain appropriate easements from the affected property owners per Sections 251-13 and 251-15.D of the Cecil County SWM Ordinance.

3. A Public Works Agreement is required for the streets & storm drains, water and sewer systems.

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

5. The internal street grade leaving Spears Hill Road 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 from the roadway must be paved to the crest. If the development is phased these requirements will apply to each phase when 80% of the lots are built-out. All of these requirements must be reflected on the Lot Grading Plan.

Mr. Graham, Citizen’s Representative, received several comments and concerns from Bruce Cameron and Bonnie Lincoln for this project. Mr. Cameron’s is concerned that his driveway will be cut off with the access lane. He is also concerned that his water runoff will not be redirected. Mr. Steere said that would not be affected. He also has a concern about gaining access to his barn that is placed on his property line with the door facing the proposed property. Another concern was whether the roads would be county roads and who would be responsible for the maintenance. Mr. Steere said there are only 2 cul-de-sac’s being proposed as private. Mrs. Lincoln is concerned about the wetness of the property and the wells going dry. See file for letter.

Discussion ensued regarding wells.

Mr. Brown, CCSCS, provided the applicant with soil maps and reports. See file.

Mrs. West, CCPS, had no comments.

Mr. von Staden, DEH, read the comments of the department:
Identify the source of public water and sewerage on the plats. Written documentation of water and sewer allocations must be submitted to Cecil County Health Department prior to final plat approval. A Groundwater Appropriation Permit and a permit to construct the public water supply must be issued by Maryland Department of the Environment prior to final plat approval. Plans to construct any sewage pumping station must be approved by Maryland Department of the Environment prior to final plat approval. Ownership of the public water utility must satisfy COMAR 26.04.05 as a shared facility or COMAR 26.04.03.08B.

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

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

3. Plans to construct the public water supply have been approved by the Maryland Department of the Environment (by owner’s signature block).

The Master Water and Sewer Plan must be amended to include this parcel prior to final plat approval.

The proposed swimming pool and clubhouse must have Department of Health and Mental Hygiene plans approval prior to site plan or building permit approval. Submit a written description of the intended use of the clubhouse, specifically regarding any food sales or preparation.

The narrative indicates that parcel 197 exists as 3 separate (not connected) parcels, but are they legally separated? Could they be sold separately without subdivision?

Mr. Davis, SHA read the comments of the department. See file.

Mr. Di Giacomo stated that Delmarva had no comments on this project.

Mr. Di Giacomo, on behalf of MDE, read the comments of the department:

The plan is not clear as to proposed water supply for this project. If the developers intend to develop their own public supply source, they will need a water appropriation & use permit for final plat. The well also needs to be shown on the plat.

There was no representative present from the Fire Chief’s committee; comments from that department were not provided.

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

This proposal is in compliance with §3.8 & §3.9.1 regarding public notification.

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

Zoning: SR

This proposal was previously reviewed by the TAC on 9/3/08\(^1\). PUD’s must adhere to the requirements of ARTICLE’s XII and XVII of the Zoning Ordinance and §6.0 of the Subdivision Regulations.

The review and approval process for this PUD proposal is established in §256 of the Zoning Ordinance. §256.1 stipulates that a PUD is permitted in the SR zone by Special Exception. §256.2 requires that the “Sketch Plat/Special Exception Application” shall be reviewed by the TAC, which is being done today. Up to that point, there is no difference between the PUD approval process and the normal subdivision review and approval process.

§256.3 requires that the “Sketch Plat/Special Exception Application” next shall be reviewed by the Planning Commission, and that the Planning Commission shall “make recommendations to the Board of Appeals.”

\(^1\) Since the Sketch Plat/Special Exception Application was never approved it had no standing, and this is considered a new submittal.
Next, the Sketch Plat/Special Exception must be placed on the Board of Appeals’ agenda, per §256.4, which specifies that then it “… shall be reviewed by the Board of Appeals. The Board shall consider the recommendations of the Technical Advisory Committee, the Planning staff, the Planning Commission and the standards in Article XVII, Part II, in making their determination to approve or disapprove the proposed PUD.”

§256.5 stipulates, in part, that “Following approval of the PUD Special Exception by the Board of Appeals the PUD or section thereof shall be proceed in accordance with the provisions of the Cecil County Subdivision Regulations.” Thus, assuming approval of the PUD Special Exception, Preliminary Plats and Final Plats would be reviewed in the regular way, with the Planning Commission rendering decisions approving or disapproving such submissions, rather than making recommendations to any other body.

Just as is the case with a Concept Plat approval, the possible PUD “Sketch Plat/Special Exception Application” approval by the Board of Appeals would not guarantee any subsequent Preliminary or Final Plat approvals by the Planning Commission.

Density: The SR zone permits a maximum base density of 1 du/1 ac., or 2/1 with community facilities, or 4/1 if a PUD. This project proposes 61 (was 63) lots on 96.4262 acres, for a proposed density of 1/1.531. The plat’s cited density of 1/1.64 is based on only a portion of the total acreage. A boundary line survey must be done in conjunction with the preparation of the Preliminary Plat for density calculation purposes.

The Parcel Map and Vicinity Map inserts fulfill the §4.0.13 (b) requirements.

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’.

If the buffer must be expanded, then a proposed SWM area may need to be reconfigured.

A 25’ buffer is required around all non-tidal wetlands and intermittent streams present. Permits are required from the (US Army) Corps of Engineers and MDE for all non-tidal wetland and stream impacts prior to recordation. JD’s are required in conjunction with permitting. If no permits are

---

2 Moreover, §256.3 & 256.4 make clear that the Planning Commission’s role now is to make a recommendation to the Board of Appeals on the “Sketch Plat/Special Exception Application” rather than an actual decision on what would otherwise be considered a Concept Plat.

3 It is incumbent upon the applicant to become thoroughly familiar with all aspects Article XVII, Part II.

4 Note # 1 indicates that the boundary line survey has already been completed.

5 The Cecil County Subdivision Regulations define steep slopes as “15 percent or greater incline.” The Cecil County Zoning Ordinance defines steep slopes as consisting of a grade of 25% or more covering a contiguous area of 10,000 ft² or more. The Cecil County Forest Conservation Regulations define steep slopes as “areas with slopes greater than 25 percent slope.”
required, and if the proposed project meets the policy standards established on 3/20/95 and revised on 1/16/96, or if the FSD/Conceptual Environmental Assessment finds that there are to be no impacts to field-delineated wetlands or stream impacts, or if the FSD/Conceptual Environmental Assessment finds that there are no wetlands or streams and that finding is consistent with the details of County wetlands maps and USGS quad maps, then no JD is required. If required, then a JD is recommended to be done prior to Final Plat review by the Planning Commission, but required to be completed prior to recordation.

