Cecil County Technical Advisory Committee
Wednesday, January 7, 2009, 9:00 a.m.
County Administration Building
200 Chesapeake Boulevard, Elk Room, Elkton, Maryland

There was not a meeting of the Technical Advisory Committee in January 2009 due to a lack of agenda items.
CECIL COUNTY TECHNICAL ADVISORY COMMITTEE  
Wednesday February 4, 2009, 9:00 a.m.  
County Administration Building  
200 Chesapeake Blvd., Elkton, Maryland

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

Absent:  Cwiek, Philip (USCoE), Ouano, Jun (Delmarva Power), Latham, Cindy (MDE), Meaders, 
David (FA).

1. Demond Village, Lots 4A, 4B & 4C, Old Elk Neck Road, Concept Plat, American 
Engineering and Surveying, Inc., Fifth Election District.

Steve and Dana Fersch, owners, appeared and presented an overview of the project.

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.
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. It appears stormwater runoff is directed off of Lots 4 B & C into the roadside drainage ditch along 
Old Elk Neck Road. Driveway pipes will be required and must be shown on the preliminary plat.
4. The SWM & Lot Grading Plans for Lot 4C must carefully address how storm water from the 18”x 
6” culvert under the adjoining mini road will be conveyed around the proposed dwelling.
5. This and any other SWM conveyance must be placed in easements and these 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. Easements close to dwellings are proving problematic to the Department. 
Homeowners expecting full use of their yards install fences, sheds, plantings, etc… or fill in 
drainage swales creating inspection and enforcement issues. As much as is possible the proposed 
swale should follow property lines to lessen impacts to homeowners’ use of their property.
6. The downstream conveyance of storm water must be analyzed in accordance with Section 251-9 
A. (5) of the county’s SWM Ordinance.
7. 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 for TAC 
review. The centerline of the proposed entrance locations must be marked in the field. Mr. Fersch 
said that has already been done. The sight distance submittal at a minimum must contain profile 
& plan views for each of the new driveways proposed.
8. Where determined necessary by the utility companies, the owner, the designer, or DPW, utilities poles must be relocated at the Owner’s expense.
9. All driveways must be paved at least to the right of way and this must be so indicated on the Lot Grading Plan.
10. A PWA is required for any work done to Roads and Storm Drains.
11. An I&M Agreement is required for SWM facilities.

Mr. Woodhull stated that if beyond the right of way there is still steeper than 5% slope coming down, the applicant will need to pave it at least up to the crest. Mr. Fersch said it should be less than 5%.

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

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

Mrs. West, CCPS, stated that the school board has concerns with the over capacity of the North East Middle and High Schools. The applicant was provided with a copy of the bus stop guidelines.

Mr. Davis, SHA, 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. Please send a courtesy copy to the Health Department for our files.

A written request for well variances for lots 4B and 4C is required. Show pumping details for lots 4B and 4C.

Show the revised sewage area for lot 4A (see attached).

Mr. Di Giacomo stated, on behalf of the Fire Chief’s Representative and Delmarva Power, that neither entity has comments.

Mr. Di Giacomo read the comments of MDE:
A notice of exemption to appropriate and use ground water will be required for Final Plat.

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: 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 10.083 acres, for a proposed bonus density of 1/3.361.

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1 The zoning was changed to RR on 3/06/07.
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.

Proposed Lot 4A consists of approximately 64.45% of the total acreage; therefore, this proposal is eligible to be considered for bonus density, per §24.2.c.

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.

The applicant is reminded that while §24.2.c gives this parcel the potential for two additional lots, to achieve that potential all criteria and requirements in all other applicable sections must be met.

While §3.5 and §170 give the Planning Commission the power to approve modifications to required setbacks, any contention that previously-approved lots along Old Elk Neck Road is not compelling, given that the existing dwelling on proposed Lot 4A meets the setback requirement. In addition, it does so even though it is elevated more than 10’ above Old Elk Neck Road.

Also, as proposed, Lots 4A and 4C exceed the 3:1 length to width ratio established by §7.4.2 of the Subdivision Regulations.

Why is a percolation hole shown outside of the property boundaries? Mr. Fersch stated that he believed that was an old perc hole. Mr. von Staden asked that the perc hole remain on the plat for future reference.

If approved, the large lot shall be prohibited from any further subdivision. Covenants prohibiting the subdivision of the 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 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

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³ Essentially the same proposal was review by the TAC on 8/04/04.
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.”
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.

Sidewalks are not recommended.

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.

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
Elk Neck     North East     North East
FTE 446 753 1084
Capacity 501 712 1009
% Utilization 89% 106% 107%

Mr. Fersch stated that in regards to the set back variance that will be needed; he does plan to seek the approval for those needed variances.

2. Snow Hill Farm, LLC, Lot 5, Short Cut Road, Preliminary/ Final Plat, McCrone, Inc., Second Election District.

Don Sutton, McCrone, Inc., appeared and presented an overview of the project.

Mr. Woodhull, DPW, read the comments of the department:
1. Is the purpose of this subdivision to create a lot around an existing dwelling? If no new development is proposed no SWM plan will be required prior to final plat approval. As stated on the plat any future development on this lot or the remaining lands of Snow Hill Farm, LLC will require a SWM plan approval prior to building permit issuance.
2. Legal access to Short Cut Road (County Road) is proposed by means of a PRMA. The Department will not sign the record plat until the PRMA is executed and recorded.

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

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

Mrs. West, CCPS, had no comments.

Mr. Davis, SHA, had no comments.

Mr. von Staden, DEH, read the comments of the department:
A Groundwater Appropriation Permit Exemption has been filed. Preliminary / Final Plat is satisfactory.

Mr. Di Giacomo stated that the Fire Chief’s Committee Representative and Delmarva Power did not have comments.

Mr. Di Giacomo read the comments for MDE:
A notice of exemption to appropriate and use ground water will be required for Final Plat.

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 SAR zone permits a maximum base density of 1 du/20 ac. This Preliminary/Final Plat proposes 1 new lot on an undisclosed number of acres. The density must yet be determined. The proposed Lot 5, itself, is shown to be 1.256 acres. The Parcel 10 acreage must be included on the plat submitted for review by the Planning Commission.

A boundary line survey must be done in conjunction with the preparation of the Preliminary Plat for density calculation purposes. Tax records indicate the Parcel 10 acreage to be approximately 335 acres.

§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.

Minor Subdivision 850, 1639 and 2615 must be cited on the plat.

Consistent with the intent of §4.0.13(b), all of the property should be shown on the plat submitted for Planning Commission review, even though only a portion is proposed to be subdivided.

Any additional, future, proposed subdivision will require the submission of a Concept Plat.

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

Slopes greater than 25% must be shown on the Preliminary Plat. No steep slopes are 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 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.

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4 If so, then the proposed density would be approximately 1/167.5.
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.”
No landscaping of the development envelope is required in the SAR zone.

No sidewalks are recommended.

No Bufferyard Standard C is required.

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. As this is an existing dwelling, the Planning Commission may not require a Bufferyard Standard A.

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

As noted, this project is exempt, per §3.2N.

A PRMA must be established prior to recordation.

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

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

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Ed Steere and Kevin Small, Frederick Ward Associates and Kevin Wingate, Representative for the developer, appeared and presented an overview of the project.

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

1. A SWM plan, Mass and Final Grading plan, Road & Storm Drain plan, Sewer system plans and water system plans must be approved by the CCDPW prior to submittal for Final Plat Approval.
2. The sewer & water plans must include treatment, pump stations, storage and disposal facilities.
3. The Master Water & Sewer Plan must be amended to incorporate this site.
4. What is the status of obtaining water withdraw authorization from the Susquehanna River Basin Commission? Mr. Wingate said that they have hired an attorney and have contacted the
Susquehanna River Basin Commission. They have only had preliminary discussion but are looking into further understanding the process.

5. Have you met with MDE to discuss the permitting required for the water & waste water facilities proposed? Mr. Wingate said they have had preliminary discussions with MDE. The department will not approve the plans for this development until all necessary MDE permits have been obtained.

6. The use of proposed shared facilities to provide water & sewer presents a unique approach. With it there are several major issues that must be satisfactorily addressed before this development is submitted for Preliminary Plat review to the TAC. Specifically who will be the Controlling Authority? 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 may 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.

7. In addition to the shared facilities construction cost the Developers must be aware of the fact that they will be responsible for the maintenance costs of the proposed shared facilities until the subdivision is built-out and the individual lot owners can begin paying this cost through a special taxing district or similar method.

8. The fact that each lot owner is responsible for the maintenance costs associated with the shared water & sewerage facility must be made public to all potential purchasers.

9. How do you propose to access the WWTP? An all season access must be provided. Mr. Steere said there is an existing crossing on the stream.

10. Where do you propose to locate the sewerage pump station(s) required to service this development?

11. What route do you propose to for the raw water main running between the river and the WTP? Mr. Small said they had DMW take a look at it.

12. All water & sanitary sewer lines must be located in utility easements. These easements where located outside of County ROW must be a minimum of 20’ wide. They may need to be wider depending on the size and/or depth of the utilities.

13. What is the status of the U.S. Government Water easement on this property? Is there any infrastructure located within this easement? Mr. Wingate said they talked to a title attorney and went through all of the documents. Discussion ensued.

14. A TIS specific to this proposal is required. The study presented with this plat does not address the correct number of access points, number & type of dwellings, or the proposed commercial pad site. Mr. Woodhull asked to see this by Preliminary TAC review.

15. The Traffic Group’s August 7, 2008 Letter Report submitted with the plat implies that no significant access improvements to Burlin Road, at the proposed intersection, would be expected. The DPW will determine what improvements will be required based on a road condition survey and improvements plan provided by the Developer. The Department will require a Protocol Two Road Condition Survey of Burlin Road extending from Rock Run Road to MD Route 276. The completed survey and an improvements plan for Burlin Road must be approved by the DPW prior to submitting the preliminary plat to Planning Commission. The minimum improvements required will be those associated with Section 3.07.15 of the Road Code which nominally requires that Burlin Road be reconstructed for a minimum of 100’ either side of the point of intersection to current standards for the appropriate road classification. If the road already meets current standards, no road improvements are required.
The Developer must provide an intersection & stopping sight distance submittal for the proposed Burlin Road access point. This submittal must be approved by the Department prior to presenting the Preliminary Plat to the TAC for review. Mark the proposed entrance locations in the field by flagging or stake on the roadside bank.

The design engineer must address the requirement for minimum acceleration, deceleration, and bypass lanes for the proposed Burlin Road intersection. Any right-of-way acquisition necessary shall be performed by the applicant and at the applicant’s expense. The intersection location shown appears to require obtaining an ROW from the owners of Parcel 145 to accommodate the deceleration lane.

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 be 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.

A Road Code Variance will be required for the non-compliant cul-de-sac diameters proposed.

The Department has a serious concern over the location of the commercial pad site access onto Granite Cliffs Boulevard. The proximity to the MD 276 intersection (150' +/-) is considered problematic due to staging & potential cross traffic conflict. At a minimum this should be a right in right out only access. The right in access must be from a dedicated right turn lane running from the MD 276 intersection to the site access. Preferably, all access should be from Bluestone Drive. What type of business is proposed for this pad site? Mr. Wingate said he does not know.

All MDE permitting required for the Bluestone Drive stream crossing must be obtained prior to the DPW approving the Road & Storm Drain plans.

The Department requires a Geo-technical analysis for all wetlands/streams road crossings to determine suitability of the sub-base to support a county road. This analysis must be included in the road & storm drain design submittal.

Where are the parking spaces for the Community Center? Mr. Small said the parking has not been shown on the submitted plat. What number of parking spaces are you proposing for each type of dwelling? How do you propose to address additional parking for visitors especially in the townhouse/semi-detached housing area? The Department will recommend that the Planning Commission require additional parking spaces be incorporated into this plat.

All proposed roads must be closed section (curb & gutter).

Access from Bluestone Drive or MD 276 must be provided to the SWM facility adjacent to the Anchor & Hope Farm, Inc. property.

The Department has a concern over where this same facility will discharge. It appears that as presented it may impact the adjoining property’s driveway. If stormwater discharge is directed off of the site on to adjacent property it is the responsibility of the Developer to obtain necessary and appropriate easements from the affected property owners per Sections 251-13 and 251-15.D of the Cecil County SWM Ordinance.

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:

27.1 The Final Plat Lot Grading and Lot Grading Plan Construction Limits Notes.
27.3 Requirements for Utility relocations.
27.4 Requirements for Public Works Agreements.
27.5 Requirements for Stormwater Inspection and Maintenance Agreements.
27.6 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 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 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 constructions.

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. Graham, Citizen’s Representative, received several comments and concerns from the adjoining property owners. See file for comments.

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

Mrs. West, CCPS, stated that at the moment the school districts that pertain to this proposed subdivision are not over capacity but with 703 units, the school board is concern about future over capacity. Mrs. West asked the applicant what the expected timeline of building would be as well as the price and size of the houses. Mr. Wingate said the project would be built in phases starting in about 3-4 years. Mr. Steere said he is not sure of the price due to the failing market and the size would be 1800 sq. ft. for townhouses and 3000 sq. ft. for single family homes; all units are to have 3-4 bedroom. The applicant was provided with a copy of the bus stop guidelines.

Mr. Davis, SHA, read the comments of the department. See file.

Mr. von Staden, DEH, read the comments of the department:

The narrative indicates that the proposed water supply would involve a surface water appropriation from the Susquehanna River. Approval of the appropriation by Maryland Department of the Environment and the Susquehanna River Basin Commission must be granted prior to final plat approval.

A permit to construct the water supply must be obtained from the Maryland Department of the Environment prior to Record Plat approval. Water supply must be adequate for the proposed commercial usage also.

The narrative indicates that sewerage disposal will be a treatment plant to a lagoon with spray irrigation. Testing for and design of this system must be approved by Maryland Department of the Environment prior to final plat approval. A permit to construct the sewage disposal system must be obtained from the Maryland Department of the Environment prior to Record Plat approval. Sewerage design must be adequate for the proposed commercial usage also.
The property is currently W-3, S-3. The Master Water and Sewer Plan must be updated prior to final plat approval.

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

1. Public sewerage will be available to all lots offered for sale (by owner’s signature block).
2. Use of public sewerage is in conformance with the Cecil County Master Water and Sewer Plan (by Health Department signature block).
3. Plans for the shared facility sewage disposal system have been approved by Maryland Department of the Environment (by owner’s signature block).

A permit to construct a swimming pool must be issued by the Department of Health and Mental Hygiene prior to site plan or Building Permit approval. If a Food Service Facility is proposed at the Clubhouse or in the area of the commercial pad, Food Service Facility Plans must be submitted to and approved by the Cecil County Health Department prior to Building permit approval.

Mr. Di Giacomo provided the applicant with the comments provided by the Fire Chief’s representative. See file for comments.

Mr. Di Giacomo also read the comments of Delmarva Power.

MDE comments are as follows:
If the site is to be supplied by Port Deposit, the Town’s water appropriation & use permit needs to have an annual average excess appropriation of about 151,000 gpd. The Town’s current permit allows an annual average use of 400,000 gpd and they report their actual use to be 126,000 gpd, so the excess appropriation appears to be available.

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, RCA

The portion of the site that is within the Town of Port Deposit is zoned R2. No development is proposed in the Town.

Has a courtesy copy of this proposal been submitted to the Town for their review and comment? Mr. Small said no. Technically, since this property is not zone TR, the project is not subject to the requirements of §27.2. Nevertheless, for a project of this magnitude, a courtesy review is in order.

No development is proposed in the Critical Area portion of the site.

In the MEB overlay zone, mineral extraction activities are permitted per §’s 17 and 67.2 of the Zoning Ordinance. A note to that effect should be added to the plat, and any adjacent properties in the MEB overlay zone should be shown on the plat.
Documentation must be submitted to the effect that the minerals on this site are unrecoverable. This documentation should be submitted with both the Planning Commission and Board of Appeals submittals.

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’s shall “make recommendations to the Board of Appeals.”

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 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 project proposes 703 dwelling units on 393.734 acres, for a proposed density of 1.79/1.

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

Dwellings or impervious surfaces shall not occur on slopes with a grade of 25% or more covering a contiguous area of 10,000 ft² or more. On slopes between 15 and 25%, good engineering practices...

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6 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.

7 It is incumbent upon the applicant to become thoroughly familiar with all aspects Article XVII, Part II.

8 Note # 1 indicates that the boundary line survey has already been completed.
shall be used to ensure sediment and erosion control and slope stabilization before, during and after disturbance activities.\(^9\)

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\(^{10}\) 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; 43.1% is cited as being proposed. However, it is unclear in any of that figure is actually in the Town. Mr. Steere said he will get that clarified.

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.

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 276 and Burlin Road.

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

Rows of street trees with 10’ planting easements are required, outside the right-of-way, along both sides of all internal roads. Where feasible, the natural vegetative equivalent may be used to satisfy the bufferyard and street tree requirements. In areas with community facilities, no street trees shall be planted within 20 feet of sewer laterals and cleanouts.

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\(^9\) The Cecil County Subdivision Regulations define steep slopes as “15 percent or greater incline.” The Cecil County Zoning Ordinance defines steep slopes as consisting 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.”

\(^{10}\) Note # 2 indicates that the wetlands have been field delineated.
Any tree removal within a public right-of-way requires approval from the Maryland Department of Natural Resources.

The FSD must be approved prior to any granting of a PUD Special Exception.

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.

A Traffic Impact Study (TIS) is required prior to the TAC’s review of any Preliminary Plat. The TIS must account for traffic projected to be generated on the commercial site, including the proposed awkward access scheme.

All road names must be approved prior to the Planning Commission’s review of the Preliminary Plat. The following road names remain unapproved:

1) Alley A
2) Alley B
3) Flint Way
4) Granite Drive
5) Gravel Drive
6) Gypsum Way &
7) Rock Court

What is the nature of the U.S. Government water easement, and to where is it proposed to be relocated?

The labeling of the proposed waste water treatment plant includes a misspelling (“waster water”). How will the proposed waste water treatment plant be accessed? Mr. Small said by a trail crossing.

The applicant is reminded of the provisions of §7.2.12.B.12.

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

Per §255.2, why hasn’t the club house area been proposed in a more central location? Mr. Small said they believed the occupants of the townhouses would utilize the clubhouse more often than the occupants of the single family homes. Also, the clubhouse has a view of the Susquehanna River at the proposed location.

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.

It is unclear how the stormwater management area behind proposed lots ??-?? is proposed to be accessed.
Are the alleys proposed to be public or privately-owned? Mr. Small said they were not thinking that they were going to be public. Mr. Woodhull said he believed they would be privately owned.

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 and W3.

If a community water facility is proposed, then it will require compliance with §175, prior to the Final Plat 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 and/or sewer 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.

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

This proposal is consistent with §248.1 in offering “a variety of building types … including, detached single-family dwellings, duplexes, semi-detached dwellings, townhouses and apartments,” and with §248.2 by proposing “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.” The TIS must take this into consideration.

Per §250.2 the number/percentage of townhouse units is exceed by 4.

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

§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.

School information:  
Elementary  Middle  High School  
Bainbridge  Perryville  Perryville  
FTE  364  617  905  
Capacity  449  860  944  
% Utilization  81%  72%  96%  

The February TAC meeting adjourned at 10:40 a.m.

Respectfully submitted,

Jennifer Bakeoven
CECIL COUNTY TECHNICAL ADVISORY COMMITTEE
Wednesday March 4, 2009, 9:00 a.m.
County Administration Building
200 Chesapeake Blvd., Elkton, Maryland

Present: Black, David (CCP&Z), Woodhull, Mark (CCDPW), Harmon, Lloyd (DEH), Brown, Chris (CCSCS), Graham, Daniel (Citizen’s Representative), Davis, Gary (SHA), West, Janel (CCPS), Meaders, David (FA), Latham, Cindy (MDE), Bakeoven, Jennifer (CCP&Z).