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

30% common open space is required; 30.1% is proposed, but that’s based upon only 37.2556 acres, not the total acreage. The acreages of various pockets of common open space are not cited, so there’s no way to check the total.

At a minimum, 15% of the required open space shall not consist of perennial or intermittent stream buffers, nontidal wetlands or buffers, steep slopes, or habitats of rare, threatened and endangered species. No more than 40% of the common open space required shall consist of those areas designated as nontidal or tidal wetlands. The C.O.S. sensitive areas thresholds must be calculated for inclusion on the Preliminary Plat.

All common open space must be consistently labeled and referenced as such. Is the area west of MD 272 proposed as common open space? Mr. Steere said no.

The Development Summary indicates the potential for 149 lots – but just on the 37.2556 acres. If the total acreage is taken into account, then the real total potential is 385 dwelling units. Under these circumstances, what is the rationale for proposing such a low yield? Mr. Steere said this is not the entire parcel. The property is extremely wet and separated into separate parcels.

What is proposed for the balance of the property, how will it be accessed, and how can the requirements of §256.1 be met without this information?

With no road frontage on Shady Beach Road, why does the title block suggest otherwise? Mr. Steere explained that Shady Beach Road is off of the tax record although it does not touch Shady Beach Road.

30% landscaping of the gross development site is required (§251.3).

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

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

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

A 20’ buffer is shown behind proposed Lots 1-14. What is its purpose, and why isn’t it shown elsewhere? Mr. Steere said it was part of the arrangement with Mr. Cameron.

---

6 Note # 2 indicates that the wetlands have been field delineated.
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 9/15/08.

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 & Forest Retention/ Afforestation Areas (FRAs) must be recorded & noted on the plat prior to recordation, with the metes and bounds description of the FRA being shown on the Final & Record Plats.

The Development Summary indicates the potential for 149 lots (actually 385). A Traffic Impact Study (TIS) may be required prior to the TAC’s review of any Preliminary Plat.

What is the purpose of the “future access easement” depicted between proposed Lots 2 & 3? Mr. Steere said it is the driveway access for Mr. Cameron. Mr. Di Giacomo stated that staff may want to see something wider there to accommodate for future development.

All road names have been approved.

What is the purpose of the unnamed stub roads to common open space and to the adjacent lands of D. R. Horton? Mr. Steere said they hope to have access to Shady Beach Road eventually.

Why doesn’t the proposed MD 272 access point coincide with the existing access point, and has it been verified that the proposed access location is consistent with sight distance requirements, §7.2.12.E.4 and §7.2.12.E.5?

The applicant is reminded of the provisions of §7.2.12.B.8 and §7.2.12.B.11.

With the potential for 385 lots, will future plans include a second entrance? Mr. Steere said yes.

Inasmuch as the current proposed density is achievable without invoking PUD provisions, there must be plans for the balance of the property. When will they be presented for review? Mr. Steere said they have experimented with designs on the balance of the property. They came to the conclusion that the parcels need to say separate, development wise.

---

7 Per §176.2.a, this may be prohibited.
8 Until this information is provided, the information required by §256.1 cannot be included, and, therefore, the application is incomplete.
Access to common open space between lots must be marked with concrete monuments.

Per §255.2, why hasn’t direct pedestrian access to the club house area been proposed from the unnamed mini-road to the north or the unnamed street to the east? Mr. Steere said given the grid system and they will have a trail around the SWM and the open space is connected off the end of the cul-de-sac, there is no need to have another connection from Elizabeth Marie Way. Lucas Loyal Court will have a pedestrian connection to the clubhouse.

The Preliminary Plat must have site-plan level details for the proposed club house area.

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

Since the stormwater management area on the unlabeled common open space would likely be accessed from the unnamed private mini-road, and since the stormwater management area would serve more than just those homes on the private mini-road, that seems more appropriate as a public road.

Considering §255.3, what is the rationale for including two mini-roads in a PUD? 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. Mr. Di Giacomo recommended that the applicant get the waiver for road widths and radii for public roads from DPW.

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 S3 only. Therefore, unless individual wells are proposed, then the Master Water and Sewer Plan must be amended no later than prior to Final Plat review.

If the water is proposed to be provided by the Town of North East, then written verification of water allocation must be submitted prior to Final Plat submittal, as well as an amendment to the Master Water and Sewer Plan being achieved by that time.

If a community water facility is proposed, then it will require an amendment to the Master Water & Sewer Plan, as well as compliance with §175, prior to the Plat Final review.

This proposal must fully comply with all provisions of §175, including §175.2.e, §175.2.i, and §175.2.l.

All approvals, including site plan approvals, of any shared water facility shall precede Final Plat review.

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.

---

9 It is proposed to serve 6 lots, 38-43.
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.

§248.1 states that ARTICLE XII’s intent is to “offer a variety of building types … including, detached single-family dwellings, duplexes, semi-detached dwellings, townhouses and apartments.”

Do only the 2 building types proposed reasonably provide enough variety? Mr. Steere said the number of units that they are able to provide does not support commercial. The variety is limited by the percentages and code.

§248.2 states that ARTICLE XII’s other intent is “to permit certain commercial uses in a PUD that serve the day to day needs of the residents of the PUD.” §252.2 stipulates that the business uses permitted in a PUD shall be the same as those permitted in the BL zone, and §252.3 states that “the requirements of the BL zone shall apply to business uses in a development in the PUD.”

Clearly, a mixed use scenario is fundamental to the PUD concept. Why is no mixed use proposed? Mr. Steere stated that there is a convenience store is located in close proximity to this proposed subdivision.

The misspelling in Note # 8 should be corrected prior to the Planning Commission and Board of Appeals submittals. There is more than one mini-road.

Proposed Lots 25 & 36 do not meet the minimum lot width requirement at the front BRL.

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.

§256.1 (a) – (f) require very specific pieces of information to be included as part of the Sketch Plat/Special Exception Application, as follows: “… the Sketch Plat/Special Exception Application shall contain the following information:

(a) Elevations of each building type.
(b) Proposed open spaces, their size, their location, their uses, and their proposed ownership (County and/or association).
(c) General statement concerning provision of utilities (draft terms and provision of a public works agreement).
(d) Statement of expected County responsibilities.
(e) Cost-Revenue ratio of the proposed PUD for the County.
(f) Tentative time table and staging development. (Schedule of construction).”