Absent: Cwiek, Philip (USCoE), Ouano, Jun (Delmarva Power), Di Giacomo, Tony (CCP&Z).

1. The Villages at Belle Hill, PUD, 300 Units, Belle Hill Road and MD Rte. 279, Concept Plat, Will Whiteman Land Surveying, Inc., Third Election District.

Will Whiteman, Land Surveyor and Ron Carpenter, Carpenter Engineering, appeared and presented an overview of the project. The proposed development is an age restricted community.

Mr. Woodhull, DPW, read the comments of the department:
1. A SWM plan, Road & Storm Drain 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. The location of proposed fire hydrants should be presented to the serving fire company for review & comment.
3. This development, as proposed, is dependent on the Artesian Water Company of Maryland providing the water & sewer service. The Department will not sign the final plat until we have confirmation of their intent to provide these services to this development.
4. A Traffic Impact Study will be required.
5. Both intersection & stopping sight distance measurements must be submitted and approved prior to TAC review of the preliminary plat.
6. Acceleration / deceleration & bypass lane requirements must be addressed to the satisfaction of the Department prior to the TAC review of the preliminary plat. Any ROW acquisition necessary to satisfy these requirements must be obtained by the Developer at his own expense.
7. While the Section 3.07.15 of the Cecil County Road Code requirements normally would apply, the size of the proposed development and its resultant traffic impact as well as the current condition of the road requires that additional study of Belle Hill Road is warranted. Therefore a Protocol Two Road Condition Survey will be required for Belle Hill Road along the developments road frontage and extending to the intersection with Appleton Road. As part of this submittal the Developer will provide a road improvements plan to bring this section of Belle Hill Road up to a “Minor Collector” road equivalency.
8. All work associated with the proposed entrance onto Belle Hill Road must be agreed to by the Department and the developer and the scope of the work be identified by note or detail on the preliminary plat prior to TAC review.
9. With a development of 300 units the need for a second access is very important. As proposed Preston Drive may accomplish this need sometime in the future. Until that time Preston Drive must be terminated in a temporary tee turnaround. If this interconnection fails to materialize the
temporary tee turnaround would be replaced with a standard cul-de-sac bulb with the requirement of additional ROW. That thought as well as ability of Lot 47’s proposed configuration to accommodate both a driveway and the tee turnaround must be taken into consideration by the Developer. The road plans must address this issue to the satisfaction of the Department.

10. Due to the size of the lots proposed a 30’ wide closed section road with 200’ minimum radius horizontal curves will be required for the internal minor roads proposed. As for Belle Hill Boulevard a 32’ wide closed section road will be required. See Standard Detail R-35 of the Road Code. These pavement widths will allow parking on one side of the road.

11. Both North & South Millstone Lane are in non-compliance with Section 2.02 B. of the Cecil County Road Code (cul-de-sac bulb).

12. The “eyebrow” pavement extensions, adjacent to Lots 10 & 89, will require additional work by the County to maintain and as such we would like to know what purpose they serve in this development. The road plan submittal must justify their use before the Department will consider allowing them.

13. All the alleyways proposed for this development must be privately owned and maintained.

14. The department has a number of concerns regarding the dead-end configuration of most of the alleyways. Access to Lots 122-144 is circuitous at best and if trash collection is proposed via the alleys service trucks will have an interesting time backing out. The Department suggests they be re-configured.

15. Access to the commercial pad site must be made off of Mill Race Loop away from the intersection. Do you propose direct access off of Belle Hill Road? Mr. Whiteman said no. Where is the parking for this site? Mr. Whiteman said that will come with the site plan. The site plan will be for a professional building, not retail or commercial.

16. How do you intend to address SWM for this site? Mr. Carpenter explained.

17. What consideration has been given to where the SWM areas adjacent to the apartment complex will discharge? Discharge from any proposed SWM facility must not adversely impact adjacent properties. Mr. Carpenter said they would discharge to the state road.

18. 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:**

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


18.3 Requirements for Public Works Agreements.

18.4 Requirements for Stormwater Inspection and Maintenance Agreements.

18.5 Requirements for County Roads.

18.6 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 show hereon. Any expanded clearing and/or grading in the absence of an approved revised lot grading plan may be considered non-compliance with Chapter 251 of the Cecil County Code and either or both the developer and/or Builder may be subject to the enforcement of the penalty provisions therein.”

2. The downstream conveyance of storm water must be analyzed in accordance with Section 251-9 A. (5) of the county’s SWM Ordinance. If stormwater discharge is directed off of the site on to adjacent property it is the responsibility of the Developer to obtain appropriate easements from the affected property owners per Sections 251-13 and 251-15.D of the Cecil County SWM Ordinance.
3. A Public Works Agreement is required for the streets & storm drains and the water and sewer systems.
4. An Inspection & Maintenance Agreement is required for the private SWM facilities.
5. The internal street grade leaving Belle 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. Whiteman explained that he has received a letter from Artesian stating that they are willing and able to provide the water and sewer service for this proposed development.

Mr. Davis, SHA, asked with the two panhandle accesses to Appleton Road whether there would be any future intent on accessing Appleton Road. Mr. Whiteman said as of right now, a boundary line survey has not yet been completed. He would like to look into it more before deciding whether to use them as access points. Mr. Davis advised the client that if there was a proposed access sometime in the future, it would have to go through a full SHA review and it would require an access permit. SHA would also like to see plans in hydraulic computations.

Ms. Latham, MDE, stated that if Artesian will be serving the development, the applicant will not need a Groundwater Appropriation permit. Ms. Latham also remarked that the deal between Artesian and the county has not be been made official. Until then, MDE will not consider this project as having an approved water supply.

Mrs. West, CCPS, stated that she understands this is a proposed age restricted community; therefore, it should not affect the school capacity concerns. Mrs. West asked if the applicant had any information on the phasing of the project. Mr. Whiteman said they are unsure until the economy gets better. The project will be phased. Mrs. West provided the applicant with a copy of the bus stop guidelines.

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

Mr. Meaders, FA, read the comments of the department. See file.

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

Mr. Harmon, DEH, read the comments of the department:
The property is mapped as W-2 and S-2 in the Master Water and Sewer Plan. The plan indicates Artesian Water is to provide public water and sewer to the development.

Written confirmation of an adequate water and sewer allocation must be submitted to the Health Department prior to Final Plat approval. Final 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’s signature).
Submit a written description of the intended use of the clubhouse, specifically regarding any food sales or preparation. If a food license is required, food plans must be approved prior to site plan or building permit approval. Will a separate site plan be required for the professional building?

Are the remaining lands being added to a separate parcel owned by Preston Ayars, Jr.? Will the house on this parcel connect to public water and sewerage? A repair installed at this house appears to cross onto proposed lots 146 & 147.

The proposed stormwater pond on the southwest part of the property is very close to an on-site sewage system for Orby Dickens (less than 100’, probably less than 50’). Are there any plans to connect the houses on Country Lane and Appleton Road to public water and sewerage? Between Belle Hill Road and Country Lane, our office has records of 7 septic repairs (2 in lieu of holding tank) and a perc disapproval. Connection of these additional properties should be considered in the design of sewerline construction for this development.

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: DR

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.”

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 processed in accordance with the provisions of the Cecil County Subdivision Regulations.” Thus, assuming approval of the PUD Special Exception,

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1 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.

2 It is incumbent upon the applicant to become thoroughly familiar with all aspects Article XVII, Part II.
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 DR zone permits a maximum base density of 1 du/1 ac., or 4/1 with community facilities, or 6/1 if a PUD. This project proposes 300 dwelling units on 50 acres, for a proposed density of 6/1.

A boundary line survey\(^3\) 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.\(^4\)

Any 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 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\(^5\) 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\(^6\); 34% is cited as being proposed. All common open space must be consistently labeled and referenced as such. How will the owners of the proposed apartments be accounted for in the Homeowners’ Association? Mr. Whiteman said each apartment building may have different owners. The owners of the apartment buildings and the professional building will be included in the HOA.

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\(^3\) Note # 1 indicates that the boundary line survey has already been completed.

\(^4\) The Cecil County Subdivision Regulations define steep slopes as “15 percent or greater incline.” The Cecil County Zoning Ordinance defines steep slopes as consisting of a grade of 25% or more covering a contiguous area of 10,000 ft\(^2\) or more. The Cecil County Forest Conservation Regulations define steep slopes as “areas with slopes greater than 25 percent slope.”

\(^5\) Note # 2 indicates that the wetlands have been field delineated.

\(^6\) §26.3.c requires 25%, but §251.4 requires 30%. Per §6.3, the more restrictive 30% requirement shall prevail.
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.

30% landscaping of the gross development site is required (§251.3).

Sidewalks are recommended on both sides of all internal roads.

Bufferyard Standard C is required, outside the right-of-way, along the road frontages of MD 279 and Belle Hill Road.

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

Rows of street trees with 10’ planting easements are required, outside the right-of-way, along both sides of all internal roads. Where feasible, the natural vegetative equivalent may be used to satisfy the bufferyard and street tree requirements. In areas with community facilities, no street trees shall be planted within 20 feet of sewer laterals and cleanouts.

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

The FSD must be approved prior to any granting of a PUD Special Exception.

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.

A Traffic Impact Study (TIS) is required prior to the TAC’s Preliminary Plat review.

All road names must be approved prior to the Planning Commission’s review of the Preliminary Plat. The following names have been DISAPPROVED:

- Ayars Court
- Belle Hill Boulevard
- Mill Race Loop
- North Millstone Lane
- Preston Drive
- Rolling Mills Circle
- South Millstone Lane

Mr. Black requested that the applicant name the road going in and out of the apartments for addressing purposes.
Belle Hill Boulevard’s proposed intersections with Belle Hill Road and Ayars Court are only 100’ apart. This could create the potential for unsafe turning movements and inadequate queuing space.

The unnamed alley behind proposed townhouse lots 129-144 is proposed to be accessed circuitously through the community building’s parking lot. That is an awkward design.

In the strip of proposed townhouse lots, 129-156, why were 145 & 146 designed without rear alley access?

300 proposed dwelling units make an additional ingress/egress point desirable. With apparently three strips of land, each 30’ wide, connecting out to MD 316, has their use, for at least emergency access, been considered?

The proposed Belle Hill Road entrance location is consistent with §7.2.12.E.4.

The applicant is reminded of the provisions of §7.2.12.B.12 and §7.2.12.E.5.

The proposed Preston Drive is shown as a stub road to adjoining property for possible future development. Does the cited 50 acres include any of that adjacent property? Mr. Whiteman said no.

Per §4.0.13 (m) 3, the “total number of off-street parking spaces and the space to unit ratio” must be provided. Mr. Whiteman said that information is provided on the plat.

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

Per §255.2, why hasn’t the community building area been proposed in a more central location?

The Preliminary Plat must have site-plan level details for the proposed community building area and the apartments.

The applicant is cautioned that if the proposal should change such that the apartments are instead proposed as condominiums, then, in that case, a different process of review and approval shall be followed.

A Homeowners’ Association (HOA) for maintenance of common open space must be established with $50 per recorded lot or dwelling unit placed in escrow for improvements prior to recordation. The HOA shall be structured so that the rights and responsibilities of the apartment owners and individual lot owners are consistent with Maryland law.

Are the alleys proposed to be public or privately-owned? The alleys will be privately-owned.

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 S1 and W1.

Water and sewer services are proposed to be provided by Artesian Resources.

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.

This proposal is consistent with §248.1 in offering “a variety of building types … including, detached single-family dwellings, duplexes, semi-detached dwellings, townhouses and apartments.”

However, per §250.2 the permitted percentage of townhouse and apartment units is exceed 23%. What is the rationale for inconsistency? The clients felt the need for the townhouses and apartments are more in demand.

How is this proposal is consistent with §248.2 by proposing “certain commercial uses in a PUD that serve the day to day needs of the residents of the PUD”? The use will be determined by the market; there is retail commercial nearby is property.

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.” The TIS must take this into consideration.

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.

How will the proposed age restriction be enforced? Mr. Whiteman said by deed.

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>
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2. Larson’s Northeast Overlook, Lots 1-62, MD Rte. 272, Concept Plat, Frederick Ward Associates, Fifth Election District.

Jennifer Zhai and Lou Schaffer, Frederick Ward Associates, 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, 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 dependent on the Villages at North East being built to the point that 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? 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 sewer lines you intend to connect to are adequately sized? Mr. Schaffer said they have had preliminary talks with the developer but the plan on discussing this further in the near future.

4. Sewer allocation must be requested from the Cecil County Department of Public Works.

5. Proposed sanitary sewer run outside of County ROW must be ductile iron.

6. 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.

7. It appears that many of the lots proposed cannot use gravity sewer to reach the proposed MH adjacent to Lots 20/21. Do you intend to provide a pump station? Mr. Schaffer said they may entertain the idea of a grinder system with DPW.

8. The trip generation associated with the development (62 units) proposed accounts for a minimum ADT of 620 which exceeds minor road loading. That by itself requires that Elizabeth Marie Way be designed as the minor collector road as identified on the plat by the 60’ ROW shown.

9. What is the development potential for the Parcels 76, 105, & the remainder of 197? 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.

10. 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.

11. Closed section road is required throughout this development.

12. Will the proposed dwellings have garages? Mr. Schaffer said yes. How many off-street parking spaces will you provide on each lot?

13. The preliminary plat must reflect all easements required for SWM, storm drains, and utilities.

14. 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.

15. What consideration has been given to where the SWM area adjacent to Lot 42 will discharge? Where do you intend to direct the discharge? Mr. Schaffer said they would direct the discharge to the state ROW.

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:

*Notes and requirements identified for record:*
16.1 The Final Plat Lot Grading and Lot Grading Plan Construction Limits Notes.
16.3 Requirements for Public Works Agreements.
16.4 Requirements for Stormwater Inspection and Maintenance Agreements.
16.5 Requirements for County Roads.
16.6 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 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 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 251-9A. (5) of the county’s SWM Ordinance. If stormwater discharge is directed off of the site on to adjacent property it is the responsibility of the Developer to obtain appropriate easements from the affected property owners per Sections 251-13 and 251-15.D of the Cecil County SWM Ordinance.
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. Davis, SHA, read the comments of the department. See file.
Ms. Latham, MDE, stated that the applicant would have to apply for a water appropriation and use permit. Additional testing will be required.

Mrs. West, CCPS, stated that North East Middle and High Schools are currently over capacity which poses a concern. Mrs. West asked the applicant if they knew when they may start to build this development. Mr. Schaffer said they are not sure with the economy in the position that it is in as well as the extensive planning that a development will take. The applicant was provided with a copy of the bus stop guidelines.

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

Mr. Meaders, FA, asked that the applicant consult with the local fire department as fire hydrant placement. Mr. Meaders also asked the applicant if they planned on using the existing water tower for fire suppression. Mr. Schaffer said yes.

Mr. Graham, Citizen’s Representative commented about the Cameron’s driveway. Mr. Schaffer explained.

Delmarva Power had no comments.
Mr. Harmon, DEH, read the comments of the department:
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’s signature).
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 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. 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: SR

Density: The SR zone permits a density of 1 du/ 1 ac., or 2/1 with community facilities. This project proposes 62 lots on 96.4262 acres, for a proposed density of 1/1.555. The plat’s cited density of 1/1.64 is based on only a portion of the total acreage.

A boundary line survey8 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.9

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

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7 The Parcel Map and Vicinity Map inserts fulfill the §4.0.13 (b) requirements.
8 Note # 1 indicates that the boundary line survey has already been completed.
9 The Cecil County Subdivision Regulations define steep slopes as “15 percent or greater incline.” The Cecil County Zoning Ordinance defines steep slopes as consisting 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’.

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 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 wetlands10 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; 36.1% is proposed, but that’s based upon only 37.2556 acres, not the total acreage.

At a minimum, 15% of the required open space shall not consist of perennial or intermittent stream buffers, nontidal wetlands or buffers, steep slopes, or habitats of rare, threatened and endangered species. No more than 40% of the common open space required shall consist of those areas designated as nontidal or tidal wetlands. The C.O.S. sensitive areas thresholds must be calculated for inclusion on the Preliminary Plat.

What is proposed for the balance of the property, and how will it be accessed?

With no road frontage on Shady Beach Road, and the proposed entrance on MD 272, why does the title block suggest otherwise? Will a Bufferyard C be installed along Shady Beach Road?

20% landscaping of the development envelope is required.

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 1-11. What is its purpose, and why isn’t it shown elsewhere? Mr. Schaffer said there has been some discussions with the neighbors to buffer their property from this proposed subdivision.

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.

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10 Note # 2 indicates that the wetlands have been field delineated.
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.

A Traffic Impact Study (TIS) is required prior to the TAC’s Preliminary Plat review.

All road names must be approved prior to the Planning Commission’s review of the Preliminary Plat.

The following name has been DISAPPROVED:

- Lydia Court

What is the purpose of the unnamed stub roads to common open space and to the adjacent lands of D. R. Horton? Mr. Schaffer said has been some discussion of acquiring the Eveland Property.

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? Mr. Schaffer said he has done some preliminary profiles.

The applicant is reminded of the provisions of §7.2.12.B.8 and §7.2.12.B.11.

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 being 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 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.
There is real confusion as to what is intended for this project. For example, Note # 5 states that “The project will be served by community water and sewer.\textsuperscript{11}” Yet, Note # 10 states that “Sewer allocations will be requested from the Cecil County Department of Public Works.”

The applicant is advised to consult §12 for definitions.

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 §175.2.1.

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.

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

Documentation of any 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 3\textsuperscript{rd} Thursday for review by the Planning Commission the following month.

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Travis Canavan, Morris & Ritchie Associates, Inc., appeared and presented an overview of the project.

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

1. The road and sanitary sewer line are in place.

\textsuperscript{11} §12 defines Community Sewerage System as follows: “A sewage facility which serves three (3) or more individual lots, dwelling units, business, commercial or industrial establishments, or any combination thereof and which is owned and maintained by an entity other than the County or a municipality including any system for the collection, transportation, and disposal of sewage or industrial wastes of a liquid nature, including various devices for the treatment of such sewage and industrial wastes. Community sewerage systems include shared sewer facilities.
2. The Developer must modify the existing entrance island to accommodate the driveway for Lots 1 & 39 as proposed in your January 14, 2009 submittal.

3. The Developer must provide the driveways for the proposed lots. This requires cutting and repairing the existing modified curbing and the existing sidewalk.

4. The Developer will be responsible for milling and overlaying Raydan Way from Alicia Court to Red Toad Road.

5. Traffic control must be provided for the utility installation & road repair work.

6. The SWM has been addressed for Phase II in Phase I of this development.

7. Has the Town of North East granted water allocation for the proposed lots? Mr. Canavan said they have received water allocation from the town. Mr. Woodhull asked that the applicant provided documentation.

8. A Public Works Agreement will be required covering the work required to install the proposed water line and connection to the Town’s existing water main. The developer must obtain a road construction permit from the Department’s Roads Division. Contact Dan Webber at 410-996-6270. Water line and connection tee identified on the approved sewer plans installed?

9. Any work within the County ROW must comply with the appropriate sections & details of the Cecil County Road Code.

Mrs. Latham, MDE, stated that no water appropriation permit would be required.

Mrs. West, CCPS, stated that North East Middle and High Schools are over capacity at the present time which poses a concern. The applicant was provided a copy of the bus stop guidelines.

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

Mr. Meaders, FA, asked if there is existing hydrants. Mr. Canavan said he did not believe so. There are hydrants across the street. They will be putting in a water main.

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

Mrs. Bakeoven read the comments of Delmarva Power. See file.

**Mr. Harmon, DEH, read the comments of the department:**
The property is mapped as W-2 and S-1 in the Master Water and Sewer Plan. The plat indicates the Town of North East is to provide public water and the Department of Public Works is to provide public sewer to the development.