This has been provided as an enclosure.
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.

<table>
<thead>
<tr>
<th>School information:</th>
<th>Elementary</th>
<th>Middle</th>
<th>High School</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Elk Neck</td>
<td>North East</td>
<td>North East</td>
</tr>
<tr>
<td>FTE</td>
<td>437</td>
<td>769</td>
<td>1146</td>
</tr>
<tr>
<td>Capacity</td>
<td>501</td>
<td>712</td>
<td>1009</td>
</tr>
<tr>
<td>% Utilization</td>
<td>87%</td>
<td>108%</td>
<td>114%</td>
</tr>
</tbody>
</table>

2. Lands of 1226 Appleton Road, Lots 1-4, Appleton Road, Preliminary Plat, Clifton L. Bakhsh, Jr., Inc., Fourth Election District.

Bob Johnson, Clifton Bakhsh, Jr., Inc., and James Folghum, developer, appeared and presented an overview of the project.

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 approval of the final plat for this project.
2. The well for Lot 2 cannot be located at the edge of the private mini road travel way as shown.
3. Verify, with the Health Department, the minimum required separation distance for Lot 4’s well from the stormwater swale.
4. By locating the proposed entrance at the site of the existing driveway to 1226 Appleton Road the Department’s concern about sight distances have been satisfactorily addressed.
5. Appleton Road in the area of the proposed entrance is in good condition therefore no improvements associated with Section 3.07.15 of the Road Code will be required.
6. However, acceleration & deceleration lanes must be provided for this entrance and the correct entrance curves at the tie-in between the proposed mini road and these lanes must be established. These improvements must be shown on the preliminary plat presented to the Planning Commission.
7. The private mini road grade cannot exceed 5% at the entrance or it must be paved to the crest of the road. As shown the grade is at 10%-12% if not more where the mini road crosses Lot 1.
8. The algebraic difference between the mini road approach grade and Appleton Road cross slope at the entrance cannot exceed 6%.
9. The driveway for the existing dwelling must be aligned at a 90° angle to the mini road.
10. The private mini road must be paved within the County’s ROW.
11. The private mini-road proposed must meet the requirements spelled out in Section 2.13 of the Road Code. These requirements include placing a statement, on the approved Final Plat that clearly outlines the responsibilities of the Mini-Road Maintenance Association in the maintenance of roads and storm drainage systems. The recommended wording will appear in the minutes, but will not be read at this time: (The proposed internal roads will not be dedicated for public ownership or maintenance. The Mini-Road Maintenance Association shall retain title to the road and all maintenance responsibilities.).
12. The driveway pipes may be required for Lots 2 & 3. If required, they must be shown on the preliminary plat submitted for TAC review. Mr. Woodhull added that the SWM plan needs to address the issue of conveyance of the swale to the existing stream.
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:

13.2 Requirements for Stormwater Inspection and Maintenance Agreements

Notes and requirements identified for record:

1. The downstream conveyance of storm water must be analyzed in accordance with Section 251-9 A. (5) of the county’s SWM Ordinance. If stormwater discharge is directed off of the site on to adjacent property it is the responsibility of the Developer to obtain appropriate easements from the affected property owners per Sections 251-13 and 251-15.D of the Cecil County SWM Ordinance.
2. An Inspection & Maintenance Agreement is required for the private SWM facilities.

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

Mr. Brown, CCSCS, provided the applicant with soil maps and reports. See file.

Mrs. West, CCPS, had no comments.

Mr. von Staden, DEH, read the comments of the department:
A Groundwater Appropriation Permit Exemption must be filed with Maryland Department of the Environment prior to final plat approval. A courtesy copy of the exemption request should be submitted to the Cecil County Health Department for our records.

Locate and show all wells and sewage areas within 100’ of the property line. Wells on lots 1 – 4 are too close to adjoining sewage areas. In addition, proposed wells must be 30’ from proposed dwellings (lot 4), 15’ from road-right-of-ways (lots 1 – 3), and 10’ from other property lines. Wells must be upslope of proposed sewage areas on the lot, or a well variance with a 200’ well to septic separation is required. The existing well on proposed lot 1 must be abandoned and sealed by a licensed well driller prior to record plat approval.

The perc hole labeled hole # 3 on lot # 1 is really hole # A. Include hole A’s percolation results in the data table. Additional soil evaluations required are on each lot as proposed.

Mr. Davis, SHA, had no comments.

Mr. Di Giacomo, on behalf of Delmarva Power, read the comments for this project. See file.

There was no representative present from the Fire Chief’s committee; comments from that department were not provided.

Mr. Di Giacomo, P&Z, read the comments of the department:
This proposal is in compliance with §3.8 & §3.9.1 regarding public notification.

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

Zoning: DR
Density: The DR zone permits a maximum base density of 1 du/1 ac. This Preliminary Plat proposes 4 lots on 4.7365 acres, for a proposed density of 1/1.18.

§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.

Per §2.4.2, because an internal mini-road is proposed, this minor subdivision must proceed via the major subdivision process.

The lot acreages in General Note #7 total 4.7351 of the 4.7365 acres cited. That apparently leaves only 0.0014 acres for the proposed mini-road. The requirements of §4.1.22(r) have not been met.

Also, the plat actually shows the unnamed private mini-road to be part of the proposed individual lots. That must be corrected prior to any Planning Commission review.

According to Site Note #1, 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.

Slopes greater than 25% must be shown on the Preliminary Plat. None are shown, with the plat’s representing that there are only 15-25% slopes in the stream buffer.

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

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

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

No common open space is required; an easement for a future sidewalk along Appleton Road is recommended.

---

10 The plat’s acreages and those cited in General Note #7 are slightly different.
11 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.
12 The Cecil County Subdivision Regulations define steep slopes as “15 percent or greater incline.” The Cecil County Zoning Ordinance defines steep slopes as consisting of a grade of 25% or more covering a contiguous area of 10,000 ft² or more. The Cecil County Forest Conservation Regulations define steep slopes as “areas with slopes greater than 25 percent slope.”
13 Elsinboro is a highly erodible soil.
20% landscaping of the development envelope is required in the DR zone.

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

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

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 the unnamed mini-road. Where feasible, the natural vegetative equivalent may be used to satisfy the bufferyard and street tree requirements.