Written confirmation of an adequate water and sewer allocation must be submitted to the Health Department prior to final plat approval.

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

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

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 that jpg file submissions can be only 11 inches, maximum, in any direction. Adherence to that requirement will enable the County to better serve the public.

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

The Concept Plat was approved on 3/17/03 at a density of 1.28/1 (39 lots on 30.38 acres), conditioned on:

1) A Jurisdictional Determination (JD) being done prior to preliminary plat review by the Planning Commission;
2) The Preliminary Forest Conservation Plan modifying the previous FCP associated w/ Minor Subdivision # 3369, or the proposed Raydan Road alignment being changed;
3) The internal roads’ names being approved prior to the Planning Commission’s review of the Preliminary Plat;
4) Minor Subdivision # 3369 being referenced on the plat; and
5) A sensitive species survey being conducted on site prior to the Planning Commission’s review of the Preliminary Plat.

The Preliminary Plat was approved on 9/15/03, conditioned on:

1) Health Department requirements being met;
2) DPW requirements being met;
3) The FCP and Landscape Plan being approved prior to Final Plat review;
4) The block or grid number being added to the plat;
5) A Homeowners’ Association being established for maintenance of common open space with $50 per recorded lot being placed in escrow for improvements prior to recordation, with all lot owners becoming members; and
6) Satisfactory well compliance reports being submitted to the Health Department prior to release of any building permit.

The Phase 1 Final Plat was approved on 9/23/04, conditioned on:

1) Health Department requirements being met;
2) DPW requirements being met;
3) A Homeowners’ Association for maintenance of common open space and landscaped islands must be established with $50 per recorded lot placed in escrow for improvements prior to recordation;
4) Deed restrictions for the long-term protection of the Forest Retention/ Afforestation Areas (FRAs) being recorded and noted on the plat prior to recordation, with the metes and bounds description of the FRA must again be shown on the record plat;
5) Sidewalks being included on at least one side of all internal roads;
6) A Landscape Agreement being executed prior to recordation;
7) A reconfirmation that the common open space proposed is still within the sensitive areas thresholds established in §176.2 of the Zoning Ordinance being submitted to the Office of Planning & Zoning prior to recordation;
8) All sheets of the Record Plats containing accurate depictions of the location of the site on all location maps;

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12 This project was former known as both Lands of Miklas & Kuklewski; f/k/a Lands of Miklas & Rowles.
13 The Preliminary Plat, which was consistent with the approved Concept Plat, was reviewed by the Planning Commission on 8/18/03, at which time it was TABLED for one month until additional information is obtained from the Maryland Department of the Environment regarding whether a groundwater appropriations permit can be issued for this number of wells, and from the Town of North East if it would serve the property.
The 10’ street tree planting easements being shown on the Record Plat, consistent with §186.1; and

Permits for the stream crossing being issued prior to recordation.

This Phase II Concept Plat proposes 9 lots on an as-yet to-be-determined acreage (3.12, or 3.50, or 4.04 acres), bringing the overall proposed Phases I & II density to 1/0.79 (39 lots on 30.38 acres).

The confusion over the acreage is exacerbated by the fact that the Concept Plat’s representation of what constitutes Phases I and II is directly contradictory to the Phase I Record Plat. Any plat that is inconsistent with the existing Candlelight Ridge Record Plat will not be accepted for Planning Commission review, per §4.0.13 (a) & (g).

Per §4.0.13 (b), this plat is also deficient.

Given the traffic circulation pattern designed into this project, has adequate consideration been given to the safe vehicular ingress and egress for proposed Lots 1-2 and 38-39? Mr. Canavan said there will not be any interference with Lots 2 & 38 but 1 & 39 may need to be cut back. There are no shared driveways purposed.

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.

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

The Master Water and Sewer Plan includes this site as W-2 and S-1 areas, respectively.

For Phase II, previously, the Water Service Agreement between the Town of North East and the County did not include this area. Thus, the reason for the delay in bringing the Phase II lots through

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14 §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.

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.”
the review process. Have the Mayor and Commissioners of the Town and the Board of County Commissioners agreed to amend that Agreement? Mr. Canavan said yes. Mr. Black advised the applicant to provide documentation to the Planning Commission.

If so, then documentation of water allocation for Phase II must be submitted prior to Final Plat review.

Fire hydrant locations should be selected in consultation with the North East Fire Co. and the Department of Public Works.

The acreage of the common open space has not been provided. Access to common open space between lots must be marked with concrete monuments.

By providing a combined total of 11.7 acres of common open space (38.51%), this proposal satisfies the common open space requirement. The total common open space acreage proposed in Phase II needs to be accounted for.

The FSD approval has expired. Per §4.0.13 (a), the Planning Commission will not review a Concept Plat with an expired FSD approval.

The PFCP included Phase II and was approved on 7/30/03.

The FCP/Landscape Plan was approved on 5/10/04, but it did not include Phase II. The Phase II FCP/Landscape Plan must be approved prior to Final Plat review (§6.3.B(1)(a), Forest Conservation Regulations).

Rows of street trees with 10’ planting easements are required, outside the right-of-way, along both sides of all internal roads, per §186.1.

A Landscape Agreement must be executed prior to recordation.

In areas with community facilities, no street trees shall be planted within 20 feet of sewer laterals and cleanouts.

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 again being shown on the Record Plat.

The proposed road name has been approved. Sidewalks are recommended on at least one side of all internal roads.

The owners of these proposed lots must become members of the Homeowners’ Association that was created for maintenance of common open space and landscaped islands. $50 per recorded must be 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.

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16 The FSD was approved on 12/12/02 and revised on 3/10/03. Such approvals are valid for 5 years.
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.

Pursuant to §4.0.13 (i), are there any utilities or utility easements located on or within 200’ of the parcel?

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.

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Mr. Woodhull added that the clean outs in relationship to the driveways, the clean outs will not be allowed in the driveways.


Travis Canavan, Morris & Ritchie Associates, Inc., appeared and presented an overview of the project.

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

1. The road and sanitary sewer line are in place.
2. The Developer must modify the existing entrance island to accommodate the driveway for Lots 1 & 39 as proposed in your January 14, 2009 submittal.
3. The Developer must provide the driveways for the proposed lots. This requires cutting and repairing the existing modified curbing and the existing sidewalk.
4. The Developer will be responsible for milling and overlaying Raydan Way from Alicia Court to Red Toad Road.
5. Traffic control must be provided for the utility installation & road repair work.
6. The SWM has been addressed for Phase II in Phase I of this development.
7. Has the Town of North East granted water allocation for the proposed lots?
8. A Public Works Agreement will be required covering the work required to install the proposed water line and connection to the Town’s existing water main. The developer must obtain a road construction permit from the Department’s Roads Division. Contact Dan Webber at 410-996-6270.

9. Any work within the County ROW must comply with the appropriate sections & details of the Cecil County Road Code.

Ms. Latham, MDE, gave no additional comments.

Mrs. West, CCPS, gave no additional comments.

Mr. Brown, CCSCS, gave no additional comments.

Mr. Meaders, FA, gave no additional comments.

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

Delmarva had no additional comments.

Mr. Harmon’s, DEH, comments:
The property is mapped as W-2 and S-1 in the Master Water and Sewer Plan. The plat indicates the Town of North East is to provide public water and the Department of Public Works is to provide public sewer to the development.

Written confirmation of an adequate water and sewer allocation must be submitted to the Health Department prior to final plat approval.

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

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

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.

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

The Concept Plat\textsuperscript{17} was approved on 3/17/03 at a density of 1.28/1 (39 lots on 30.38 acres), conditioned on:

1) A Jurisdictional Determination (JD) being done prior to preliminary plat review by the Planning Commission;
2) The Preliminary Forest Conservation Plan modifying the previous FCP associated w/ Minor Subdivision # 3369, or the proposed Raydan Road alignment being changed;

\textsuperscript{17} This project was former known as both Lands of Miklas & Kuklewski; f/k/a Lands of Miklas & Rowles.
3) The internal roads’ names being approved prior to the Planning Commission’s review of the Preliminary Plat;
4) Minor Subdivision # 3369 being referenced on the plat; and
5) A sensitive species survey being conducted on site prior to the Planning Commission’s review of the Preliminary Plat.

The Preliminary Plat\textsuperscript{18} was approved on 9/15/03, conditioned on:
1) Health Department requirements being met;
2) DPW requirements being met;
3) The FCP and Landscape Plan being approved prior to Final Plat review;
4) The block or grid number being added to the plat;
5) A Homeowners’ Association being established for maintenance of common open space with $50 per recorded lot being placed in escrow for improvements prior to recordation, with all lot owners becoming members; and
6) Satisfactory well compliance reports being submitted to the Health Department prior to release of any building permit.

The Phase 1 Final Plat was approved on 9/23/04, conditioned on:
1) Health Department requirements being met;
2) DPW requirements being met;
3) A Homeowners’ Association for maintenance of common open space and landscaped islands must be established with $50 per recorded lot placed in escrow for improvements prior to recordation;
4) Deed restrictions for the long-term protection of the Forest Retention/ Afforestation Areas (FRAs) being recorded and noted on the plat prior to recordation, with the metes and bounds description of the FRA must again be shown on the record plat;
5) Sidewalks being included on at least one side of all internal roads;
6) A Landscape Agreement being executed prior to recordation;
7) A reconfirmation that the common open space proposed is still within the sensitive areas thresholds established in §176.2 of the Zoning Ordinance being submitted to the Office of Planning & Zoning prior to recordation;
8) All sheets of the Record Plats containing accurate depictions of the location of the site on all location maps;
9) The 10' street tree planting easements being shown on the Record Plat, consistent with §186.1; and
10) Permits for the stream crossing being issued prior to recordation.

The Phase II Concept Plat has undergone technical review today. It has been neither reviewed nor approved by the Planning Commission.

This Phase II Preliminary Plat\textsuperscript{19} proposes 9 lots on an as-yet to-be-determined acreage (3.12, or 3.50, or 4.04 acres), bringing the overall proposed Phases I & II density to 1/0.79 (39 lots on 30.38 acres).

Again, this confusion over the acreage is exacerbated by the fact that the Preliminary Plat’s representation of what constitutes Phases I and II is directly contradictory to the Phase I Record Plat. Any plat that is inconsistent with the existing Candlelight Ridge Record Plat will not be accepted for

\textsuperscript{18} The Preliminary Plat, which was consistent with the approved Concept Plat, was reviewed by the Planning Commission on 8/18/03, at which time it was TABLED for one month until additional information is obtained from the Maryland Department of the Environment regarding whether a groundwater appropriations permit can be issued for this number of wells, and from the Town of North East if it would serve the property.

\textsuperscript{19} §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.
Planning Commission review, per §4.1.22 (a) & (g). If the applicant feels that the Record Plat is in error, then it is incumbent upon the applicant to record a corrected version.

Per §4.1.22 (b), this plat is also deficient.

Given the traffic circulation pattern designed into this project, has adequate consideration been given to the safe vehicular ingress and egress for proposed Lots 1-2 and 38-39?

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. ²⁰

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 natural features details, which are vitally important for Preliminary Plats, need to be shown more boldly. It appears that proposed Lot 36 may have some significant impediments in that regard.

The habitats of rare, threatened, and endangered species must be avoided. The site may contain FIDS habitat.

The Master Water and Sewer Plan includes this site as W-2 and S-1 areas, respectively.

For Phase II, previously, the Water Service Agreement between the Town of North East and the County did not include this area. Thus, the reason for the delay in bringing the Phase II lots through the review process. Have the Mayor and Commissioners of the Town and the Board of County Commissioners agreed to amend that Agreement?

If so, then documentation of water allocation for Phase II must be submitted prior to Final Plat review.

The proposed fire hydrant location should be finalized in consultation with the North East Fire Co. and the Department of Public Works.

²⁰ 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.”
The acreage of the common open space has not been provided. Access to common open space between lots must be marked with concrete monuments.

By providing a combined total of 11.7 acres of common open space (38.51%), this proposal satisfies the common open space requirement. The total common open space acreage proposed in Phase II needs to be accounted for.

The common open space sensitive area threshold calculation is included in Note #9.

As previously noted, the FSD approval\(^{21}\) has expired.

The PFCP included Phase II and was approved on 7/30/03.

The FCP/Landscape Plan was approved on 5/10/04, but it did not include Phase II. The Phase II FCP/Landscape Plan must be approved prior to Final Plat review (§6.3.B(1)(a), Forest Conservation Regulations).

Does the plat’s “proposed landscape island” shown at the Raydan Way entrance off of Red Toad Road already exist?
Rows of street trees with 10’ planting easements are required, outside the right-of-way, along both sides of all internal roads. Per §186.1 and §4.1.22 (n), the street tree easement must be shown on the Preliminary Plat.

How does this Preliminary Plat comply with the topographic requirements of §4.1.22 (h) & (i)?

A Landscape Agreement must be executed prior to recordation.

In areas with community facilities, no street trees shall be planted within 20 feet of sewer laterals and cleanouts.

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 again being shown on the Record Plat.

The proposed road name has been approved. Sidewalks are recommended on at least one side of all internal roads.

The owners of these proposed lots must become members of the Homeowners’ Association that was created for maintenance of common open space and landscaped islands. $50 per recorded must be lot placed in escrow for improvements prior to recordation.

Do the current, approved and recorded HOA documents allow for these proposed, additional lots?

If not, then when will those documents be amended and submitted to the Corporate Charter Division of the State Department of Assessments and Taxation for their review and approval?

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.

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\(^{21}\) The FSD was approved on 12/12/02 and revised on 3/10/03. Such approvals are valid for 5 years.
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.

The Lot Acreage Table insert does not satisfy the requirements of §4.1.22 (r). Any Preliminary Plat submitted for review by the Planning Commission shall comply with those requirements.

Pursuant to §4.1.22 (k), have all utilities or utility easements located on or within 200’ of the parcel been depicted?

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. The applicant is reminded of the provisions of §4.1.22 (a).

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5. Lands of Thomas & Jane Garvin, Lot 2, New Bridge Road, Concept Plat, C. Robert Webb, Surveyor, Eighth Election District.

Bob Webb, Surveyor and Benjamin Garvin, son of the owner, appeared and presented an overview of the project.

Mr. Woodhull stated that this is not a PRMA but an access easement that has been granted from the Ross’.

Mr. Woodhull, DPW, read the comments of the department:
1. A SWM plan must be approved by the Department prior to the final plat being recorded.

Ms. Latham, MDE, stated that a GAP exemption would need to be filed.
Mrs. West, CCPS, had no comments.

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

Mr. Meaders, FA, had no comments.

Mr. Graham, Citizen’s Representative, received calls from Ruby Reynolds and Joan Ewing, with concerns of this subdivision and the potential impact it may have on their properties.

Delmarva Power had no comments.

Mr. Harmon, 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.

Keep sewage area defined on parcel 176 at least 5’ off the property line. Sewage area can be 5’ closer to right-of-way.

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: NAR (& RR)
Density: The NAR zone permits a maximum base density of 1 du/ 10 ac.

The Lot 1 for the Lands of Garvin was approved on 8/16/04, conditioned on:
1) Health Department requirements being met;
2) DPW requirements being met; and
3) The Landscape Agreement being executed prior to recordation.

This Concept Plat proposes one new lot, Lot 2, which would bring to 2 lots plus the dwelling on the remaining lands, on an estimated 46.1947 acres, for a proposed density of 1/15.398.

A boundary line survey for the proposed Lot 2 must be done in conjunction with the preparation of the Preliminary Plat for density calculation purposes. The creation of any additional lots in the future shall require a boundary line survey for the entirety of Parcel 21.

Lot 2 is proposed to consist of 1.2073 acres.

This proposal affects not only Parcel 21, belonging to the Garvin’s, but Parcel 176, belonging to the Ross’s. A proposed right-of-way to the new Lot 2 is shown across Parcels 21 and 176, and the proposed Lot 2 and Parcel 176 would share an entrance onto New Bridge Road.

A road frontage Variance was granted on 4/29/08, file # 3391.

Four questions:
Would the proposed right-of-way be fee-simple, or an easement? Mr. Webb said it would be an easement ROW.

What type of legal mechanism is proposed to govern the shared entrance onto the County road? Mr. Webb said he would be included on the plat.

Is the acreage of the proposed right-of-way included in the cited 1.2073 acres?

Why wouldn’t a 30’ wide road right-of-way strip be shown, dedicated to the Board of County Commissioners – especially since a road widening easement is depicted on Minor Subdivision #1351?

§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. 22

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 for fewer than 10 lots.

No landscaping 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 (NAR—RR) from one another.

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

No street trees are recommended along the proposed right-of-way in the interest of better preserving the rural character.

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 ft² or more. The Cecil County Forest Conservation Regulations define steep slopes as “areas with slopes greater than 25 percent slope.”
Any tree removal within a public right-of-way requires approval from the Maryland Department of Natural Resources.

What is the basis for the §3.2K exemption?

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

Any Landscape Agreement must be executed prior to recordation.

Deed restrictions for the long-term protection of the 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.

Legal arrangements for maintenance of the shared entrance must be established prior to recordation.

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

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

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

Respectfully submitted,

Jennifer Bakeoven
1. North East Commerce Center, LLC, Courtesy Review for the Town of North East, Center Drive, Frederick Ward Associates, Fifth Election District.

Lou Shaffer, Frederick Ward Associates and Betsy Vennell, Director of Planning and Bethany Brock, Town of North East, appeared and presented an overview of the project.

Mr. Woodhull, DPW, read the comments of the department:
1. The Town of North East owns Center Drive, Lums Road from MD Route 272 to Center Drive, 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? Mr. Shaffer said no. 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. Shaffer explained that this will be used as flex space. The traffic loading will be subjective to the occupants. Mr. Woodhull asked that the applicant provide a narrative of the expected traffic loading that will be generated.
4. What number of employees do you foresee with this site? Mr. Shaffer said around 350 employees are expected. Mr. Woodhull asked the applicant to submit a letter for sewer allocation to DPW.

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

Mr. Meaders, FC, read the comments of the department. See file.

Mrs. West, CCPS, had no comments.

Ms. Latham, MDE, stated that neither a GAP nor an exemption would be needed as this project is being served by public sewer and water.

Mr. von Staden, DEH, read the comments of the department:
Submit written documentation of adequate water and sewer allocations for the proposed project.
Any food preparation or storage in any unit may require food facility plans; contact the Cecil County Health Department with details if applicable.

Discussion ensued regarding Ms. Vennell’s concerns regarding the parking lot on top of a utility easement.

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 noted that the correct name of the Town, “North East,” is two words and not one.
- The site plan was reviewed by the TAC on 3/5/08.
- At that time, it was noted that all the improvements shown were previously approved by the Town’s Planning Commission on 8/26/96 and 2/24/99. It is recommended that those previous approvals and dates be noted on the site plan.
- 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.
- Current consistency with other pertinent codes and regulations is assumed.
- It should be confirmed that the Town’s Zoning Ordinance permits the proposed uses in the Town’s HI zone.
- Other than additional parking spaces, are any other improvements proposed at this time? Mr. Shaffer said no.
- Why are an additional 155 parking spaces proposed to be added to the existing 292, and how do 447 spaces relate to 350 proposed employees noted? Mr. Shaffer said this space will be flex space. The additional space may serve for security purposes. It should be confirmed that the total number of spaces proposed falls within the Town’s regulations’ specified minimum and maximum.
- 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 a new, detailed vehicular/pedestrian circulation and access plan be submitted for the parking area. Potential pedestrian-vehicle safety conflicts should be identified – especially with respect to the 155 new parking spaces in the area of the loading docks. 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? Mr. Shaffer said there is an existing trash compactor. It is recommended that any
dumpster locations 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 reviewed for its adequacy, given the proposed new use.

- If the traffic generated by the new use is significantly greater than heretofore, 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, and 155 more parking spaces are now proposed.