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

The FSD and PFCP must be approved prior to the Planning Commission’s review of the Preliminary Plat (§5.1.C & §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 & bounds description of the FRA being shown on the Final & Record Plats.

The internal mini-road name has not been provided. It must be approved by the County 911 Emergency Center prior to Planning Commission review of the Preliminary Plat. Road names are required, per §4.0.13 (h) of the Subdivision Regulations.

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 W1 and S1.

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

Mr. Di Giacomo stated that the maps show a grave on the site. If so, it should be marked out and not disturbed. Mr. Woodhull said the county can work with the applicant so there is no impact to the site.

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.
<table>
<thead>
<tr>
<th>School information:</th>
<th>Elementary</th>
<th>Middle</th>
<th>High School</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Cecil Manor</td>
<td>Cherry Hill</td>
<td>Elkton</td>
</tr>
<tr>
<td>FTE</td>
<td>451</td>
<td>498</td>
<td>1132</td>
</tr>
<tr>
<td>Capacity</td>
<td>510</td>
<td>775</td>
<td>944</td>
</tr>
<tr>
<td>% Utilization</td>
<td>88%</td>
<td>64%</td>
<td>120%</td>
</tr>
</tbody>
</table>

The November TAC meeting adjourned at 10:33 a.m.

Respectfully submitted,

*Jennifer Bakeoven*

*Administrative Assistant*

*Office of Planning and Zoning*
CECIL COUNTY TECHNICAL ADVISORY COMMITTEE
Wednesday December 3, 2008, 9:00 a.m.
County Administration Building
200 Chesapeake Blvd., Elk Room, Elkton, Maryland

Present: Di Giacomo, Tony (CCP&Z), Woodhull, Mark (CCDPW), von Staden, Fred (DEH), Davis, Gary (SHA), West, Janel (CCPS), Brown, Chris (CCSCS), Graham, Daniel (CR), Latham, Cindy (MDE), Meaders, David (FA), Bakeoven, Jennifer (CCP&Z).

Absent: Cwiek, Philip (USCoE), Ouano, Jun (Delmarva Power).

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

1) Meadows Hideaway, Lots 1-5, 8, 9 & 11-16, Calvary Lane, Preliminary Plat, McCrone, Inc., Fifth Election District.

Don Sutton, McCrone, Inc. and Joe Meadows, owner, appeared and presented an overview of the project. Mr. Sutton stated that the remaining three (3) lots that were not included on this plat are awaiting additional wet season perc testing; they will be completed as soon as possible. They have gathered as much of the topography for the Calvary Lane road. The remaining, approximately 800’ out to Goosemar Road was gathered from the USGS website. Mr. Sutton stated that they have not been able to gain access to that section of the road. They are currently working on the road plans and profiles for Calvary Lane based on the information they have. Those plans will be submitted today.

Mr. Woodhull, DPW, read the comments of the department:
1. The Department, as a policy, requires a project at the preliminary plat stage of development have an approved off site road improvements plan prior to Planning Commission review and that the plat contain by note or detail the scope of work agreed to by the Developer and the Department. In this particular case the ‘off site road improvements’ is defined to include proposed Calvary Lane improvements. No improvements plan has been submitted and this submittal lacks description of work associated with an approved off site road improvements plan. The department needs to see, in plan view and a profile, what is intended for Goosemar and reduction of the oververticle to get sight distance. A plan that shows the full extent of that work plus how the applicant would tie into the two driveways off of Goosemar across the opposite side of the street. Also, the applicant needs to show what, if any lay back or vegetative clearing is required outside the road bed to obtain adequate sight distance. The plan view should incorporate the information of how far, what gets reduced, how much paving gets done, etc. The department needs to see this information prior the Planning Commission’s review of the Preliminary Plat. As such the Department will not recommend approval to the Planning Commission.

2. While the requirements to Improve Calvary Lane, from Goosemar to this property, to acceptable County standards & that the road with associated ROW is deeded to the BOCC of Cecil County are approved prior to recording the final plat the Department wants it made very clear to the Developer and the community, at this stage, that is what is being agreed to is achievable.

3. The sight distance measurements submitted for the Goosemar Road access appear to indicate that with a reduction of the oververtical curve acceptable sight distance measurements can be
achieved. At a minimum the road improvements plan must address this as well as tying in to two existing driveways adjacent to the oververtical, vegetative clearing and or grading along the shoulder of the road in either direction if necessary, and roadside drainage improvements.

4. The work associated with the Sections 3.07.06., 3.07.07, & 3.07.15 of the Road Code must be included in the road improvements plan. Any right-of-way acquisition if 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.

5. Until Calvary Lane, from Goosemar to this property, is built to acceptable County standards & ROW is deeded to the BOCC of Cecil County the DPW will not sign the record plat. An intermediate turnaround must be provided for Calvary Road. The fee simple dedication of the ROW must be identified on the final plat.

6. The specific road construction standard (i.e. Minor, Minor Collector…etc.) will depend on the number of dwellings that potentially can access Calvary Lane. Mr. Woodhull stated that it looks like it would be a minor road.

7. 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.

8. All lots appear to be well and septic. Mr. Sutton concurred.

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.
   9.3 Requirements for Stormwater Inspection and Maintenance Agreements.
   9.4 Requirements for Driveways.
   9.5 Requirements for Utility relocations.
   9.6 Requirements for Public Works Agreements.
   9.7 Requirements for County Roads

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 Restoration will require a consistency review, of the SWM approval, with CCDPW.”
   b. Grading Plan: “No clearing or grading is permitted beyond the limits of disturbance show hereon. Any expanded clearing and/or grading in the absence of an approved revised lot grading plan may be considered non-compliance with Chapter 251 of the Cecil County Code and either or both the developer and/or Builder may be subject to the enforcement of the penalty provisions therein.”

2. The downstream conveyance of storm water must be analyzed in accordance with Section 251-9.A. (5) of the county’s SWM Ordinance. If stormwater discharge is directed off of the site on to adjacent property it is the responsibility of the Developer to obtain appropriate easements from the affected property owners per Sections 251-13 and 251-15.D of the Cecil County SWM Ordinance.

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

4. 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.

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

6. A Public Works Agreement is required for the streets & storm drainage construction.

7. The internal street grade leaving Goosemar Road may not exceed 5% within the limits of the intersection right-of-way.
Discussion ensured regarding the intermediate turnaround requirement.

Mr. Meaders, FA, stated that the department would like to see a larger cul-de-sac for emergency vehicles.