- 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.

- Consideration should be given to soliciting review and comment by the North East Fire Company 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.

- It is recommended that all fire hydrant, dry hydrant, and standpipe locations be clearly shown on the site plan. It is further recommended that no final approval be granted until after the North East Fire Company has reviewed and commented on a site plan containing that vital information.

- 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, and has the North East Fire Co. had a chance to comment? Mr. Shaffer said the building height is only approximately 35 ft.

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

- The site plan indicates that 71 loading docks currently exist (the previous submittal indicated that only 10 then existed). How do the circled numbers, 1-37, relate to the locations and number of loading docks? Mr. Shaffer said that those numbers have nothing to do with the loading docks, each one of those areas are designated as bays. The spaces are being least out in a number of the bays.

- It is recommended that the limits of the stream and wetland buffers and the floodplain boundary be clearly indicated on the site plan. All are referenced, but actual boundary locations cannot be discerned.

- Some locations showing “existing tanks” are shown. What kind(s) of tanks are they? Mr. Shaffer said they are underground gas tanks.
• 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 do not correspond precisely to those approved. Are approvals cumulative? Mrs. Vennell said yes.

• The approved (1999) fire flow of 1,775 GPM is lower than the possible 2,500 GPM high end cited for a possible range, cited in a note. How will any discrepancy, or deficit, be resolved? Mr. Shaffer said he suggested to his client that a fire flow test be provided.

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

2. North Creek Run (f/k/a Silverado), Preliminary Major Site Plan (Apts.), Razor Strap Road, McCrone, Inc., Fifth Election District.

Mike Burcham, McCrone, Inc., and Barry Montgomery, developer, appeared and presented an overview of the project.

Mr. Woodhull, DPW, read the comments of the department:
1. A sanitary sewer allocation of 50 ELU was granted to Silverado Subdivision on 2/6/08. This does not transfer to North Creek Run therefore new allocation for the eight apartments will be required. At this time applicants are limited to a maximum of 50 ELU may per request. The Applicant must understand that this allocation covers both the 8 apartments proposed with this preliminary site plan as well as the townhouses proposed in North Creek Run subdivision. When these 50 ELU are exhausted by connection of townhouses, apartment units and/or community building additional allocation may be requested. This will require phasing of the project with no more than 50 ELU accounted for in any one phase. A final plat will be required for each phase.

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

3. 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.

4. How do you intend to address the SWM requirements for this site? Mr. Burcham said they are proposing to have a 3 to 1 slope off the back of the building.

5. The Department has a concern that run off may be concentrated and directed on to the Lands of Conley creating an adverse impact. The Applicant is reminded of the requirement to comply with Sections 251-9 A (5), 251-13 & 251-15 D of the Cecil County Stormwater Management Ordinance.

6. For the road improvements associated with Section 3.07.15 of the Road Code, 100’ either side of the POI of Razor Strap Road & the proposed Stoney Run Creek Road, a full depth replacement of
the existing road with a minor collector road vertical cross section (SN 4.15) will be required. No widening of the pavement will be required.

7. Cecil County proposes to upgrade Razor Strap Road from approximately 1,000ft west of your proposed entrance to Red Toad Road. The applicant will be required to upgrade Razor Strap Road from the end of the full depth repair, associated with the Section 3.07.15 requirements (100’ west of the POI), to the point where the County road work ends. The pavement section must be brought to a structural number of 4.15 (minor collector). Have your Geotech and Engineer analyze the data from the borings already taken by Duffield Associates and identify what improvements will be required to meet this structural number. No widening of the pavement will be required.

8. The detail of this off site road improvement must be identified by note on the preliminary plat presented to the Planning Commission for review or the Department will recommend disapproval.

9. The layout of the parking spaces and their close proximity to the proposed intersection is of serious concern to the Department. As shown the southernmost space is closer than the 75’ minimum offset for driveways at intersections and will not be allowed. Turning movements into and out of these spaces conflict with normal traffic flow in both directions along the proposed Stony Run Creek Road. Parking must be completely outside of the County ROW. Investigate the possibility of moving the parking off of Stony Run Creek Road. This conflict must be resolved prior to the Department approving the road & storm drain plans.

10. All parking areas are to be maintained by the HOA unless otherwise noted.

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, Sidewalk Maintenance, and Lot Grading Plan Construction Limits Notes.
   11.3 Compliance with Section 3.07.15 of the Cecil County Road Code.
   11.4 Requirements for Utility relocations.
   11.5 Requirements for Public Works Agreements.
   11.6 Requirements for Stormwater Inspection and Maintenance Agreements.
   11.7 Requirements for County Roads.
   11.8 Requirements for Final Plat - Public Water and Sewer Allocation.
   11.9 Requirements for Sewer Service Cleanouts – Location.

Notes and requirements identified for record:

1. The Final Plat must include the standard lot grading note and the note indicating that sidewalk maintenance will be required of the adjacent property owner (if sidewalks are required). The Lot Grading Plan must include the standard construction limits note.
   a. Final Plat: “A lot grading plan has been approved by the CCDPW for the construction shown hereon. A site construction as built shall be submitted to the CCDPW prior to use and/or occupancy of any of the sites shown hereon. Any change to the Forest Retention, Forestation, and/or Reforestation will require a consistency review, of the SWM approval, with CCDPW.”
   b. Final Plat: “Sidewalk maintenance will be required of the adjacent property owner, as required by the Cecil County Road Code.”
   c. Grading Plan: “No clearing or grading is permitted beyond the limits of disturbance shown hereon. Any expanded clearing and/or grading in the absence of an approved revised lot grading plan may be considered non-compliance with Chapter 251 of the Cecil County Code and either or both the developer and/or Builder may be subject to the enforcement of the penalty provisions therein.”

2. The downstream conveyance of storm water must be analyzed in accordance with Section 251-9 A. (5) of the county’s SWM Ordinance. If stormwater discharge is directed off of the site on to adjacent property it is the responsibility of the Developer to obtain appropriate easements from the affected property owners per Sections 251-13 and 251-15.D of the Cecil County SWM Ordinance.

3. Section 3.07.15 of the Road Code requires that Razor Strap Road be upgraded to a Minor Collector Road equivalency for 100’ either side of the proposed entrance. The design engineer must address the requirement for minimum acceleration, deceleration, and bypass lanes. Any right-of-way acquisition necessary shall be performed by the applicant and at the applicant’s expense.

4. Where determined necessary by the utility companies, the owner, the designer, or DPW, utility poles must be relocated at the Developer’s expense.
5. A Public Works Agreement is required for the streets & storm drainage, and public sewer system constructions.
6. An Inspection & Maintenance Agreement is required for the private SWM facilities.
7. The internal street grade leaving Razor Strap Road may not exceed 5% within the limits of the intersection right-of-way.
8. Developer must request and obtain a public sewer allocation from the Department of Public Works before submitting a final plat to the Cecil County Planning Commission for approval.
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.

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

Mr. Meaders, FC, read the comments of the local Fire Department. See file.

Mrs. West, CCPS, stated that her comments are more applicable for the next agenda item.

Mrs. Latham, MDE, stated that neither a GAP nor an exemption would be needed as this project is being served by public sewer and water.

Mr. von Staden, DEH, read the comments of the department:
Submit written documentation of adequate water and sewer allocations for the proposed project.

Mr. Di Giacomo stated that Delmarva Power had no comments.

The following are comments submitted by SHA:
SHA recommends that the county request an update to the 2006 Traffic Impact Study for the North Creek developments to more accurately assess the impacts to the US 40 intersections at Wells Camp Road and Red Toad Road. If roadway improvements are required within SHA right-of-way, a SHA access permit will be required.

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 website, notice is hereby given the jpg file submissions can only be 11 inches, maximum, in any direction. Adherence to that requirement will enable the County to better serve the public.

Zoning: RM

The RM zone permits a maximum density of 6 du/1 ac. with community facilities, up to 12/1 for townhouses, and up to 16/1 for apartments.

The site on which these 8 apartment units are proposed, was previously reviewed as Montgomery Springs, Lots 15 & 16, and then as Silverado, Lots 76 & 77. This proposed density is approximately 8/1.

The Montgomery Springs Lots 5-14 Final Plat1 was approved on 11/18/96 and recorded on 4/23/04.2

The original Concept Plat, approved on 7/17/95, expired. Because §4.0.1 eliminates the need for a Concept Plat for projects involving fewer than 10 lots and less than 25 acres, the Preliminary Plat,

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1 Though recorded, those lots were never developed. Rather, the land on which they sat was re-proposed as Silverado.
2 The area involving the current proposal is listed on the record plat as remaining lands for future development.
proposing 2 lots on 1.027 acres for a density of 1.95/1 for this section, was approved 12/04/04, conditioned on:

1) Health Department requirements being met;
2) DPW requirements being met;
3) Any modifications to the FCP and Landscape Plan being approved prior to the Planning commission’s review of the Final Plat;
4) Documentation of the completed JD being provided prior to the Planning commission’s review of the Final Plat;
5) Written documentation of water allocation from the Town of North East being provided prior to the Planning commission’s review of the Final Plat;
6) Documentation of sewer capacity being provided prior to the Planning commission’s review of the Final Plat; and
7) Waiving the 25’ planted buffer requirement.

A 1-year extension was granted on 11/20/06. It expired on 11/20/07.

The Silverado Concept Plat, showing this area as “lands reserved for future development by owner” and proposing 71 townhouse lots on 14.98 acres, for a proposed density of 4.74/1, was approved on 8/15/05, 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 TIS being completed prior to the TAC’s review of the Preliminary Plat.

The Silverado Preliminary Plat, also showing this area as “lands reserved for future development by owner” and including some of the adjacent lands of Jansen³, was approved on 4/17/06, conditioned on:

1) Health Department requirements being met;
2) DPW requirements being met;
3) The FCP and Landscape Plan being approved prior to Final Plat review;
4) All required documents from AT&T granting permission or agreeing to easement impacts must be received prior to Final Plat review;
5) Water allocation being confirmed in writing by the Town of North East prior to Final Plat review;
6) Sewer allocation must be confirmed by the DPW prior to Final Plat review;
7) An amended TIS has been submitted, reviewed, and its conclusions and recommendations agreed to;
8) The Stoney Run Creek Road teardrop turnaround design, without the §29.5.a (2) bufferyard requirement, being conditionally approved contingent upon future adjacent Northwoods sections showing the adjacent Northwoods area as common open space; and
9) Fire hydrant locations being finalized in consultation with the North East Volunteer Fire Company and the Department of Public Works.

A 1-year extension of Preliminary Plat approval was granted on 7/21/08. It remains valid until 7/21/09.

Since all Montgomery Springs approvals have expired, and proposed Lots 76 & 77 were never detailed on any Silverado approvals, this Preliminary Plat was considered a new submission. As was

³ Those add-ons increased the total acreage to 15.226 acres, thus lowering the proposed density to 4.66/1.
the case with the 12/4/04 Montgomery Springs Preliminary Plat approval, §4.0.1 eliminates the need for a Concept Plat for projects involving fewer than 10 lots and less than 25 acres.\(^4\)

Though labeled as Silverado Lots 76 & 77, the Lots 76 & 77 Preliminary Plat was the same Montgomery Springs Lots 15 & 16 Preliminary-Final Plat that was reviewed by the TAC on 11/3/04 (prior to the 12/20/04 Preliminary Plat approval).\(^5\)

Per §4.0.1, since fewer than 10 units and 25 acres are involved, no Concept Plat is required. In addition, per §6.3, §6.3.2, and §6.3.3, apartment projects must be reviewed and approved using the normal process applied to subdivisions.

Technically, Montgomery Springs is a recorded and legally-existing subdivision. Site Data Note # 21 indicates that this proposal supersedes both the Montgomery Springs and Silverado proposals.

Has boundary line survey been completed? Mr. Burcham 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 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.

The 110’ perennial stream buffer is 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 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.

25% landscaping of the development envelope is required in the RM zone.\(^6\)

Site Data Note # 18 is partially correct: 20% open space is required, but if these are apartments, then it cannot be common open space that is owned by an HOA.

How does this design fulfill the §29.5.a (2) requirement for a peripheral Bufferyard C?

Sidewalks are recommended along Razor Strap and Stoney Run Creek Roads.

A Bufferyard Standard C is required, outside the right-of-way, along the road frontage of Razor Strap Road.

\(^4\) These proposed lots have never been included in any Concept Plat.

\(^5\) No common open space was proposed. However, the Silverado Preliminary Plat proposed 50.82 % common open space (20% is required in the RM zone); therefore, when that acreage was included in the balance to the overall Silverado calculation, the result was that about 47.6% common open space was proposed overall, thus fulfilling the C.O.S. requirements for that section of the project.

\(^6\) In addition, all areas not occupied by buildings, roads, parking areas, service areas, or other required or permitted uses, including open spaces and usable recreation areas shall be landscaped by trees, shrubs, gardens, or other suitable ground cover.
Rows of street trees with 10’ planting easements are required along both lot frontages on Stoney Run Creek Road. In areas with community facilities, no street trees shall be planted within 20 feet of sewer laterals and cleanouts.

The FSD & PFCP were approved on 12/7/94, and the FCP/Landscape Plan was approved on 12/10/04. FSD approval has expired, so it must be resubmitted. A revised PFCP must be approved prior to the Planning Commission’s review of the Preliminary Plat.

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

A Landscape Agreement must be executed prior to recordation.

A 30’ road widening strip along Razor Strap Road is required to be dedicated fee simple to the Cecil County Board of County Commissioners.

Deed restrictions for the long-term protection of the street trees & 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. Access to common open space beside lots must be marked with concrete monuments.

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

Water allocation must be confirmed prior to Final Plat review.7

Sewer capacity must be confirmed by CCDPW prior to Final Plat review.

There appears to be a potential safety issue relating to an inherent design conflict between WB Razor Strap Road traffic turning right into Stoney Run Creek Road and backing movements from the parking spaces closest to Razor Strap Road.

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 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  
Bay View  North East  North East  
FTE  569  753  1084  
Capacity  608  712  1009  
% Utilization  94%  106%  107%  

7 The Master Water and Sewer Plan shows this site to be in W1 and S1 service areas.
3. North Creek Run (f/k/a Silverado), Lots 5-71, Razor Strap Road, Revised Preliminary Plat, McCrone, Inc., Fifth Election District.

Mike Burcham, McCrone, Inc., Barry Montgomery, developer and Andy Bodowitz, owner/developer, appeared and presented an overview of the project.

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

1. The revision requested appears to cover changes not only in the name of the proposed subdivision but also in ownership of the property. In addition several changes have been made to the previously approved layout.

2. This layout impacts Stony Run Creek Estates proposed layout which received a one-year extension of Concept Plat @ the 3/16/09 Planning Commission meeting. Lot 49 proposed here is 10’ wider than that shown on the Silverado preliminary plat an now a water main is proposed where Lot 1 of Stony Run Creek Estates is located. Both of these changes would effectively eliminate Lot 1 of Stony Run Creek Estates.

3. Does the owner of North Creek Run intend to continue whatever access agreement existed between the owners of Silverado & Stony Run Creek Estates? Mr. Montgomery said yes.

4. A sanitary sewer allocation of 50 ELU was granted to Silverado Subdivision on 2/6/08. This does not transfer to North Creek Run therefore new allocation for the eight apartments will be required. At this time applicants are limited to a maximum of 50 ELU may per request. The Applicant must understand that this allocation covers both the 8 apartments proposed with this preliminary site plan as well as the townhouses proposed in North Creek Run subdivision. When these 50 ELU are exhausted by connection of townhouses, apartment units and/or community building additional allocation may be requested. This will require phasing of the project with no more than 50 ELU accounted for in any one phase. A final plat will be required for each phase.

5. The plat presented indicates a phase line however it must be more clearly identified on the plat. As shown and lacking a legend the Department cannot determine the full extent of each phase.

6. 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.

7. The storm drain pipes located between Lots 11/12, 27/28 & 35/36 must be located in a conveyance easement that is a minimum of 20’ wide. If the depth of the pipe requires it the easement may need to be wider.

8. 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, that the Town requests that the serving fire company review fire hydrant spacing and locations and that the Town require a PWA for the work associated with the water distribution system installation.

9. 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.

10. The new layout proposes only 2.34 parking spaces/unit verses the 3.02 proposed by Silverado. Why the decrease? Mr. Burcham said because of the reduction from 3 bedroom units to 2 bedroom units. Why was the 14 space overflow parking lot removed? Mr. Burcham said that area is now being used as the SWM area. The overflow lot shown would make more sense located adjacent to the community building.

11. In regards to parking, the spaces in front of Lots 19, 20, 57 & the southerly two in front of the community building are considered problematic by the Department. Turning movements into and out of these spaces conflict with the traffic control islands at the intermediate turnaround. This conflict must be resolved prior to the Department approving the road & storm drain plans.
12. All parking areas are to be maintained by the HOA (owner) unless otherwise noted. Identify parking easements as private easements for HOA maintenance of the parking areas.

13. The off street parking lot shown will require a road code variance.

14. For the road improvements associated with Section 3.07.15 of the Road Code, 100’ either side of the POI of Razor Strap Road & the proposed Stoney Run Creek Road, a full depth replacement of the existing road with a minor collector road vertical cross section (SN 4.15) will be required. No widening of the pavement will be required.

15. Cecil County proposes to upgrade Razor Strap Road from approximately 1,000ft west of your proposed entrance to Red Toad Road. The applicant will be required to upgrade Razor Strap Road from the end of the full depth repair, associated with the Section 3.07.15 requirements(100’ west of the POI), to the point where the County road work ends. The pavement section must be brought to a structural number of 4.15 (minor collector). Have your Geotech and Engineer analyze the data from the borings already taken by Duffield Associates and identify what improvements will be required to meet this structural number. No widening of the pavement will be required.

16. The detail of this off site road improvement must be identified by note on the preliminary plat presented to the Planning Commission for review or the Department will recommend disapproval.

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, Sidewalk Maintenance, and Lot Grading Plan Construction Limits Notes.
   17.3 Compliance with Section 3.07.15 of the Cecil County Road Code.
   17.4 Requirements for Utility relocations.
   17.5 Requirements for Public Works Agreements.
   17.6 Requirements for Stormwater Inspection and Maintenance Agreements.
   17.7 Requirements for County Roads.
   17.8 Requirements for Sewer Service Cleanouts – Location.

Notes and requirements identified for record:

1. The Final Plat must include the note indicating that sidewalk maintenance will be required of the adjacent property owner (if sidewalks are required). The Lot Grading Plan must include the standard construction limits note.
   a. Final Plat: “A lot grading plan has been approved by the CCDPW for the construction shown hereon. A site construction as built shall be submitted to the CCDPW prior to use and/or occupancy of any of the sites shown hereon. Any change to the Forest Retention, Forestation, and/or Reforestation will require a consistency review of the SWM approval with CCDPW.”
   b. Final Plat: “Sidewalk maintenance will be required of the adjacent property owner, as required by the Cecil County Road Code.”
   c. Grading Plan: “No clearing or grading is permitted beyond the limits of disturbance shown hereon. Any expanded clearing and/or grading in the absence of an approved revised lot grading plan may be considered non-compliance with Chapter 251 of the Cecil County Code and either or both the developer and/or Builder may be subject to the enforcement of the penalty provisions therein.”

2. The downstream conveyance of storm water must be analyzed in accordance with Section 251-9. A. (5) of the county’s SWM Ordinance. If stormwater discharge is directed off of the site on to adjacent property it is the responsibility of the Developer to obtain appropriate easements from the affected property owners per Sections 251-13 and 251-15.D of the Cecil County SWM Ordinance.

3. Section 3.07 of the Road Code requires that 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 are required for the work associated with the construction of the streets & storm drainage, and public sewer system.

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

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

8. All sewer service cleanouts must be designed to be outside of all paved or concrete areas on each lot and this must be shown on the utility plans.
Mr. Brown, CCSCS, provided the applicant with soil maps and reports. See file.

Mr. Meaders, FC, read the comments of the local Fire Department. See file.

Mrs. West, CCPS, stated that North East Middle and High Schools are currently overcapacity. The applicant was provided a copy of the school bus guidelines. Mrs. West asked the applicant if they have a time frame for when they plan to start building. Mr. Bodowitz stated that they would like to start around September 2009 with the first occupancy taking place in June 2010. Mr. Bodowitz also foresees most occupants of the proposed rentals to be people with children that are already in the schools; he believes most occupants will simply be relocating.

Ms. Latham, MDE, stated that neither a GAP nor an exemption would be needed as this project is being served by public sewer and water.

Mr. von Staden, DEH, read the comments of the department:
Submit written documentation of adequate water and sewer allocations for the proposed project. Change the note by the owner’s signature block to “Public water and sewerage will be available to all lots offered for sale”. The note regarding conformance with the water and sewer plans should be by the Health Department’s signature.

Submit a written proposal of amenities to be in the community building, specifically relating to any food facility.

Revise note 14 to indicate the existing well must be abandoned and sealed prior to record plat approval.

Mr. Di Giacomo stated that Delmarva had no comment.

SHA comments remain the same as the previous agenda item.

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 website, notice is hereby given the jpg file submissions can only be 11 inches, maximum, in any direction. Adherence to that requirement will enable the County to better serve the public.

Zoning: RM

The RM zone permits a maximum density of 6 du/1 ac. with community facilities, up to 12/1 for townhouses, and up to 16/1 for apartments.

The site on which these 71 townhouse units are proposed, was previously approved as Montgomery Springs, Lots 5 - 14, and then as Silverado, Lots 5-77. These proposed 67 lots on 14.678 acres yields a proposed density of 4.56/1.

The Montgomery Springs Lots 5-14 Final Plat is recorded on 11/18/96 and recorded on 4/23/04.£

£ Though recorded, those lots were never developed. Rather, the land on which they sat was re-proposed as Silverado.

£ The area involving the current proposal is listed on the record plat as remaining lands for future development.
The original Concept Plat, approved on 7/17/95, expired. Because §4.0.1 eliminates the need for a Concept Plat for projects involving fewer than 10 lots and less than 25 acres, the Preliminary Plat, proposing 2 lots on 1.027 acres for a density of 1.95/1 for this section, was approved 12/04/04, conditioned on:

1) Health Department requirements being met;
2) DPW requirements being met;
3) Any modifications to the FCP and Landscape Plan being approved prior to the Planning commission’s review of the Final Plat;
4) Documentation of the completed JD being provided prior to the Planning commission’s review of the Final Plat;
5) Written documentation of water allocation from the Town of North East being provided prior to the Planning commission’s review of the Final Plat;
6) Documentation of sewer capacity being provided prior to the Planning commission’s review of the Final Plat; and
7) Waiving the 25’ planted buffer requirement.

A 1-year extension was granted on 11/20/06. It expired on 11/20/07.

The Silverado Concept Plat, proposing 71 townhouse lots on 14.98 acres, for a proposed density of 4.74/1, was approved on 8/15/05, 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 TIS being completed prior to the TAC’s review of the Preliminary Plat.

The Silverado Preliminary Plat, including some of the adjacent lands of Jansen\(^{10}\), was approved on 4/17/06, conditioned on:

1) Health Department requirements being met;
2) DPW requirements being met;
3) The FCP and Landscape Plan being approved prior to Final Plat review;
4) All required documents from AT&T granting permission or agreeing to easement impacts must be received prior to Final Plat review;
5) Water allocation being confirmed in writing by the Town of North East prior to Final Plat review;
6) Sewer allocation must be confirmed by the DPW prior to Final Plat review;
7) An amended TIS has been submitted, reviewed, and its conclusions and recommendations agreed to;
8) The Stoney Run Creek Road teardrop turnaround design, without the §29.5.a (2) bufferyard requirement, being conditionally approved contingent upon future adjacent Northwoods sections showing the adjacent Northwoods area as common open space; and
9) Fire hydrant locations being finalized in consultation with the North East Volunteer Fire Company and the Department of Public Works.

A 1-year extension of Preliminary Plat approval was granted on 7/21/08. It remains valid until 7/21/09.

This revised Preliminary Plat is generally consistent with the approved Silverado Preliminary Plat.

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\(^{10}\) Those add-ons increased the total acreage to 15.226 acres, thus lowering the proposed density to 4.66/1.
Since all Montgomery Springs approvals have expired, and proposed Lots 76 & 77 were never detailed on any Silverado approvals, this Preliminary Plat was considered a new submission. As was the case with the 12/4/04 Montgomery Springs Preliminary Plat approval, §4.0.1 eliminated the need for a Concept Plat for projects involving fewer than 10 lots and less than 25 acres.

This proposed Revised Preliminary Plat reduces the number of dwelling units. The revised TIS for Silverado was complete 3 years ago. Unless there is consensus among SHA and DPW to the contrary, a revised TIS must be completed and reviewed prior to the Planning Commission’s review of the Revised Preliminary Plat.

Technically, Montgomery Springs is a recorded and legally-existing subdivision. An unnumbered note indicates that this proposal supersedes both the Montgomery Springs and Silverado proposals.

What will become of the Montgomery Springs HOA and its escrow account? Mr. Montgomery said they are in the process of voiding the account.

Has boundary line survey been completed? Mr. Burcham said yes.

Note # 13 addresses the intended disposition of Lot 2, Minor Subdivision # 2650.

The 10’ wide access easement running along the southeastern part of the site, per MS # 2699, is again depicted.

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

No slopes greater than 25% have been shown. The 110’ perennial stream and 25’ wetlands buffers are shown.

A requested modification to the stream buffer requirement in the area of the cul-de-sac is noted. How does this proposal meet the requirements of §174.1.b. (1) (a) and (b)?

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 100-year Floodplain boundary is shown.

25% landscaping of the development envelope is required in the RM zone.11

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11 In addition, all areas not occupied by buildings, roads, parking areas, service areas, or other required or permitted uses, including open spaces and usable recreation areas shall be landscaped by trees, shrubs, gardens, or other suitable ground cover.
20% common open space is required; 50.35% is proposed.

The C.O.S sensitive areas thresholds have been calculated and included.

§176.2.a prohibits any common open space from being used for parking. Therefore, that area, consisting of 23 ‘overflow’ parking spaces must be deducted from the common open space total acreage. Maintenance of the ‘overflow’ parking spaces in common open space must be the responsibility of the HOA. Discussion ensued regarding the rental office being located within common open space and the possible future sale of the lots.

Is there a lighting plan associated with the ‘overflow’ parking space areas and the proposed community building, and, if so, when will it be submitted? Mr. Burcham said no.

Sidewalks or striped pedestrian walkways are recommended along both sides of the proposed Stoney Run Creek Road.

Is the Mason-Dixon Trail situated entirely within the AT&T right-of-way? Mr. Burcham said yes.

§29.5.a (2) requires a peripheral Bufferyard Standard C. Consistent with the noted, requested modification to that requirement, that bufferyard has been omitted for portions of the site, including the area near the Stoney Run Creek Road cul-de-sac. Part of that area is adjacent to an area of common open space in Northwoods, Section III. The balance of the adjacent Northwoods property is not yet developed\(^\text{12}\); therefore, staff cannot recommend the elimination of the §29.5.a (2) bufferyard requirement while the possibility exists that the turnaround would abut the property lines of future Northwoods lots.

Rows of street trees with 10’ planting easements are required along both lot frontages on Stoney Run Creek Road. In areas with community facilities, no street trees shall be planted within 20 feet of sewer laterals and cleanouts.

The FSD was approved on 7/26/05 and revised on 4/13/06. The PFCP was approved on 4/13/06, and the FFPC/Landscape Plan was revised on 10/15/08 for Silverado Lots 5-77. A revised PFCP must be approved prior to the Planning Commission’s review of the Preliminary Plat.

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

A Landscape Agreement must be executed prior to recordation.

A 30’ road widening strip along Razor Strap Road is required to be dedicated fee simple to the Cecil County Board of County Commissioners.

Deed restrictions for the long-term protection of the street trees & 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.

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

\(^{12}\)The Northwoods Section 5 Prelim. Plat was reviewed by the TAC on 9/6/06. The area of North Run Creek in question abuts proposed lots 201 & 202 in Northwoods Sec. 5. As the Northwoods Section 5 Prelim. Plat was never approved, this North Run Creek Revised Preliminary Plat does, in fact, satisfy the requirements of §4.1.22 (j).
The Final and Record Plats shall contain a statement signed by the Health Department, approving authority, to the effect that use of community water supply or community sewerage system is in conformance with the Master Water and Sewer Plan.

Water allocation must be confirmed prior to Final Plat review.\textsuperscript{13}

Sewer capacity must be confirmed by CCDPW prior to Final Plat review.

Note #16 demonstrates that the requirements of §277 have been satisfied. However, as a practical matter, are the ‘overflow’ parking spaces actually situated near the 3-bedroom units? The applicant felt that it was located in a central location. All of the buildings will have a mix of 2 and 3 bedroom units.

Why have no details relating to the proposed community building been provided, consistent with the requirements of §291? If a separate site plan is proposed, then the applicant is advised that staff will not recommend approval of the revised Preliminary Plat until such a site plan has been submitted. In addition, Final Plat approval will be contingent upon prior site plan approval.

Fire hydrant locations must be finalized in consultation with the North East Fire Co. & 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 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 Homeowners’ Association for maintenance of common open space must be established with $50 per recorded lot placed in escrow for improvements prior to recordation.

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

What is the purpose of the two proposed phases? Mr. Bodowitz said that the funding is only in place for 53 units at the present time.

Documentation of all necessary easement agreements with AT&T will be required prior to the Planning Commission’s review of any Final Plat. All documents requiring recordation must be recorded prior to the recordation of the Record Plat.

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.

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\textsuperscript{13} The Master Water and Sewer Plan shows this site to be in W1 and S1 service areas.
The April TAC meeting adjourned at 10:38 a.m.

Respectfully submitted,

Jennifer Bakeoven
CECIL COUNTY TECHNICAL ADVISORY COMMITTEE  
Wednesday May 6, 2009, 9:00 a.m.  
County Administration Building  
200 Chesapeake Blvd., Elkton, Maryland  

Present:   Di Giacomo, Tony (CCP&Z), Woodhull, Mark (CCDPW), von Staden, Fred (DEH), Davis, Gary (SHA), West, Janel (CCPS), Meaders, David (FA), Bakeoven, Jennifer (CCP&Z).

Absent:  Cwiek, Philip (USCoE), Ouano, Jun (Delmarva Power), Graham, Daniel (Citizen’s Representative) Brown, Chris (CCSCS), Latham, Cindy (MDE).

1. Chesapeake Lighthouse, Courtesy Review for the Town of Perryville, Site Plan, MD Rte. 222, Stewart Real Estate Development, Site Resources Inc., Seventh Election District.

Brandon Freel, Stewart Associates, Steve Crow, Site Resources and Marianne Skilling, Town of Perryville, appeared and presented an overview of the project.

Mr. Woodhull, DPW, read the comments of the department:
1. The Town of Perryville will provide the water & sewer service to this site. As such, the CCDPW will review the SWM plan(s) associated with all the development identified on this site plan. Clarify, on the site plan, the extent of each phase as described in the Stewart Associates April 21st 2009 letter submitted with the plan. Will you be submitting SWM plans for each phase separately? Mr. Freel said yes. Mr. Woodhull asked that the site plan reflect “Phase 1”.

2. The CCDPW will need to be involved with the Traffic Impact Study scoping meeting and review for both the access onto MD 222 (Bainbridge Road) as well as the proposed apartments accessing Cokesbury Road as these will have immediate impact on the County road network. How do you intend to address traffic control at the proposed MD 222 access point opposite Craigtown Road? This TIS and the associated intersection/road improves plan(s) must be approved by CCDPW prior to our recommending approval of the site plan to the Town of Perryville. Ms. Skilling stated that the scoping meeting had already taken place and an invitation should have been made to Mr. Woodhull. The applicant stated that they would get any information from the meeting to Mr. Woodhull. Future scoping meetings will take place and CCDPW will be made aware of the time and place of the meeting. Additionally, Mr. Freel said he would forward the phasing plan to Mr. Woodhull.

3. The Applicant must be aware that if the SWM and E&S plans for this project are not approved (i.e. signed by CCDPW) by May 4th 2010 the new Ordinance will apply and the SWM plan must be re-designed to meet its requirements.

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

5. We request that the water & sewer plan system be designed to meet or exceed the County’s standards and that the Town of Perryville hold final approval of this site plan until the CCDPW has approved the SWM plan associated with it.

6. An Inspection & Maintenance Agreement with associated financial surety will be required for this project and must be executed prior to the CCDPW approving the final SWM plan.

7. Have you discussed the proposed entrance/exit point onto the State’s only access road to the MdTa’s administration, MD State Police’s JFK Barracks and the weigh station with those
agencies? At an April 16th 2009 meeting with SHA, MdTa, and the Town of Perryville both state agencies expressed concern over any impact to their existing access off of MD 222. Specifically they raised the issue of keeping POV & site service traffic off of the access road.

8. The site plan should clearly identify the limits of SHA and Town of Perryville road maintenance responsibilities.

9. Do you intend to provide access to the “Active Open Space” from Cokesbury Road? If you do the location of proposed access must be identified on the site plan. Mr. Freel said the space could possibly consist of trails. Ms. Skilling said this area will be providing connectivity between the areas.

Mr. Meaders, FA, provided the applicant with comments. See file.

Mrs. West, CCPS, asked the applicant, at what stage the apartments would be built. Mr. Crow stated that the apartments are in Phase 5 with 96 units. Mr. Crow also stated that they do not expect to start on Phase 5 for approximately 15-20 years.

Mr. von Staden, DEH, read the comments of the department:
Written documentation of adequate water and sewer allocations must be submitted to our office prior to site plan or building permit approvals.

Any building selling or preparing food must have food service facility plans approved by the Department of Health and Mental Hygiene prior to approval of a building permit.

Mr. Davis, SHA, read the comments of the department. See file.

Mr. Di Giacomo provided the applicant with soil maps and reports from CCSCS as well as reading into the record the comments of MDE and Delmarva Power. See file.

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

The Office of Planning & Zoning’s comments and questions relating to this Concept/ Sketch Plan are as follows:

• It should be confirmed whether the Town’s Zoning Ordinances permits the proposed uses in these locations.

• It should be confirmed that the number of parking spaces provided conforms to the minimum and maximum number specified by the Town’s Zoning Ordinance and Subdivision Regulations.

• Can the parking space minimum and maximum requirements be determined in the absence of specific proposed uses?

• It is recommended that the parking space dimensions be added so that the number of proposed spaces can be verified.
• Is any bus parking proposed near to the hotel? Ms. Skilling said the issue has been brought up.

• As depicted, no handicapped parking spaces are proposed. It is recommended that the design be made ADA-compliant, including access to the casino, hotel, other unlabeled facilities, and parking.

• It should be confirmed that the setbacks shown meet the requirements of the Town’s Zoning Ordinance and Subdivision Regulations.

• The first access point on Bainbridge Road (MD 222) is only 380’ away from MD 275. State and County design standards require that it be at least 750’ away from MD 275.

• What traffic control method is proposed for the intersection of the first access point on Bainbridge Road (MD 222), Bainbridge Road, and Craigtown Road? Mr. Crow explained that the said access point may be proposed as a gated emergency access. Discussions are still be had regarding the said access.

• It is recommended that Craigtown Road be labeled on the site plan.

• The second access point on Bainbridge Road (MD 222) is only 640’ away from the first. State and County design standards require that they be at least 750’ away from one another.

• It should be determined that all internal access points to the unlabeled internal spine road meet Town design standards in terms of adequate separation distance from one another.

• What is meant by “active open space” in the area along Cokesbury Road adjacent to the unspecified use? The unspecified use is apartments.

• Has any consideration been given to vehicular connectivity between the main area of proposed development and the unspecified use along Cokesbury Road? Mr. Freel stated that they wanted to keep the separation between the two areas. A walking path will be provided.

• In terms of phasing the project, will implementation the two access points on Bainbridge Road (MD 222) in the NE corner of the site be dependent on the start of the unspecified uses at that location? If so, then there will be only one point of ingress and egress.

• If project phasing is planned, then that should be reflected on the site plan.

• An access is shown from an unspecified use onto the unlabeled Turnpike Drive. Has MdTA approved that access point? Mr. Freel said no. If not, then this design will require revision.

• It is recommended that the Town require that all roads (e.g., Craigtown Road and Turnpike Drive) and all facilities (e.g., all except the hotel and the casino and its support building) be labeled on the site plan. Not only would that facilitate review, but it would help establish trip generation rates for the Traffic Impact Study (TIS).

• What is the purpose of the walkway shown between a parking area of an unspecified use to the south of the casino site and the unspecified use along Cokesbury Road?
• If the proposed thoroughfares are to be publicly dedicated streets, then their dimensions should meet the minimum requirements of the Town’s Zoning Ordinance, Subdivision Regulations, and Streets/Road Code.

• Consideration should be given to a dual, monumental entrance for the unnamed spine road leading back to the casino and hotel.

• How is the adjacent Newstead Farm proposed to be accessed? Mr. Crow said they will use the existing service road.

• Road names must be approved by DES (911 Emergency Center) prior to final site plan approval by the Town.

• It is recommended that a detailed lighting plan be submitted for approval. It should be reviewed for pedestrian and vehicular safety perspectives and for possible glare for passing motorists and any nearby residents.

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

• In addition, the probable free right turn into the NE development pod’s driveway and parking lot creates the potential for a pedestrian hazard as well as a weaving and rear-end accident hazard from faster-moving vehicles not turning right.

• Traffic control signs (yield or stop) should be considered at a number of points of intersection within the proposed parking lots.

• What is depicted on the area map as MD 275 is actually MD 222 at that point. MD 275 does not begin until just north of the Perryville Road/ Bainbridge Road intersection.

• It is recommended that the details of trash and waste disposal be included on the site plan.

• It should be confirmed that parking lot and driveways’ geometry is adequate to safely accommodate busses at the casino and hotel sites.

• The unlabeled structure near the unnamed entrance road that could possibly be a convenience store or fast food restaurant may need to show drive-through lanes, or possibly even gas pumps.

• It should be confirmed that the proposed landscaping depicted meets the landscaping requirements of the Town’s Zoning Ordinance and Subdivision Regulations. Landscaping of the traffic islands would be desirable, especially understory trees that would not impede visibility.

• It should be confirmed whether or not this proposal is exempt from the Forest Conservation Regulations. If not, then it is recommended that the site plan not receive final approval until
after the FCP has been approved, and that the site plan not be recorded until after the FRA deed restrictions have been recorded.

- Consideration should be given to having the landscape plan vegetatively screen adjacent residential parcels.

- It should be confirmed whether or not the Town’s Zoning Ordinance and Subdivision Regulations require site plans to include the zoning classifications of adjacent parcels.

- It should be confirmed that the proposed signage is consistent with the requirements of the Town’s Zoning Ordinance.

- Consideration should be given to soliciting review and comment by the Perryville Fire Department.

- It should be confirmed whether or not the Town’s Zoning Ordinance and Subdivision Regulations require construction details to be included on site plans.

- It should be confirmed whether or not the Town’s Zoning Ordinance and Subdivision Regulations require soils information be included on site plans.

- It should be confirmed whether or not the Town’s Zoning Ordinance and Subdivision Regulations require site plans to include information on water sources and sewage disposal.

- How is traffic proposed to be prevented from using the unlabeled Turnpike Drive?

- Is this project achievable, absent the proposed zoning change cited in Note # 8? Ms. Skilling said Phase 1 would not be achievable.