Mr. Graham, Citizen’s Representative, stated that he received letters from surrounding property owners who are in opposition of this project. See file.

Mr. Brown, CCSCS, provided the applicant with soil reports and maps for this project. See file.

Mrs. West, CCPS, read the capacity statistics for this project and provided the applicant with a copy of the Bus Stop Guidelines. There are some minor concerns with the schools being over capacity. See file. Mrs. West also asked the proposed square footage, the phasing time frame and the price expected. Mr. Sutton said they would like to begin construction in 2 to 3 years, the square footage is expected to be 3000 sq. ft. and the excepted price is under $300,000.

Ms. Latham, MDE, asked if the GAP exemption had been filed. Mr. Sutton said they are going to submit in the near future.

Mr. Davis, SHA, stated that he has no comment.

Mr. von Staden, DEH, read the comments of the department:
A Groundwater Appropriation Permit exemption must be filed with Maryland Department of the Environment prior to final plat approval.

Adjust the well location on lots 4 & 5 to avoid the need for a well variance. The existing well on lot 1 appears to be in a stormwater easement. How will the well be protected? Mr. Sutton said they will be working with that as far as adjusting the alignment or piping around it. They may also look at the option of moving that well to a different location.

Adjust the sewage area on lot 1, 11 and 15; see Health Department. Show pumping on lot 16.

Mr. Di Giacomo, P&Z, read the comments of the department:
This proposal is in compliance with §3.8 & §3.9.1 regarding public notification.

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

Zoning: NAR & MEB

Density: The Concept Plat, consisting of 2 parcels of record, and invoking the density provisions of §2.4.1 to propose 8 minor and 8 major subdivision lots on 42.1 acres, for a proposed density of 1/5.26, was approved on 12/18/06, conditioned on:

1) The boundary line survey being completed prior to the TAC’s review of the Preliminary Plat;

---

1 The Comprehensive Plan requires that the ultimate use of parcels in a Mineral Extraction District be determined “after extraction has occurred, or the mineral is demonstrated to be economically unrecoverable.” In this case, the proposed ultimate use is the 16 proposed lots in this subdivision, and a letter was received 12/12/06, documenting that this site’s minerals are recoverable for approximately 6 more years.

2 The NAR zone then permitted a base density of 1 du/5 ac.; bonus density was not an issue. Effective 1/1/07, the permitted density in the NAR zone became 1/10.
2) Documentation of the completion of the JD 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) The road name’s being approved prior to the Planning Commission’s review of the Preliminary Plat;
5) Any necessary road frontage Variance being obtained from the Board of Appeals prior to Final Plat approval;
6) All documentation regarding the road ROW conveyance for adequate road access and private road access, and any formal agreements thereto, being submitted prior to Final Plat review;
7) §187.2 bufferyards being required to separate these proposed lots from surrounding MEB overlay zones and their activities; and
8) Plans for the private road (Calvary Lane) to convert to a county road with nothing less than county road regulation standards being submitted prior to Preliminary Plat approval. The burden will be on the applicant with the county having no responsibility in the conversion.

Concept Plats then remained valid for two years; therefore, its validity will expire on 12/18/08, unless an extension is granted or this Preliminary Plat is approved in the interim.

With no public road frontage or direct public road access, a Variance is required from the Board of Appeals prior to Final Plat approval. What steps have been taken in that regard? Mr. Sutton said no steps have been taken yet until they know that they are able to proceed with this project.

Has it been determined that the owners of those proposed lots could access Goosemar Road via the private road? Mr. Sutton said yes.

Site Note # 7 indicates that the boundary line survey has been completed.

Proposed Lots 6, 7, & 10 are now “reserved for future development.” Why?

Dwellings or impervious surfaces shall not occur on slopes with a grade of 25% or more covering a contiguous area of 10,000 ft² or more. On slopes between 15 and 25%, good engineering practices shall be used to ensure sediment and erosion control and slope stabilization before, during and after disturbance activities.³

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. JD’s are now required in conjunction with permitting; thus the second condition of Concept Plat approval has been rendered moot. If no permits are required, and if the proposed project meets the policy standards established on 3/20/95 and revised on 1/16/96, or if the

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.”
FSD/Conceptual Environmental Assessment finds that there are to be no impacts to field-delineated wetlands or stream impacts, or if the FSD/Conceptual Environmental Assessment finds that there are no wetlands or streams and that finding is consistent with the details of County wetlands maps and USGS quad maps, then no JD is required. If required, then a JD is recommended to be done prior to Final Plat review by the Planning Commission, but required to be completed prior to recordation.

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

15% common open space is required; 19.47% (was 22.8%) is proposed.

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

No Bufferyard Standard C is required because there are no road frontages.

The approved PFCP satisfies the §187.2 requirement.

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. The 10’ street tree planting easement has not been shown. 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 DNR.

The FSD was approved on 11/8/06.

The PFCP was approved on 11/18/08.

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 Meadows Hideaway Lane road name has been approved. However, the plat is unclear as to whether that name would prevail, or if the right-of-way shown on sheet 2 of 2 would be known as Calvary Lane out to the point of access to Goosemar Road.

Is the 30’ strip of land along the northwesterly Calvary Lane that is to be dedicated to the Board of County Commissioners included in the road acreage in the Area Table? Mr. Sutton said yes. Mr. Woodhull said he would look into this to see whether this dedication is necessary.

---

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.
What steps have been taken to satisfy the 8th condition of Concept Plat approval? Mr. Sutton said they have done as much of the topography out towards Goosemar as they could get; their access was restricted. They have taken information off of the USGS website and they will be submitting plans to the DPW showing the existing condition of Calvary Lane. Mr. Woodhull asked that applicant if any legal process been started to gain the access needed. Mr. Sutton said it appears they will have to deal with a court injunction to allow them access. Mr. Woodhull said DPW would want to see that they have access to get the pertinent information prior to Preliminary Plat review. Mr. Whittie, DPW, said he would like to make certain that what is on the plan is what is actually able to be constructed.

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

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

This Preliminary Plat and a Concept Plat Extension request have already been submitted for the December 15, 2008 Planning Commission meeting. The applicant was reminded that if either the Concept Plat is extended or the Preliminary Plat being approved before hand, the Concept Plat shall expire on 12/18/08. At that point, the NAR zone’s 1/10 density shall apply.