- It is recommended that documentation of any agreement for pedestrian or vehicular access across the utility easement be provided to the Town prior to final site plan approval.

Mr. Crow addressed some comments given by Mr. Di Giacomo.

2. Lands of Renee Luther, Lot 5, Rock Run Road, Preliminary / Final Plat, McCrone, Inc., Seventh Election District.

Don Sutton, McCrone, Inc., appeared and presented an overview of the project.

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

The plan for the proposed development on Lot 5 is considered technically complete conditioned on the final plat containing a note describing the required clearing & site work required for the driveway location selected. Other than that only administrative issues remain outstanding. The Department will not sign the final plat until the plat note and the administrative issues have been addressed to the satisfaction of the Department. Submit a record plat check print for review prior to submitting the plat for signature.
Mr. Meaders, FA, had no comments.

Mrs. West, CCPS, had no comments.

Mr. von Staden, DEH, read the comments of the department: A Groundwater Appropriation Permit Exemption must be filed for the proposed well plus each existing well on the parcel.

Plat is satisfactory.

Mr. Davis, SHA, had no comments.

Mr. Di Giacomo stated that a GAP exemption will need to be filed with MDE. An application was provided to the applicant.

Mr. Di Giacomo provided the applicant with soil maps and reports from CCSCS.

Mr. Di Giacomo stated that Delmarva Power had no comments.

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 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 & NAR

Density: Parcel 9 consists of both SR and NAR land. Proposed Lot 5 would be in the SR-zoned portion, and the plats’ cited density must reflect the reality of the dual zones for Parcel 9 (§4.1.22 (o)). The SR zone permits a density of 1 du/1 acre without community facilities. This Preliminary-Final Plat proposes one (1) lot on 2.056 acres, for a proposed SR density of 1/2.056, and would have no effect on the NAR density of the remaining lands.

Note # 9 indicates that a boundary line survey has been completed. If not, then a boundary line survey must be done in conjunction with the preparation of the Preliminary Plat for density calculation purposes.

§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.

A MALPF District Agreement was established for this parcel on 8/5/96. What steps have been taken to disencumber at least this portion of the parcel? Mr. Sutton said he would check on it.

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

No common open space is required for only one lot.

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

Sidewalks are not recommended in this case.

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

A 50’ BRL is proposed from Rock Run Road, yet the adjacent Minor Subdivision # 3761 was approved with a 100’ BRL. Why? Mr. Sutton said he does not know why the minor sub was shown with a 100’ BRL. Mr. Sutton said the minor sub’s BRL was a mistake.

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

No street trees are required, as there are no proposed internal roads. 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 FSD, PFCP, and FCP/Landscape Plan must be approved prior to Planning Commission review of the Final Plat (§6.3.B(1)(a), Cecil County Forest Conservation Regulations). None has yet been submitted.

A Landscape Agreement must be executed prior to recordation.

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

The contiguous operating farms notice has been provided 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.

However, the Planning Commission cannot approve this Preliminary-Final Plat until such time as the requirements of the MALPF Board of Trustees regarding the proposed subdivision have been satisfied.

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The May TAC meeting adjourned at 9:55 a.m.

Respectfully submitted,

Jennifer Bakeoven
There was not a meeting of the Technical Advisory Committee in June 2009 due to a lack of agenda items.
CECIL COUNTY TECHNICAL ADVISORY COMMITTEE  
Wednesday July 1, 2009, 9:00 a.m.  
County Administration Building  
200 Chesapeake Blvd., Elkton, Maryland

Present:  Di Giacomo, Tony (CCP&Z), Woodhull, Mark (CCDPW), von Staden, Fred (DEH), Davis, Gary (SHA), Graham, Daniel (Citizen’s Representative), Bakeoven, Jennifer (CCP&Z).

Absent:  Cwiek, Philip (USCoE), Ouano, Jun (Delmarva Power), West, Janel (CCPS), Meaders, David (FA), Brown, Chris (CCSCS), Latham, Cindy (MDE).

1. North East Commons, Site Plan, Courtesy Review for the Town of North East, MD Rte. 272, Morris & Ritchie Associates, Inc., Fifth Election District.

Fred Sheckles, Clark Turner Companies, Amy DiPietro, Morris & Ritchie Associates, Inc., and Betsy Vennell, Town of North East, appeared and presented an overview of the project.

Mr. Woodhull, DPW, read the comments of the department:
1. The department’s comments are based on the fact that this property has or will be annexed into the town of North East and as such the Town will provide the water service to this site and as well as own and maintain the internal street. The CCDPW will review the SWM and sanitary sewer plans associated with all the development identified on this site plan as well as any/all offsite road improvements to Nazarene Camp Road, west of this site, and Rogers Road between MD 272 and US Route 40 deemed necessary by this Department.
2. The site plan should clearly identify the limits of the Town of North East road maintenance responsibilities.
3. Nazarene Camp Road with an ADT of over 1700, with the CSX Bridge in use, meets the County’s Minor collector Road classification. 
4. Due to the major reconfiguration of County road as well as the expected traffic increases generated by this site the Department of Public Works will require a Traffic Impact study (TIS) be prepared and be submitted to the Department for approval. The TIS must address not only the increase in car traffic but also the increase in commercial vehicles required to service the site.
5. How do you intend to address traffic control at the proposed rerouted Nazarene Camp Road/ MD Route 272 intersection opposite Rogers Road? Mr. Sheckles said yes.
6. Why are you proposing the unnamed road located adjacent to Lots #3/4 be constructed? Mr. Sheckles said this entrance was warranted by Clark Tuner Companies hired traffic consultant. Is it an SHA requirement? The Department does not believe this is a good idea due to location of the intersection with MD 272. If required by SHA at this location the Department has concern about a raised road bed needed to cross the abandoned section of Nazarene Camp Road. Specifically about drainage issues in the area created between the proposed road and MD Route 272.
7. The Town’s water line will be affected by the additional cover required to elevate the road bed creating, at a minimum, an access issue. We recommend that the Town consider placing their water main in a sleeve where the proposed road crosses it. This will facilitate any future water main repairs needed in this area without requiring the interruption of traffic on the unnamed road.
8. Is this unnamed road intended to be a right in right out intersection? Full access discussion ensued.

9. The Department recommends that the Town deny direct access to Lots #1 & #2 from the rerouted Nazarene Camp Road between the traffic circle and MD Route 272 and to the unnamed road from Lots #3 & #4.

10. Where do you intend to bring tractor trailer traffic into and out of this site? The large box retail as well as the potential restaurant pad sites proposed will all be served at some point by large delivery vehicles and we see no accommodation for their operation. Section 3.07 of the Cecil County Road Code will apply to any access from the County portion of Nazarene Camp Road. Specifically Subsection 3.07 2) a) dealing with semi-trailer combinations serving commercial areas.

11. The Department has concerns regarding the two site access points on Nazarene Camp Road west of Leslie Road. No acceleration/deceleration lanes are indicated. The intersection plan(s) for this site must clearly address the requirements of Section 3.07 of the Cecil County Road Code. Any/all acceleration/deceleration lanes and bypass lanes (if warranted) need to be identified on the final plat presented to the Town of North East or the Department will not approve the final SWM, sewer & offsite road plans for this site.

12. The same holds true for the inclusion on the final plat of a narrative or visual description of the extent and limits of any work deemed necessary to Nazarene Camp Road west of Leslie Road from MD 272 to US 40 to offset impacts generated by this development.

13. Where will access be provided for the Delmarva Power & Light Company parcel? Mr. Scheckles explained where Delmarva would gain access.

14. A PWA will be required for all road work required within County ROW and any/all offsite road improvement required for this project. They must be executed prior to the CCDPW approving the final plans.

15. The Applicant must be aware that if the SWM and E&S plans for this project are not approved (i.e. signed by CCDPW) by May 4th 2010 the new Ordinance will apply and the SWM plan must be re-designed to meet its requirements.

16. If stormwater discharge is directed off of the site on to adjacent property it is the responsibility of the Developer to obtain, if appropriate, easements from the affected property owners per Sections 251-13 and 251-15.D of the Cecil County SWM Ordinance. In particular where do you intend to discharge runoff from SWM Facility #4? Will all runoff from Lot 7 be directed to SWM #4?

17. We request that the Town of North East have the water distribution system designed to meet or exceed County standards and that the serving fire company review the plans specifically for number and location of fire hydrants/standpipes. The Department asks that the Town hold final approval of this site plan until the CCDPW has approved & signed the SWM, sewer and road plans including any/all offsite road improvement plans associated with this site. Mr. Woodhull added that the DPW will have a new Water and Sewer code by the time that this design moves along.

18. An Inspection & Maintenance Agreement with associated financial surety will be required for this project and must be executed prior to the CCDPW approving the final SWM plan.

19. How do you propose to route sewer service to the various pad sites within this development? If County sewer is routed through Town of North East ROW an easement will be required. Any sewer lines run outside of either County or Town ROW will be considered as private (i.e. line run on Lots 1-7 to each pad site). Mr. Scheckles said they are looking into their various options. DPW will work with the client and their consultant to provide modeling that they can use to determine any offsite improvements that are necessary.
20. Public Works agreements with associated financial surety will be required for the sanitary sewer and must be executed prior to the CCDPW approving the final plans.

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:

21.1 The Final Plat Lot Grading, Sidewalk Maintenance, and Lot Grading Plan Construction Limits Notes.
21.3 Requirements for Utility relocations.
21.4 Requirements for Public Works Agreements.
21.5 Requirements for Stormwater Inspection and Maintenance Agreements.
21.6 Requirements for Final Plat - Public Sewer Allocation.

Notes and requirements identified for record:

1. The Final Plat must include the standard lot grading note and the note indicating that sidewalk maintenance will be required of the adjacent property owner (if sidewalks are required). The Lot Grading Plan must include the standard construction limits note.
   a. Final Plat: “A lot grading plan has been approved by the CCDPW for the construction shown hereon. A site construction as built shall be submitted to the CCDPW prior to use and/or occupancy of any of the sites shown hereon. Any change to the Forest Retention, Forestation, and/or Reforestation will require a consistency review, of the SWM approval, with CCDPW.”
   b. Final Plat: “Sidewalk maintenance will be required of the adjacent property owner, as required by the Cecil County Road Code.”
   c. Grading Plan: “No clearing or grading is permitted beyond the limits of disturbance shown hereon. Any expanded clearing and/or grading in the absence of an approved revised lot grading plan may be considered non-compliance with Chapter 251 of the Cecil County Code and either or both the developer and/or Builder may be subject to the enforcement of the penalty provisions therein.”

2. The downstream conveyance of storm water must be analyzed in accordance with Section 251-9 A. (5) of the county’s SWM Ordinance. If stormwater discharge is directed off of the site on to adjacent property it is the responsibility of the Developer to obtain appropriate easements from the affected property owners per Sections 251-13 and 251-15.D. of the Cecil County SWM Ordinance.
3. Where determined necessary by the utility companies, the owner, the designer, or DPW, utility poles must be relocated at the Developer’s expense.
4. A Public Works Agreement is required for the streets & storm drainage, and public sewer system constructions.
5. An Inspection & Maintenance Agreement is required for the private SWM facilities.
6. Developer must request and obtain a public sewer allocation from the Department of Public Works before submitting a final plat to the Cecil County Planning Commission for approval.

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

Mr. von Staden, DEH, read the comments of the department:
Water and sewer allocations required prior to site plan or building permit approval.

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

1. Public water and sewerage will be available to all lots offered for sale (by 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’s signature block).

Any facility selling or preparing food must have food plans approved prior to building permit approval.

Mr. von Staden asked if the applicant if this site is also going to be developed as a subdivision. Mr. Sheckles said they may make this a subdivision.
Mr. Davis, SHA, read the comments of the department. See file.

Mr. Di Giacomo provided the applicant with a copy of the comments from the North East Fire Company.

Mr. Di Giacomo, read the comments from MDE. They are as follows:
If public water is available, a water appropriation & use permit will not be required for final plat.

Ms. Vennell commented as to what the town is expecting from the applicant and the county review.

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 the proposed uses in the proposed Highway Commercial zone.

- Current consistency with other pertinent codes and regulations is assumed.

- It should be confirmed that all proposed building and canopy setbacks and building heights are consistent with the Town’s Zoning Ordinance and Subdivision Regulations.

- It should be confirmed that the number of proposed parking spaces falls within the minimum and maximum number allowed.

- It should be confirmed that the number of proposed ADA spaces minimum requirements.

- It is recommended that the site plan not be approved until after an internal traffic circulation study has been completed. How this design would accommodate truck deliver’s, especially those with 53’ trailers, is not readily obvious.

- It is further recommended that the internal traffic circulation study include a detailed vehicular/pedestrian circulation component for the parking areas. Potential pedestrian-vehicle safety conflicts should be identified, with MUTCD signage, other traffic control devices, and striping being considered.

- It is recommended that portion of the proposed Nazarene Camp Road bounded by this project be a Town road.

- It is recommended that road names be approved prior to site plan approval for the thoroughfare leading out to MD 272, between Pads 3 and 4, and the one leading to the possible future connection.

- It is recommended that any documentation of AT&T’s acceptance of the crossing of their right-of-way be submitted prior to site plan approval.
• The entrance to the east of Lot # 7 is not offset from Leslie Road by at least 125’ as required is in §7.2.12.E.5.

• The entrance to the east of Lot # 7 is not separated from the more westerly entrance just to the rear by at least 450’ as required in §7.2.12.E.4.

• It is recommended that sidewalks, and possibly bike lanes, be used along MD 272, Nazarene Camp Road, the unnamed thoroughfare leading out to MD 272, between Pads 3 and 4, and the one leading to the possible future connection to the south.

• Has a less angular right-in, right-out design been considered for the unnamed thoroughfare leading out to MD 272, between Pads 3 and 4? Mr. Sheckles said yes.

• How will trash be disposed of, and from where? It is recommended that any dumpster locations be clearly shown, and any resultant, potential traffic flow conflicts should be identified and corrected.

• Similarly, a detailed lighting plan should be reviewed and approved prior to final site plan approval.

• It is recommended that a Traffic Impact Study (TIS) be completed and its recommendations accepted or agreed to prior to final site plan approval.

• Would this design be compatible with a possible future widening of MD 272? Mr. Sheckles said yes.

• 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 determined whether the proposed landscaping meets the requirements of the Town’s Zoning Ordinance and Subdivision Regulations. It is recommended that the landscaping plan be approved prior to final site plan approval, and that it include adequate vegetative screening along the border with the adjacent Lakeside community.

• To enhance fire suppression flow, could dry hydrants be utilized in conjunction with the proposed SWM ponds? Mr. Sheckles said that will depend on the final design.

• It should be confirmed that any proposed change in signage is consistent with the requirements of the Town’s Zoning Ordinance for the Highway Commercial zone.

• It is strongly recommended that consideration should be given to soliciting review and comment by the North East Fire Company with respect to emergency access issues and fire hydrant and standpipe locations and accessibility.
• It is recommended that all fire hydrant and standpipe locations be clearly shown on the site plan. It is further recommended that no final approval be granted until after the North East Fire Company has reviewed and commented on a site plan containing that vital information.

• It is recommended that a 25’ buffer be maintained around all non-tidal wetlands and intermittent streams present. It is further recommended that permits be required from the (US Army) Corps of Engineers and MDE for all non-tidal wetland and stream impacts prior to final site plan approval. JD’s are required in conjunction with permitting. If required, then a JD is recommended to be done prior to final site plan approval.

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

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

• How would the Delmarva Power facility be accessed?

• It is recommended that this site plan not be approved until after it has been determined that the proposed Rogers Road relocation actually can and will be achieved.

• 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.

Mr. Woodhull added concerns about SWM. Discussion ensued.

The July TAC meeting adjourned at 9:55 a.m.

Respectfully submitted,

Jennifer Bakeoven
CECIL COUNTY TECHNICAL ADVISORY COMMITTEE
Wednesday August 5, 2009, 9:00 a.m.
County Administration Building
200 Chesapeake Blvd., Elkton, Maryland

Present:  Black, David (CCP&Z), Woodhull, Mark (CCDPW), von Staden, Fred (DEH), Brown, Chris (CCSCS), Bakeoven, Jennifer (CCP&Z).

Absent:  Cwiek, Philip (USCoE), Ouano, Jun (Delmarva Power), West, Janel (CCPS), Meaders, David (FA), Latham, Cindy (MDE), Davis, Gary (SHA), Graham, Daniel (Citizen’s Representative) and Di Giacomo, Tony (P&Z).

1. Cedar Corner, 81 Units, courtesy review for the Town of Perryville, Cedar Corner Road, Morris & Ritchie Associates, Inc., Seventh Election District.

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

Mr. von Staden, DEH, read the comments of the department:
Written verification of adequate water and sewer allocation must be submitted prior to final plat approval.

Final and Record Plats are required to have the following statements:
1. Public water and sewerage will be available to all lots offered for sale (by 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’s signature block).

Is there an existing well or septic system on the property? If so, the existing well and septic system must be located and properly abandoned and sealed prior to final plat approval. Any well must be abandoned and sealed by a licensed well driller. Any septic tank or seepage pit must be pulled by a licensed septic hauler and filled with earth.

The large stormwater management pond is shown less than 100’ from the approved sewage area on lot 1 of MS 3461. Is this a wet pond? Ms. Di Petro said they have not gone through the final engineering on it yet.

Mr. Woodhull, DPW, read the comments of the department:
1. The proposed development is located within the corporate limits of the Town of Perryville. The Town will own the water distribution and sanitary sewer systems in this development as well as all proposed internal streets. The CCDPW recommends that the water, sewer and street designs 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 offsite Road Improvements plan must be approved by the CCDPW prior to submittal for Final Plat Approval. We request that the Town not approve the final plat until the
CCDPW has approved the SWM plans as well any plans required for offsite road improvements to Cedar Corner Road.

3. How do you intend to address the SWM requirements for this site? Ms. DiPetro gave an overview of the SWM plans. Discussion ensued regarding MS 3461.

4. The Applicant must be aware that if the SWM and E&S plans for this project are not approved (i.e. signed) by May 4th 2010 the new Ordinance will apply and the SWM plan must be designed to meet its requirements.

5. Are you proposing to pipe the SWM pond discharge directly to Mill Creek?

6. It appears you are directing runoff on to Parcel 562. Are you draining to an existing defined conveyance such as a swale, ditch and/or stream? Do you have a conveyance easement from the owners of this parcel? Sections 251-9.A (5), 251-13, and 251-15.D. of the Cecil County Stormwater Management Ordinance must be complied with.

7. A sight distance submittal is required for the proposed access point on to Cedar Corner Road. Mark the center line location in the field to facilitate review of your submittal.

8. A Protocol Two Road Condition survey is required and must be submitted with a Road Improvements plan for Cedar Corner Road from the intersection with MD Route 40 to the end of County maintenance (approximately 0.28 miles).

9. The Department has serious concern about additional traffic flow through the CSX underpass on Cedar Corner Road. Therefore the Road Improvements plan must address traffic control at the CSX underpass. Discussion ensued regarding possible solutions for the CSX underpass concerns.

10. Provide a traffic count on Cedar Corner Road in order to determine its correct classification (i.e. Minor collector, Major Collector, etc…) Mr. Geraghty stated that he had the traffic counts. Mr. Woodhull asked that the applicant provide those counts to DPW.

11. In accordance with Section 3.07 the requirements for acceleration/deceleration lanes must be addressed. Their impacts on existing driveways must be taken into account.

12. While Section 3.07.15 of the Cecil County Road Code would nominally require road improvements 100’ either side of the POI of Cedar Corner Road & the proposed Highbrook Boulevard additional improvements may be required based on the Department’s review of the road survey and improvements plan submitted.

13. The offsite road plan must include the maintenance of traffic (MOT) plan for Cedar Corner Road.

14. Identify the 30’ wide strip of land along this site’s Cedar Corner Road frontage to be dedicated in fee simple to the BOCC. This must be so noted on the record plat.

15. The Applicant must obtain a permit from the Cecil County Department of Public Works Roads Division prior to starting any work on Cedar Corner Road.

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 and Lot Grading Plan Construction Limits Notes.
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.

Notes and requirements identified for record:

1. The Final Plat must include the standard lot grading note and the 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 here on. A site construction as built shall be submitted to the CCDPW prior to use and/or occupancy of any of the sites
shown here on. 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 here on. Any
expanded clearing and/or grading in the absence of an approved revised lot grading plan may be considered
non-compliance with Chapter 251 of the Cecil County Code and either or both the developer and/or Builder
may be subject to the enforcement of the penalty provisions therein.”

2. The downstream conveyance of storm water must be analyzed in accordance with Section 251-9 A. (5) of the county’s
SWM Ordinance. If stormwater discharge is directed off of the site on to adjacent property it is the responsibility of the
Developer to obtain appropriate easements from the affected property owners per Sections 251-13 and 251-15.D of the
Cecil County SWM Ordinance.

3. Section 3.07.15 of the Road Code requires that Cedar Corner Road be upgraded to a Minor Collector Road equivalency
for 100’ either side of the proposed entrance. The design engineer must address the requirement for minimum
acceleration, deceleration, and bypass lanes. Any right-of-way acquisition necessary shall be performed by the applicant
and at the applicant’s expense.

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

5. A Public Works Agreement is required for the work proposed on Cedar Corner Road.

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

Mr. Black read the comments of MDE, Fire Chief Representative, DES and SHA and provided a copy
of the comments to the applicant. See file.

The Office of Planning & Zoning did not receive any comments from the Citizen’s Representative,
Board of Education or Delmarva Power.

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

This development is proposed in the Town of Perryville. The Cecil County TAC, as a courtesy to
the towns in the County, reviews residential subdivisions and site plans proposed within the towns’
corporate limits.

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

• Why does the title block call this a “Preliminary Major Site Plan” rather than a “Preliminary
Major Subdivision”? Ms. DiPetro stated that it should read “Preliminary Major Subdivision”.

• It should be confirmed whether the Town’s Zoning Ordinance permits this proposed use in the
R-1 zone.

• It should be confirmed that the number of parking spaces provided conforms to the minimum
and maximum number specified by the Town’s Zoning Ordinance and Subdivision
Regulations.

• What is the proposed disposition of the existing structures on proposed Lots 8-10 and 67? Mr.
Geraghty said the structures will be removed prior to recordation.

• It should be confirmed that the setbacks, lot sizes, lot widths, and minimum road frontages
shown meet the requirements of the Town’s Zoning Ordinance and Subdivision Regulations.

• It should be confirmed that the proposed street and roundabout geometrics are consistent with
the Town’s Public Works Street Code.
• If the area of the roundabout is to be a pick-up/drop-off point for school busses, then: 1) it should be confirmed that the geometrics of the roundabout could actually accommodate school bus traffic, and 2) a bus shelter, possibly with a bike rack, should be given serious consideration.

• It is recommended that sidewalks and bike lane be considered along all interior streets and along Cedar Corner Road.

• The monumental entrance combined with the proposed 12’ emergency access drive off of Harvest Lane appears to provide reasonable emergency response access for this number of proposed lots.

• It is recommended that this design be submitted to the Perryville Fire Company for review and comment prior to final approval by the Perryville Planning Commission.

• Although a fire hydrant symbol is included in the Legend and the inserted schematic, the proposed fire hydrant locations are not readily discernable on the plat. It is recommended that final approval by the Perryville Planning Commission be deferred until after the Perryville Fire Company and the Department of Public works have reviewed and approved the proposed fire hydrant locations.

• It should be confirmed that the amount of common open space that is proposed meets the minimum requirements of the Town’s Zoning Ordinance and Subdivision Regulations.

• While centrally located common open space is laudable, proposing it in the center of the design’s central boulevard raises pedestrian-vehicle conflict safety concerns. Exactly how will ensuring the safety of those using the active common open space be addressed? Ms. Skilling said that would be addressed at the town level.

• Stub roads are shown to the adjacent Brown and Wein properties.

• Project phasing is planned, and Phase 1 includes the entrance road, roundabout, SWM facility and connectivity to the proposed 12’ emergency access drive. Since the 12’ emergency access drive is not on the development parcel, how can the Town be assured that that feature of the design can actually be achieved? Mr. Geraghty said that would be dedicated to the town.

• It is recommended that the Town, the County, and SHA are all in agreement as to the findings of the TIS and the exact scope of any road improvement requirements prior to final approval by the Perryville Planning Commission.

• Road names must be approved by DES (911 Emergency Center) prior to final approval by the Perryville Planning Commission. The names Katie Lane, Loring Avenue, and Young Avenue have been DISAPPROVED.

• All potential pedestrian-vehicle conflicts should be identified. MUTCD signage, other traffic control devices, and striping should be considered.
• It should be confirmed that the proposed landscaping depicted, including any bufferyards, meets the landscaping requirements of the Town’s Zoning Ordinance and Subdivision Regulations. Landscaping of the traffic island would be desirable, so long as it would not impede visibility and safety.

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

• It is recommended that in areas with community facilities, no street trees be planted within 20 feet of sewer laterals and cleanouts.

• FSD # 706 was approved on 7/15/09. The PFCP must be approved prior to the review of the Preliminary Plat. The FFCP must be approved prior to the review of the Final Plat. Deed Restrictions and the Landscaping Agreement must be recorded prior to recordation.

• Consideration should be given to having the landscape plan vegetatively screen adjacent residential parcels.

• It should be confirmed whether or not the Town’s Zoning Ordinance and Subdivision Regulations require site plans to include the zoning classifications of adjacent parcels.

• It should be confirmed that any proposed subdivision entrance signage is consistent with the requirements of the Town’s Zoning Ordinance.

• It is recommended that all areas of steep slopes be avoided.

• It is recommended that a 110’ buffer be observed adjacent to any perennial streams and a 25’ buffer, around any non-tidal wetlands.

• As SWM facilities can be attractive hazards, it is recommended that protective fencing be considered around the proposed SWM facility for safety’s sake.

• It is recommended that a note be place on the plat that ingress and egress to all lots shall be via the proposed Highbrook Boulevard intersection with Cedar Corner Road. What will become of the existing gravel road? Mr. Geraghty said the road will be removed.

• It is recommended that the final plat not be approved until after water allocation has been granted.

• Likewise, it is recommended that the final plat not be approved until after sewer allocation and capacity have been confirmed.

• It is recommended that, if required, then a JD be completed prior to recordation.

• It is recommended that the habitats of rare, threatened, and endangered species be avoided. No Natural Heritage letter was submitted as part of the FSD. This must be submitted with the PFCP.
• It is noted that any tree removal within a public right-of-way requires approval from the Maryland Department of Natural Resources.

• The relocation and reimbursement agreement between the property owner/developer and AT&T regarding the relocation of the existing AT&T easement and fiber optic line must be recorded prior to plat recordation. As was done for past projects involving similar relocations, the recorded documentation must include the final, signed agreement between the town parties, a legal description of the new easement location and a legal description of the easement being abandoned.

Mr. Woodhull added that before the applicants have any stormdrain running outside of the ROW, the department recommends to the town that easements be provided so the county can gain access and the property owners are aware of the easement.

The August TAC meeting adjourned at 9:47 a.m.

Respectfully submitted,

Jennifer Bakeoven
CECIL COUNTY TECHNICAL ADVISORY COMMITTEE  
Wednesday September 2, 2009, 9:00 a.m.  
County Administration Building  
200 Chesapeake Blvd., Elkton, Maryland

Present: Black, David (CCP&Z), Woodhull, Mark (CCDPW), von Staden, Fred (DEH), Brown, Chris (CCSCS), Graham, Daniel (Citizen’s Rep.), Latham, Cindy (MDE), Bakeoven, Jennifer (CCP&Z).

Absent: Cwiek, Philip (USCoE), Ouano, Jun (Delmarva Power), West, Janel (CCPS), Meaders, David (FA), Davis, Gary (SHA) and Di Giacomo, Tony (P&Z).


Bob Webb, Surveyor, and Ronald Guns, owner, appeared and presented an overview of the project.

Mr. Black stated that the Fire Chief’s Representative had no comments on this project and that SHA has no objection to approval of this project.

Mr. Woodhull, DPW, read the comments of the department:
1. No SWM plan submittal has been received to date. Therefore, the Department will and can only recommend approval of the preliminary plat for this project. The SWM plan and a Mass & Final Grading plan must be approved by the CCDPW prior to submittal for Final Plat Approval.
2. The final plat when submitted must contain the standard “Lot Grading” note or the Department will not recommend its approval (“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.”). See our comments from the December 2006 & 2008 Planning commission meetings.
3. Sight distance measurements submitted for this project were approved on March 10, 2009.

Mr. von Staden, DEH, read the comments of the department:
A Groundwater Appropriation Permit Exemption has been filed with Maryland Department of the Environment. Verify with Planning & Zoning that wells are allowed in buffered yard “c”

Ms. Latham, MDE, stated that an exemption was approved in August 2009. The department requests that the wells be moved further apart if possible. Mr. von Staden said they will not be able to move the wells any further apart.

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

Mr. Graham, Citizen’s Representative, had no comments.
Discussion ensued regarding the sight distance note on the plat.

Mr. Black, 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: RR

The ‘Present Zoning’ Note is at odds with County records, which reflect the 1/26/07 rezoning to RR.

Density: The Concept Plat\(^2\) proposing 2 lots plus remaining lands on 9.5543 acres (which should have been stated as 11.4432 acres) for a bonus density of 1/3.18 (or 1/3.81, based upon 11.4432 acres), 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 front setback modification being granted;
4) The Area Tabulation being clarified prior to the TAC’s review of the Preliminary Plat; and
5) The remaining lands being given a lots number, to serve as the large lot, prior to the TAC’s review of the Preliminary Plat.

At that time, per §4.0.9, Concept Plat approvals remained valid for two years. Therefore, an extension was granted on 12/15/08, to expire on 12/21/09.

Parcel 557 was added to Parcel 144 through the approval of Minor Sub. 1742. Therefore, the total acreage of parcels 144 and 557 were included for density calculation purposes. In addition, the acreage of Parcel 415 was included, although the plat’s graphic add-on arrow is confusing.

After subtracting the 0.6632 acres for the add-on to Parcel 635, subtracting the 0.2292 acres for the add-on to Parcel 636, and subtracting the 0.1769 acres for the add-on to Parcel 613 from Parcel 144’s 9.6687 acres, Parcel 557’s 0.6050 acres, and Parcel 415’s 1.6442 acres, one is left with a total of 10.8486 acres, which, while different from the Concept Plat’s cited acreages, does preserve bonus density approval.

However, the ‘Total Area of Site’ acreage of 14.4646 acres does not compute under the area tabulation for the total aggregate 1.0693 acres for the add-ons to Parcels 144, 613, and 636. In addition, the cited, bottom-line Parcel 415 acreage of 8.1045 suggests a proposed density of the 1/3 that is permitted. The plat should make clear the 10.8486 acres is the figure upon which the density calculation must be made. Thus, the fourth condition of Concept Plat approval has not been satisfied. The applicant is cautioned that any NAR acreage proposed to be added now to Parcel 144, that was not part of the 1/26/07 rezoning and not part of the 12/21/06 Concept Plat approval, would jeopardize the bonus density approval.

§4.1.22 (r) requires that the proposed density be stated in the area table.

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\(^1\) At the time of Concept Plat approval, the site was zoned NAR and RR, but rezoned to all RR on 1/26/07.

\(^2\) Parcel 144 has exhausted minor subdivision eligibility through the creation of parcels 558, 613, 635 & 636. The remaining lands must be given a lot number, so that they can serve as the large lot – which, in this case consist of 33.5% of the total area.
If approved, the remaining lands must be given a lot number, so that they can serve as the large lot—which, in this case consist of 68% (was 83.5%) of the total area. In this case, Parcel 144 has neither been labeled as remaining lands nor given a lot number. Therefore, the fifth condition of Concept plat approval has not been met.

Does the completed boundary line survey account for acreage changes since the Concept Plat review? Mr. Webb 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. Slopes greater than 25% have been shown.

The required 110’ perennial stream buffer has been shown on the plat; however, it has been mislabeled as a “110’ non-tidal stream buffer.” That must be corrected prior to Planning Commission review.

A 25’ buffer is required around all non-tidal wetlands and intermittent streams present. Permits are required from the (US Army) Corps of Engineers and MDE for all non-tidal wetland and stream impacts prior to recordation. 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. Therefore, the second condition of Concept Plat approval has been rendered moot.

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

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

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

Bufferyard Standard C is required, outside the right-of-way, along the road frontages of Tony’s Road (see ‘bufferyard plant spacing detail’ insert).

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.

The project is proposing the creation of two lots for children of the owner and is invoking exemption 3.2K of the Cecil County Forest Conservation Regulations. Accordingly, an FSD, PFCP and FCP will not be required.

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

A Landscape Agreement must be executed prior to recordation.

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

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

Should, for any reason, either the Health Department or DPW not recommend approval of the Preliminary-Final Plat, staff would support consideration as a Preliminary Plat, only.

RECOMMENDATION:

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Mr. Webb asked if it would be necessary to return to TAC for Final Plat review once the department receives the SWM plan. Mr. Black said they would not have to return to TAC for Final Plat review. Today’s review represents the review for the Preliminary Plat.

The September TAC meeting adjourned at 9:21 a.m.

Respectfully submitted,

Jennifer Bakeoven
CECIL COUNTY TECHNICAL ADVISORY COMMITTEE  
Wednesday October 7, 2009, 9:00 a.m.  
County Administration Building  
200 Chesapeake Blvd., Elkton, Maryland  

Present:   Di Giacomo, Tony (CCP&Z), Woodhull, Mark (CCDPW), Harmon, Lloyd (DEH), Brown, Chris (CCSCS), West, Janel (CCPS), Bakeoven, Jennifer (CCP&Z).  

Absent:  Cwiek, Philip (USCoE), Ouano, Jun (Delmarva Power), West, Janel (CCPS), Meaders, David (FA), Davis, Gary (SHA), Graham, Daniel (Citizen’s Rep.) and  Latham, Cindy (MDE),  


Will Whiteman, Surveyor and Ron Carpenter, Carpenter Engineering, appeared and presented an overview of the project.  

Mr. Woodhull, DPW, read the comments of the department:  
In conformance with Section 4.1.22 (m) & (p) preliminary plat submittals must identify pavement width and slope for the proposed road and also show proposed storm water conveyance. The plat presented here does not contain this level of detail and the Department cannot recommend approval to the Planning Commission. We will however provide you with the following comments:  
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 SWM plan must include a downstream analysis addressing the impact of storm water runoff on the cross culvert conveying the perennial stream under Spears Hill Road.  
3. Adequate sight distance measurements are obtainable therefore the Department has approved the proposed Spears Hill Road access location.  
4. 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.  
5. Preliminary plat submittals must identify pavement width and slope for the proposed road and also show proposed stormwater conveyance. The plat presented here does not contain this level of detail. The preliminary plat presented to the Planning Commission must identify this level of detail or the Department will not recommend approval. See the preliminary plat for Lots 6-18 approved on 11/17/08.  
6. 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.
7. The acceleration/deceleration lanes are not correct. Each lane consists of 100’ long by 10’ wide pavement. The 100’ is divided into a 50’ long transition lane with a 5/1 taper stripe and the remaining 50’ long speed change lane. The 100’ length is measured from the PC of the entrance curve.

8. The utility pole located just north of the proposed entrance must be relocated away from the edge of the proposed deceleration lane. The pole must be a minimum of 2 feet beyond the back of curbing for the lane.

9. The internal street grade leaving Spears Hill Road may not exceed 5% within the limits of the intersection right-of-way and the maximum grade break (algebraic difference) at the intersection is 6%.

10. The preliminary plat for Lots 6-18, approved on 11/17/08, indicated that storm water conveyance to the proposed SWM pond was to be provided in part by roadside drainage ditches. As such, driveway pipes were proposed. This included Lots 2-5 & 19. These pipes must be analyzed & sized, at the time of road & storm drain design, to provide adequate drainage to the SWM facility. The preliminary plat presented to the Planning Commission must identify the driveway locations and any driveway pipes necessary or the Department will not recommend approval.

11. The proposed street trees must be located outside the ROW.

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 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 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. Brown, SCS, provided the applicant with soil maps and reports.
Mrs. West CCPS, had no comment.

Mr. Harmon, DEH, read the comments of the department:
A Groundwater Appropriation Permit Exemption must be requested from Maryland Department of the Environment prior to final plat approval.

A written request for a well variance is required for lots 3, 4, 5 and 19.

The existing well in the proposed Open Space must be abandoned and sealed by a licensed well driller prior to record plat approval.

The existing septic tank in the Open Space must be pumped and filled with earth prior to record plat approval.

Adjust proposed well on lot 1 to avoid existing septic system.

Mr. Di Giacomo stated that Delmarva, SHA and the Fire Chief Associate had no comment. Also, no comments were received by Daniel Graham, Citizen’s Representative.

Mr. Di Giacomo stated that Mrs. Latham, MDE was unable to attend but her comments will be forwarded to the applicant once the Office of Planning and Zoning receives them.

Mr. Woodhull reminded the applicant of the deadline for the new SWM Ordinance.

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\(^2\), 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

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\(^1\) 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.
6) An amendment to the Brickhouse Farm Estates TIS being completed prior to the TAC’s review of the Preliminary Plat.³

The Phase 1 Preliminary Plat was approved on 11/17/08, conditioned on:

1) Health Department requirements being met;
2) DPW requirements being met;
3) A note appearing on the Final Plat to the effect that Parcels 618, 619, and 620 in Tax Map 38 shall be activated as building lots only via the major subdivision process;
4) The FCP/Landscape Plan being approved prior to submission of the Final Plat;
5) Deed restrictions for the long-term protection of the street trees & Forest Retention/Afforestation Areas (FRAs) being recorded & noted on the plat prior to recordation, with the metes & bounds description of the FRA being shown on the Final and Record Plats;
6) The Final Plat’s depicting and clearly labeling the 10’ street tree planting easement outside the right-of-way; and
7) All common open space shown or referenced on the Final Plat being clearly labeled and referenced as such.

Per Note #6, the boundary line survey has been completed.

This Phase 2 Preliminary Plat for proposed Lots 1-5 & 19 is generally consistent with the approved Concept & Preliminary Plats, & the 9/3/08 Preliminary Plat reviewed by the TAC. The locations and sizes of proposed Lots 2, 3 & 4 has changed.

Proposed Lots 1 & 19 are in the same locations, but have been reduced in size.

The aggregate total acreage of lots 1-5 & 19 on the Phase 1 plat was 4.899 ac., and is 4.842 ac. on this Phase 2 plat. If that difference, 0.057 ac., and the 0.165 that was unnecessarily subtracted from the C.O.S. total on the Phase 1 plat are added to the 30.723 C.O.S. acres cited on the Phase 1 plat, the sum total is 30.940 ac., not the 31.660 cited on this plat. The inconsistencies have been resolved.

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

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

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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.”
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 third condition of Concept Plat approval has been rendered moot.

No rare, threatened, or endangered species exist on site.

At least 15% common open space is required; 60.8% was proposed. As was a condition of the Phase 1 Preliminary Plat approval, all ‘common open space’ must be consistently labeled and referenced as such. As this project was approved at bonus density, with no large lot, this requirement is not pedantic.

No common open space was proposed as part of Phase 1.

§4.1.22 (r) requires a tabular accounting of the acreage, and it is situated on this plat just above the surveyor’s seal. Additional accounting is provided in the Acreage Tabulation column, which suggests that common open space is not part of Phase 2, either.