School information:

<table>
<thead>
<tr>
<th>School</th>
<th>Elementary</th>
<th>Middle</th>
<th>High School</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bay View</td>
<td>569</td>
<td>753</td>
<td>1084</td>
</tr>
<tr>
<td>Capacity</td>
<td>608</td>
<td>712</td>
<td>1009</td>
</tr>
<tr>
<td>% Utilization</td>
<td>94%</td>
<td>106%</td>
<td>107%</td>
</tr>
</tbody>
</table>

On behalf of Delmarva, Mr. Di Giacomo read the comments provided. See file.

2. Smith Creek II, Lots 1-7, Welders Lane, Preliminary Plat, Michael Scott, Inc., First Election District.

Mike Scott, surveyor, appeared and presented an overview of the project.

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. As the Department stated at the June 6, 2008 TAC meeting, preliminary plat submittals must identify pavement width and slope for the proposed road and also show proposed stormwater conveyance. With open section road this at a minimum would entail the roadside drainage ditches as well as conveyance to any SWM facility and/or to the creek that this site drains to. Why hasn’t that been addressed on this submittal? Mr. Scott said that work is being handled by DMS. He was under the impression that everything was up to date; Mr. Scott will check the status. The plat presented to the Planning Commission must contain this level of detail or the Department will not recommend approval.
3. Has any consideration been given to how SWM quantity control will be addressed for this site? If a SWM pond or similar BMP is required it should be located in common open space. If it is on an individual lot language for all affected lots must be included in the deeds addressing rights and responsibilities of all parties. Mr. Scott said that DMS is handling this as well; he is unsure of the answer.

4. Stormwater drainage easements must be identified for all conveyances run out side of the County ROW. These must be identified on the preliminary plat presented to the Planning Commission.

5. If the stormwater management plan involves the redirection of some or all the stormwater runoff of the site or concentrates the release of stormwater runoff in an offsite area that previously received non-concentrated flow permission (via easements or other property interests) where necessary must be obtained.

6. Why was the fee simple add-on proposed for Parcel 76, Lot 1 on the approved concept plat removed? How does this lot legally access the proposed road? Mr. Scott said that will most likely change.

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 and the Lot Grading Plan Construction Limits Note.
   7.3 Requirements for Utility relocations.
   7.4 Requirements for Stormwater Inspection and Maintenance Agreements.
   7.5 Requirements for Public Works Agreement.
   7.6 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. A Public Works Agreement is required for the road & storm drain work.

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. Meaders, FA, read the comments for the department. See file.

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

Mr. Brown, CCSCS, provided the applicant with soil maps and reports. See file
Mrs. West, CCPS, provided the applicant with school capacity statistics and a copy of the Bus Stop Guidelines.

Ms. Latham, MDE, provided the applicant with a GAP exemption application.

Mr. Davis, SHA, had no comment.

Mr. von Staden, DEH, read the comments of the department:
A Groundwater Appropriation Permit exemption must be filed by Maryland Department of the Environment.

Houses on Lots 1-4 are shown on plat 2, but not plat 3. House on Lots 2 and 4 must be 50’ from sewage area when directly downslope. Two sewage areas shown on Lot 2. The sewage area with hole # 75 is not satisfactory without additional seasonal tests. Only show the acceptable sewage area.

Sewage areas on Lots 5 & 7 are not adequately defined by the existing perc holes. Either conduct additional percolation test to adequately define the proposed sewage areas or adjust the proposed sewage areas to better utilize the existing holes.

On behalf of Delmarva Power, Mr. Di Giacomo read the comments provided. See file.

Mr. Di Giacomo, P&Z, read the comments of the department:
This proposal is in compliance with §3.8 & §3.9.1 regarding public notification.

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

Zoning: SAR & RCA (Critical Area)

Density: The Concept Plat,\(^5\) proposing 8 lots, a reconfigured Lot 4, and the inclusion of Lot 5\(^6\) in the density calculation, on approximately 149.291 acres, for a density of 1:16.59,\(^7\) 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) Acreage totals consistently agreeing with one another on any Preliminary Plat;
4) Any Preliminary Plat’s title block accurately reflecting what is actually being proposed;
5) The PFCP and any preliminary environmental assessment being approved prior to the Planning Commission’s review of the Preliminary Plat;
6) All road name being approved prior to the Planning Commission’s review of the Preliminary Plat;
7) Any Preliminary Plat’s tabular information accurately reflecting lots in the proposal; and

---

\(^5\) A previous Concept Plat for this portion of the property was approved on 8/19/02. A one year extension was granted of the concept plat on 8/16/04, and a subsequent one year extension was granted on 8/15/05. It was allowed to expire in August 2006.

\(^6\) As stated at the 2/22/00 Planning Commission meeting: “The dwelling on the proposed lot 5 must be located on the original Parcel 1 portion of the lot, not the Parcel 3 add-on piece. Therefore, lot 5 will be included in the density calculation for this and all future subdivision proposals for Parcel 1.”

\(^7\) SAR zone then permitted a base density of 1 du/8 ac. Today, it and the RCA overlay zone permit a density of 1 du/20 ac.
8) Misspellings being corrected on all future submissions.

This Preliminary Plat is generally consistent with the approved Concept Plat; however, the acreage and layout have changed and a resubdivision has created a revised Lot 4 on Deed Parcel 3, but no additional density was added to Deed Parcel 3. All of the new dwellings proposed are, and must be, on Deed Parcel 1.

Thus the Deed Parcel lines are critical and must be shown. The dwelling on Lot 5 of Deed Parcel 3 was moved back to within Deed Parcel 1, because the Deed Parcel 3 density had been, and remains, exhausted. Any plat submitted for review by the Planning Commission must show the Deed Parcel boundaries.

Likewise, the Critical Area boundaries are vitally important. Unfortunately, they have not been shown and/or have not been labeled on various sheets. Any plat submitted for review by the Planning Commission must be clearly shown and label the Critical Area boundaries.

Note # 4 indicates that there are now 144.941 total acres. Contrary to Note # 4, all 144.941 acres are zoned SAR. The 7 proposed new dwellings plus the Deed Parcel 3 Lot 5 dwelling yield a proposed density of 1/18.12. The cited, erroneous density of 1/10.157 must be revised on any plat submitted for review by the Planning Commission.

The stated RCA density of 1/34.77 is correct (3 lots on 104.312 acres). The applicant is reminded that if the Concept Plat approval is allowed to expire, the current SAR density limit of 1/20 shall apply.

The Lot Coverage calculations must be included and cannot exceed 15%.

Has a boundary line survey been completed? Mr. Scott said yes.

The expanded 110’ Critical Area Buffer has been shown; it should be more clearly labeled.

In the Critical Area, forest clearing up to 20% must be replaced on a one to one basis. A height limitation of 35’ is imposed in the Critical Area.

The Smith Creek Lane road name has been approved by DES.

A 0.141acre add-on to Lot 1 of Revised Minor Subdivision of J. Frank Skillman was proposed on the Concept Plat. What happened to it, and how will that lot be accessed?

The proposed access easement across proposed Lot 1 is not a good design.

Slopes > 25% need to be better graphically 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.\(^8\)

---

\(^8\) 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 all perennial streams present. This buffer shall be expanded to include contiguous areas of hydric soils, highly erodible soils, and soils on slopes greater than 15% -- to a maximum distance of 160’.

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

No common open space is required for 8 lots, & no landscaping is required 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. They have not been shown, as required.

Except for the Smith Creek Lane acreage, Note # 4 meets the §4.1.22 (r) requirement.

The FSD approved on 12/18/99 was extended on 12/20/06 until 10/15/09.

The PFCP/Prelim. Environmental Assessment was conditionally approved on 11/19/08.

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

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, and 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 applicant is reminded that Concept approval is set to expire on 12/21/08. A submission has already been made for the 12/15/08 Planning Commission meeting, so a revised plat correcting deficiencies should be brought to that meeting. There is, however, no guarantee that the Planning Commission will consider anything other than what has been officially submitted.

<table>
<thead>
<tr>
<th>School information:</th>
<th>Elementary</th>
<th>Middle</th>
<th>High School</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Cecilton</td>
<td>Bo Manor</td>
<td>Bo Manor</td>
</tr>
<tr>
<td>FTE</td>
<td>301</td>
<td>478</td>
<td>733</td>
</tr>
<tr>
<td>Capacity</td>
<td>350</td>
<td>601</td>
<td>643</td>
</tr>
<tr>
<td>% Utilization</td>
<td>86%</td>
<td>80%</td>
<td>114%</td>
</tr>
</tbody>
</table>

3. **Cherrington, 380 Units, Blue Ball and Dogwood Road, Concept Plat, Van Cleef Engineering Associates, Third Election District.**

Scott Lobdell, Van Cleef Engineering Associates, appeared and presented an overview of the project.

Mr. Woodhull, DPW, read the comments of the department:
The following comments are based on the site remaining un-annexed and that water & sanitary sewer service will be provided by Artesian Water Company:

1. A SWM plan, Road & Storm Drain plan, Sanitary Sewer plan, Water Distribution 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 water system must accommodate fire flow requirements. Identify fire hydrant locations on the Preliminary Plat submitted to the Technical Advisory Committee (TAC) for review. Also submit the proposed fire hydrant locations to the serving fire company for their review & comment.

3. Easements for private water & sewer lines inside of County ROW must be provided and shown on the preliminary plat presented to the TAC for review.

4. Identify all SWM Access, Inspection & Maintenance, and drainage easements on the preliminary plat presented for TAC review.

5. The Department has a concern about where the discharge from the SWM pond adjacent to Bldg. No. 40. It appears that it will cross an adjoining property prior to reaching Dogwood Run. As such, make sure that you comply with all necessary requirements of Section 251-13 D of the Cecil County Storm Water Management Ordinance.

6. The proposed 380 apartments with the approximately 2,500 average daily trip ends they generate will greatly increase the traffic loading on Dogwood Road. Therefore a Traffic Impact Study (TIS) is required for this proposal as is a traffic count identifying current loading of Dogwood Road.

7. With the current condition of Dogwood Road and the traffic loading generated by the 380 units proposed the Developer will be required to provide a Protocol 2 road condition survey & road improvements plan for the full extent of Dogwood Road. This survey and road improvement plan must be approved by the DPW prior to the TAC review of the preliminary plat. At this time the
Developer needs to be aware that offsite road improvements to Dogwood Road will be required based upon the road improvement plan approved by the Department.

8. While the new layout proposed here provides for the two entrances onto Dogwood Road the Cherrington Road entrance does not appear to be achievable where located. The Developer does not own sufficient road frontage on Dogwood Road to accommodate the deceleration lane requirements identified in Section 3.07.6 of the Cecil County Road Code. The decel lane cannot cross the driveway accessing the parking lot on Parcel 144.

9. Remember that the length of the acceleration and deceleration lanes is measured from the point of curvature of the entrance curve not from the point of intersection of the road centerlines.

10. Have you analyzed the requirements of Section 3.07.8 ‘By-pass lane’ to determine if it is warranted for this development?

11. The Developer is responsible for obtaining any/all ROW required to accommodate the entrances.

12. The proposed entrances must be designed to accommodate the turning movement requirements identified in Section 3.07 of the Cecil County Road Code.

13. A sight distance submittal is required for all proposed Dogwood Road access points. The submittal must address intersection as well as stopping sight distances for both entrances and be approved prior to submitting the preliminary plat for TAC review. Mark the centerlines of this proposed entrances in the field.

14. All entrance design issues must be resolved to the Departments satisfaction prior to submitting the preliminary plat for TAC review. That plat must identify by note and plan all road improvements agreed to by the Department.

15. The internal streets will be privately owned and maintained by the apartment complex owner. While the County will not take ownership the internal streets must be designed to County standards.

16. There are concerns regarding the construction of buildings, streets and a SWM pond over designated wetlands. Any MDE permitting required for this SWM pond location must be obtained prior to the Department approving the SWM plan.

17. 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:

17.1 The Final Plat Lot Grading Note and the Lot Grading Plan Construction Limits Note.
17.3 Requirements for Utility relocations.
17.4 Requirements for Stormwater Inspection and Maintenance Agreements
17.5 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. A Public Works Agreement is required for the street & storm drainage construction.

Mr. Meaders, FA, read the comments of the department. See file.

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

Mr. Brown, CCSCS, provided the applicant with soil reports and maps. See file.

Mrs. West, CCPS, provided the applicant with school capacity statistics and a copy of the Bus Stop Guidelines. The department has concerns regarding the schools being over capacity.

Ms. Latham, MDE, asked the applicant if they were planning on having Artesian provide the water or if they were planning on being annexed into the town of Elkton. Mr. Lobdell said Artesian has contacted him in regards to providing water and that the applicants have no interest in being annexed into the town.

Mr. Davis, SHA, read the comments of the department. See file.

Mr. von Staden, DEH, read the comments of the department:
Show all existing structures and locate existing well(s) on preliminary plat. Locate existing septic systems on preliminary plat. All existing wells must be abandoned and sealed by a licensed well driller prior to record plat approval. Septic tanks, cesspools, or seepage pits must be pumped by a licensed septic hauler and filled with earth prior to record plat approval.

This site is adjacent to an area of failing septic systems as listed in the Cecil County Master Water and Sewer Plan (Dogwood Road / Blue Ball Road). Every effort should be made during the design of this project to allow the extension of public sewage and public water to the area.

Identify the water supply and public sewer plant to be utilized for this project. Adequate water and sewer allocations are required prior to final plat approval.

On behalf of Delmarva Power, Mr. Di Giacomo read the comments provided. See file.

Mr. Di Giacomo, P&Z, read the comments of the department:
This proposal is in compliance with §3.8 & §3.9.1 regarding public notification.

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

Zoning: RM
Density: Proposed are 380 dwelling units on 65.39 acres, for a proposed density of 5.81/1. The RM zone permits a townhouse density of 12/1 and 16/1 for apartments (as a structure type).

The Election District information has been added to the title block.

A boundary line survey must be done in conjunction with the preparation of the Preliminary Plat for density calculation purposes. What accounts for the reduction in acreage? Mr. Lobdell said they deduction of some of the lots that the applicant owns.

Parcel 1135 still is not included in what is ostensibly a table of adjacent properties’ data, on Sheet 1 of 4.

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 depicted floodplain appears tied to the FEMA map rather than actual topographic information.

A 25’ buffer is required around all non-tidal wetlands and intermittent streams present. Permits are required from the (US Army) Corps of Engineers and MDE for all non-tidal wetland and stream impacts prior to recordation. In this case, given the proposed wetland impacts, it must be obtained prior to Final Forest Conservation Plan approval. JD’s are required in conjunction with permitting. If no permits are required, and if the proposed project meets the policy standards established on 3/20/95 and revised on 1/16/96, or if the FSD/Conceptual Environmental Assessment finds that there are to be no impacts to field-delineated wetlands or stream impacts, or if the FSD/Conceptual Environmental Assessment finds that there are no wetlands or streams and that finding is consistent with the details of County wetlands maps and USGS quad maps, then no JD is required. If required, then a JD is recommended to be done prior to Final Plat review by the Planning Commission, but required to be completed prior to recordation.

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

20% open space is required in the RM zone; 68.14% is proposed.

---

9 The previous submission proposed 379.
10 The previous submission cited 66.14 acres.
11 This omission was cited at TAC review, and the requirement is found in Item # 3 of Appendix A of the Zoning Ordinance. Clearly, the Election District information is required of all site residential plans, which this Concept Plat is considered to be, per §291.2.
12 The Cecil County Subdivision Regulations define steep slopes as “15 percent or greater incline.” The Cecil County Zoning Ordinance defines steep slopes as consisting of a grade of 25% or more covering a contiguous area of 10,000 ft² or more. The Cecil County Forest Conservation Regulations define steep slopes as “areas with slopes greater than 25 percent slope.”
13 Upon FCP approval, a grading permit can be issued. However, grading cannot be permitted in a wetland area unless an MDE/Corps permit to do so has been issued.
At a minimum, 15% of the required open space shall not consist of perennial or intermittent stream buffers, nontidal wetlands or buffers, steep slopes, or habitats of rare, threatened and endangered species. No more than 40% of the common open space required shall consist of those areas designated as nontidal or tidal wetlands. The open space sensitive areas thresholds must be calculated for inclusion on the Preliminary Plat.

Per §29.5.a (1), a minimum of 25% of the development envelope shall be landscaped.

Sidewalks have been shown. In the interest of safety, the proposed “active open space” areas, especially if tot lots, should be moved as far away from vehicular traffic as possible. Are any bike lanes proposed to be striped or back racks installed? Mr. Lobdell said bike racks could be accomplished; they will consider the recommendation of providing bike lanes.

Per §29.5.a (1), a 25’ Bufferyard standard C is required around the perimeter of the development tract.

Bufferyard Standard C is required, outside the right-of-way, along the road frontages of Blue Ball and Dogwood Roads.

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

The minimum distance between townhouse structures shall be 60’ if the townhouse structures are face to face. No townhouse structure shall be closer than 20’ to any interior roadway or closer than 15’ to any off-street parking area – excluding garages built into an individual townhouse unit.

The maximum townhouse height is 35’.

Apartment buildings shall be set back at least 20’ from all parking areas and internal roads (§29.4.h).

No apartment building can be constructed closer to any property line of the development tract than a distance equal to the height of the building (§29.4.d). The maximum length of an apartment building is 300 feet (§29.4.j).

Per §187.2, the Planning Commission may require bufferyards to separate different zoning districts from one another. 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 requirements. In areas with community facilities, no street trees shall be planted within 20 feet of sewer laterals and cleanouts.

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

The FSD was approved on 10/15/08.

The PFCP must be approved prior to the Planning Commission’s review of the Preliminary Plat (§6.2.B(1), Cecil County Forest Conservation Regulations).
The final Forest Conservation Plan (FCP) and Landscape Plan must be approved prior to Planning Commission review of the Final Plat (§6.3.B(1)(a), Cecil County Forest Conservation Regulations).

A Landscape Agreement must be executed prior to recordation.

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

Road names have been proposed, but the names Cherrington & Hawthorn Courts, Howard Drive, & Palmetto Court were not approved by the 911 Emergency Center. All internal road names must be approved prior to Planning Commission review Preliminary Plat.

A Traffic Impact Study (TIS) will be required prior to the TAC’s Preliminary Plat review.

The number and ratio info of off-street parking spaces to dwelling units has now been provided. It indicates that all units are proposed to be 2-bedroom units. The Preliminary Plat’s details must show that there are at least 760 parking spaces.

This design is consistent with the SHA’s previous comments with regard to the proposed apartments. However, a new street is shown, providing access to Parcels 221, 222 & 294.

A number of existing structures are depicted; what will be their disposition?

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 W2 and S2.

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

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.

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.

For apartments with a proposed townhouse structure type, the “lot” information contained in Subdivision Data Note #13 does not pertain.
School information:  Elementary  Middle  High School
Gilpin Manor  Elkton  Elkton
FTE  380  626  1112
Capacity  416  712  944
% Utilization  91%  88%  118%

The December TAC meeting adjourned at 10:30 a.m.

Respectfully submitted,

Jennifer Bakeoven
Administrative Assistant
Office of Planning and Zoning