It is strongly recommended that the common open space acreage be included in the §4.1.22 (r) table, so that the Planning Commission clearly understands that common open space has been accounted for as this project potentially moves forward to the Final Plat stage. In addition, it should be cited in the plat’s title block.

Because §176.2.a prohibits roads in common open space, the Shonert easement, 0.165 ac., and the private access easement, 0.152 ac., must be deducted from the C.O.S. total. If the total is 30.94 acres, then the remainder would be 30.623 acres.

30.623 acres represents only 59.2298% of the 51.702-acre total. Therefore, either an additional 0.3982 of additional C.O.S. must be proposed or the plat’s 31.660-ac. figure must be reconciled prior to Final Plat review.

Concerning Parcels 618, 619, and 620 on 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. No Bufferyard Standard C has been depicted.
Rows of street trees with 10' planting easements are required, outside the right-of-way, along both sides of all internal roads. They are neither noted nor graphically represented.

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 was approved on 9/29/08.

The FCP/Landscape Plan must be approved prior to submission of the Final Plat.

A Landscape Agreement must be executed prior to recordation.

The internal road name, Remmell Way, has been approved.

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

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

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

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.

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2. Lands of Thomas and Jane Garvin, Lot 2, New Bridge Road, Preliminary Plat, C. Robert Webb, Professional Land Surveyor, Eighth Election District.

Bob Webb, Surveyor and Ben Garvin, developer, appeared and presented an overview of the project.

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

1. A SWM plan must be approved by the Department prior to the final plat being recorded.

Mr. Brown, SCS, provided the applicant with soil maps and reports.
Mrs. West, CCPS, had no comment.

Mr. Harmon, DEH, read the comments of the department:
A Groundwater Appropriation Permit exemption has been filed with the Maryland Department of the Environment.

Show pumping details to allow excess to upper sewage area. Show 2009 soil designations.

Mr. Di Giacomo stated that SHA, Delmarva and the Fire Chief’s Association had no comments. Also, no comments were received by Daniel Graham, Citizen’s Representative.

Mr. Di Giacomo stated that once comments are received by MDE, they will be forwarded to the applicant.

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 (& RR)
Density: The NAR zone permits a maximum base density of 1 du/ 10 ac.

The Lot 1 for the Lands of Garvin was approved on 8/16/04, conditioned on:

1) Health Department requirements being met;
2) DPW requirements being met; and
3) The Landscape Agreement being executed prior to recordation.

The Lot 2 Concept Plat, proposing the new Lot 2, plus the dwelling on the remaining lands, on an estimated 46.1947 acres, for a proposed density of 1/15.398 was approved on 4/20/09, conditioned on:

1) No Bufferyard A, no §187.2 bufferyard, and no street trees being required; and
2) A 30’ wide road right-of-way strip being shown, dedicated to the Board of County Commissioners, consistent with Minor Subdivision #1351.

This Preliminary Plat is generally consistent with the approved Concept Plat. The new acreage figure of 45.0591 acres yields a revised density of 1/15.0197.

Lot 2 is proposed to consist of 1.2073 acres.

The creation of any additional lots in the future shall require a boundary line survey for the entirety of Parcel 21.
This proposal affects not only Parcel 21, belonging to the Garvin’s, but Parcel 176, belonging to the Ross’s. A right-of-way easement to the proposed Lot 2 is shown across Parcels 21 and 176, and the proposed Lot 2 and Parcel 176 would share the existing entrance onto New Bridge Road.

A road frontage Variance was granted on 4/29/08, file # 3391.

A 30’ wide road right-of-way strip has been shown, dedicated to the Board of County Commissioners, consistent with Minor Subdivision #1351.

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.7

Slopes greater than 15% have been shown.

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

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

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

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

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

This proposal is exempt, per §3.2K.

Any Landscape Plan must be approved prior to Final Plat review (§6.3.B(1)(a), Forest Cons. Regs.).

Any Landscape Agreement must be executed prior to recordation.

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7 The Cecil County Subdivision Regulations define steep slopes as “15 percent or greater incline.” The Cecil County Zoning Ordinance defines steep slopes as consisting of a grade of 25% or more covering a contiguous area of 10,000 ft² or more. The Cecil County Forest Conservation Regulations define steep slopes as “areas with slopes greater than 25 percent slope.”
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 & bounds description of the FRA being shown on the Final & Record Plats.

Legal arrangements (e.g., a PRMA) for maintenance of the shared entrance must be established 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.

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3. Lands of Helena duPont Wright, 1 Lot, Middle Neck Road, Concept Plat, Michael Scott, Inc., Second Election District.

Michael Scott, Surveyor, appeared and presented an overview of the project.

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

1. A SWM plan must be approved by the Department prior to the final plat being recorded. The standard lot grading note will need to be on the plat.
2. Provide sight distance measurements for the proposed access point onto Middle Neck Road. The sight distance submittal must be approved by the Department of Public Works prior to presenting the preliminary plat for review by the Technical Advisory Committee. Mark the proposed driveway access location in the field prior to making the sight distance submittal.

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

Mrs. West, CCPS, had no comment.

Mr. Harmon, DEH, read the comments of the department:

A Groundwater Appropriation Permit Exemption must be requested from Maryland Department of the Environment prior to final plat approval.

Proposed well must be at least 50’ from designated sewage area.

Show 2009 soil designations.

Mr. Di Giacomo stated that SHA had no comment. Also, no comments were received by Daniel Graham, Citizen’s Representative.

Delmarva Power stated that this project would be supplied by Choptank.
The Cecilton Fire Company provided the following comment:

- If the drive is lined with trees, they must have a 20 foot clearance in height so fire units can gain access.

Mr. Di Giacomo stated that once comments are received by MDE, they will be forwarded to the applicant.

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 SAR zone permits a maximum base density of 1 du/20 ac. This Concept Plat proposes 1 lot on 103.079 acres, for a proposed density of 1/103.79.

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

§4.0.1 of the Subdivision Regulations allows for the elimination of a Concept Plat only for projects with fewer than 10 lots and 25 acres. §2.0 of the Subdivision Regulations allows for a combined Preliminary-Final Plat if there are from 1 to 5 lots.

The RCA zone also permits a density of 1/20 (90.320 acres are cited). The proposed Critical Area density is 1/90.32. The RCA’s 15% lot coverage threshold applies.

An environmental assessment is required prior to TAC review of the Preliminary-Final Plat. All perennial and intermittent streams, areas of steep slopes, any habitat protection areas, and tidal and non-tidal wetlands must be shown in the Critical Area portion of the plat prior to Planning Commission review. FIDS habitat must be avoided in the Critical Area.

No development is permitted in the tidal wetlands and tidal waters buffers, including septic systems, impervious surfaces, parking areas, roads, or structures, as noted in Note #15.

A Critical Area buffer, and expansions thereof, have been shown. However, the Buffer in the RCA is a minimum of 200’, not 110’. Therefore, the proposed dwelling and septic locations must be relocated outside the 200’ Buffer.

CBCAC comments relating to this project were received on 10/2/09. A copy is being provided to the applicant.

Per §200.6.b (2), 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 (§200.6.a).
In the critical area, no structure shall exceed 35’ in height.

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-Final 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 (If an intermittent stream is located in the Critical Area and is tidal, it would require a 200’ buffer). 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.

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

No common open space is required for fewer than 10 lots, and no landscaping of the development envelope is required in the SAR zone.

Bufferyard Standard C is required, outside the right-of-way, along the road frontage of Middle Neck Road. Staff would support a request for modification.

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.

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

The Forest Stand Delineation (FSD) and a Conceptual Environmental Assessment must be approved prior to Planning Commission review of the Concept Plat (§5.1.C, Cecil County Forest Conservation Regulations).

The FFCP, Landscape Plan and EA must be approved prior to Planning Commission review of the Preliminary-Final Plat (§6.3.B(1)(a), Forest Conservation Regulations).

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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.”
A Landscape Agreement if any 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 MALPF easement exists on this property. On 11/25/08, the MALPF Board of Trustees granted an exclusion for an owner’s lot, with the agreement that “it would not be subdivided from the surrounding land.”

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:

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Discussion ensued regarding the 110’ Critical Area buffer.

4. Smith Creek II, Lots 5, 6 & 7, Welders Lane, Preliminary Plat, Michael Scott, Inc., First Election District.

Michael Scott, Surveyor, appeared and presented an overview of the project.

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

In conformance with Section 4.1.22 (m) & (p) preliminary plat submittals must identify pavement width and slope for the proposed road and also show proposed storm water conveyance. The plat presented here does not contain this level of detail and the Department cannot recommend approval to the Planning Commission. The preliminary plat presented and approved at the December 15, 2008 Planning Commission meeting contained all this information. Why is this plat different?

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. What is the status of the design plans? Mr. Scott said DMS is working on the design plans. We’ve had no response to our last comments when we sent the plans back as incomplete on November 19, 2008.

2. As the Department stated at the June 6, and December 3, 2008 TAC meetings and, preliminary plat submittals must identify pavement width and slope for the proposed road and also show proposed storm water conveyance. The plat presented here does not contain this level of detail and the Department does 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.

4. Where are the storm water drainage easements identified on the preliminary plat you presented and had approved at the December 15, 2008 Planning Commission meeting? That approved plat identified a storm water drainage easement on Lot 2 that provided for conveyance from the proposed cul-de-sac to the Lot 5 property line but not beyond. The easement must be continued across Lot 5 until it reaches an existing stream, swale or other defined conveyance. All storm water conveyance easements must be identified on the preliminary plat presented to the Planning Commission for review or the Department will not recommend approval.

5. If the storm water management plan involves the redirection of some or all the storm water runoff of the site or concentrates the release of storm water 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 and what impact does this have on the proposed Lot 1?

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 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 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. Brown, SCS, provided the applicant with soil maps and reports.

Mrs. West, CCPS, had no comment.
Mr. Harmon, DEH, read the comments of the department:
A Groundwater Appropriation Permit Exemption must be requested from Maryland Department of
the Environment prior to final plat approval.

Show 2009 soil designations.

Delmarva Power stated that this project would be supplied by Choptank.

Mr. Di Giacomo stated that SHA and the Fire Chief’s Association had no comments. Also, no
comments were received by Daniel Graham, Citizen’s Representative.

Mr. Di Giacomo stated that once comments are received by MDE, they will be forwarded to the
applicant.

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,\(^9\) proposing 8 lots, a reconfigured Lot 4, and the inclusion of Lot 5\(^10\) in the
density calculation, on approximately 149.291 acres, for a density of 1:16.59,\(^11\) 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
8) Misspellings being corrected on all future submissions.

The Preliminary Plat for proposed Lots 1-4 only, was approved on 12/15/08, conditioned on:

1) Health Department requirements beings met;
2) DPW requirements being met;
3) All Critical Area details being clearly and fully provided on subsequent submittals;
4) All Critical Area Commission comments being fully addressed on subsequent submittals;
5) The street tree planting easement’s being depicted on the Final Plat;
6) The FCP/Landscape Plan being approved prior to the submission of the Final Plat;

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\(^9\) 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.

\(^10\) 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.”

\(^11\) SAR zone then permitted a base density of 1/8. Today, both it and the RCA overlay zone permit a density of 1 du/20 ac.
7) The issue of the proposed access easement across proposed Lot 1 being revisited prior to the submission of the Final Plat;
8) The Smith Creek Lane acreage being added to Note # 4 to meet the §4.1.22 (r) requirement prior to the submission of the Final Plat;
9) Deed Parcel lines being shown on all subsequent submittals; and
10) The SAR total acreage being corrected on all subsequent submittals.

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

It is recommended that these lots be designated Section 2, or Phase 2. The title block should include the proposed lot numbers.

For the previous Preliminary Plat, the acreage and layout had changed and a resubdivision had 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.

What is the proposed disposition of the shed, with access from the adjacent lot, on proposed Lot 5?

Mr. Scott said he believes the owner would like to have the shed remain on the lot.

Did the shed on proposed Lot 5, with access from the adjacent lot, figure into the calculations in Note #12? Mr. Scott said he would have to check on that. If not, then lot coverage must be recalculated.

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.

Note # 4 indicates that there are 133.791 acres in this section, 104.312 in the Critical Area. The cited SAR density of 1/44.60 is only for this section. The RCA density is 1/34.77.

The boundary line survey has been completed. The Critical Area boundary and old 110’ Buffer have been shown. The new RCA Buffer is 200’.

The Smith Creek Lane road name has been approved.

Slopes > 25% have been depicted. On slopes between 15 and 25%, good engineering practices shall be used to ensure sediment and erosion control and slope stabilization before, during and after disturbance activities.

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

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12 So long as the lots are recorded prior to 7/1/10, they will be considered grandfathered with respect to the 110’ Buffer.
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.”
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 in the SAR zone.

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 – next Thursday.

The PFCP/Prelim. Environmental Assessment was conditionally approved on 11/19/08. The FRA shown is not consistent with the PFCP/PEA.

The final Forest Conservation Plan (FCP)/Landscape Plan/EA 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 RCA’s 15% lot coverage threshold applies; those percentages have been calculated and included in Note #12 on Sheet 1 of 4.

FIDS habitat must be avoided in the Critical Area.

No development is permitted in the tidal wetlands and tidal waters buffers, including septic systems, impervious surfaces, parking areas, roads, or structures, as noted in an unnumbered note.

A Critical Area 110’ buffer, and expansions thereof, have been shown. However, the new Buffer in the RCA is a minimum of 200’, not 110’.

CBCAC comments relating to this project were received on 10/5/09. A copy is being provided to the applicant.

Per §200.6.b(2), 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 (§200.6.a).

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

A 200’ 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.

The plat does not show how lots 5, 6, & 7 will be accessed. Specifically, how will lots 5, 6 and 7 be accessed?

Without that information, how can the lot coverage calculations be made, or verified?
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.

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<td>% Utilization</td>
<td>94%</td>
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5. Smith Creek II, Lots 1-5, Welders Lane, Final Plat, Michael Scott, Inc., First Election District.

Michael Scott, Surveyor, appeared and presented an overview of the project.

Mr. Woodhull, DPW, read the comments of the department:
This is extremely premature for a final plat submittal. The SWM plan, Road & Storm Drain plan and the Mass and Final Grading plan approvals required prior to submittal for Final Plat Approval have not been granted. In fact the Department is waiting on response to our November 19, 2008 comments wherein the design plans were returned as incomplete. We have had no response since then from the Applicant and/or his Engineer. The Department cannot recommend approval of this final plat. We will however provide you with the following comments:

1. 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.

2. The stormwater drainage easement shown on Lot 2 appears to provide for conveyance from the proposed cul-de-sac to the Lot 5 property line but not beyond. The easement must be continued across Lot 5 until it reaches an existing stream, swale or other defined conveyance. This must be identified on the preliminary plat presented to the Planning Commission.

3. 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.

4. The legend on Sheet 2/5 must reflect the cross hatching used to identify the proposed perpetual right of way for the dwelling on Parcel 76, Lot 1.

5. The Department will require, at a minimum, a deeded right of access for the dwelling on Parcel 76, Lot 1 across the proposed Lot 1 of this subdivision. This terminology must be reflected in the note referencing this access on Sheet 2/5.

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 the Lot Grading Plan Construction Limits Note.
   6.3 Requirements for Utility relocations.
   6.4 Requirements for Stormwater Inspection and Maintenance Agreements.
   6.5 Requirements for Public Works Agreement.
   6.6 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.
c. Final Plat: “A lot grading plan has been approved by the CCDPW for the construction shown hereon. A site construction as built shall be submitted to the CCDPW prior to use and/or occupancy of any of the sites shown hereon. Any change to the Forest Retention, Forestation, and/or Reforestation will require a consistency review, of the SWM approval, with CCDPW.”

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

2. The downstream conveyance of storm water must be analyzed in accordance with Section 251-9 A. (5) of the county’s SWM Ordinance. If stormwater discharge is directed off of the site on to adjacent property it is the responsibility of the Developer to obtain appropriate easements from the affected property owners per Sections 251-13 and 251-15.D of the Cecil County SWM Ordinance.

3. 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. Brown, SCS, provided the applicant with soil maps and reports.

Mrs. West, CCPS, provided the applicant with the bus stop guidelines and asked that the cul-de-sac be large enough to support a school bus. Also, Lots 5, 6 & 7 will not be provided direct service. The children would have to go to the designated bus stop assigned by the CCPS Transportation Department.

Mr. Harmon, DEH, read the comments of the department:
A Groundwater Appropriation Permit Exemption must be requested from Maryland Department of the Environment prior to final plat approval (MDE indicates in December 2008 that the previous Groundwater Appropriation Permit was “closed”).

If you chose to show soils, use 2009 soil designations.

Plat is satisfactory.

Mr. Di Giacomo stated that SHA and the Fire Chiefs Association had no comments. Also, no comments were received by Daniel Graham, Citizen’s Representative. Mr. Di Giacomo referred back to the Cecilton Fire Company’s comments there were given to the Wright project earlier reviewed. Those comments may also pertain to this project.

Delmarva Power stated that this project will be supplied by Choptank.

Mr. Di Giacomo stated that once comments are received by MDE, they will be forwarded to the applicant.

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 & RCA (Critical Area)

Density: The Concept Plat,\(^{14}\) proposing 8 lots, a reconfigured Lot 4, and the inclusion of Lot 5\(^{15}\) in the density calculation, on approximately 149.291 acres, for a density of 1:16.59,\(^{16}\) 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
8) Misspellings being corrected on all future submissions.

The Preliminary Plat for proposed Lots 1-4 only, was approved on 12/15/08, conditioned on:

1) Health Department requirements being met;
2) DPW requirements being met;
3) All Critical Area details being clearly and fully provided on subsequent submittals;
4) All Critical Area Commission comments being fully addressed on subsequent submittals;
5) The street tree planting easement’s being depicted on the Final Plat;
6) The FCP/Landscape Plan being approved prior to the submission of the Final Plat;
7) The issue of the proposed access easement across proposed Lot 1 being revisited prior to the submission of the Final Plat;
8) The Smith Creek Lane acreage being added to Note # 4 to meet the §4.1.22 (r) requirement prior to the submission of the Final Plat;
9) Deed Parcel lines being shown on all subsequent submittals; and
10) The SAR total acreage being corrected on all subsequent submittals.

This Final Plat is generally consistent with the approved Concept Plat, but not consistent with the Preliminary Plat just reviewed. In addition, proposed Lot 5, in any form, has never been part of any Preliminary Plat approval.

What’s more, the Preliminary Plat indicated Lot 5’s acreage to be only 53.953 acres. If proposed Lots 5-7 are designated Section 2, or Phase 2, as suggested in the earlier review, then proposed Lot 5 could not also be part of what logically would be Section 1.

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\(^{14}\) 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.

\(^{15}\) 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.”

\(^{16}\) SAR zone then permitted a base density of 1/8. Today, both it and the RCA overlay zone permit a density of 1 du/20 ac.
The title block should include the proposed lot numbers.

For the previous, overall Preliminary Plat, not the one just reviewed, the acreage and layout had changed and a resubdivision had 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 were, and must be, on Deed Parcel 1.

What is the proposed disposition of the shed, with access from the adjacent lot, on proposed Lot 5? If those items were not included in the lot coverage calculations, then those calculations must be redone.

The proposed access to the dwelling on proposed Lot 5 is still not shown. If that was not factored into the lot coverage calculations, then those calculations must be redone.

The details of any proposed access easement/PRMA must be provided relating to Lot 5 and to Lot 1 on Parcel 76.

Regarding the access lane across proposed Lot 1, as stated at the 12/15/08 Planning Commission review of the Preliminary Plat, the proposed access easement across proposed Lot 1 is not a good design. For that reason, the Planning Commission included as a condition of Preliminary approval: “The issue of the proposed access easement across proposed Lot 1 being revisited prior to the submission of the Final Plat.”

How was this issue revisited and with whom? This was revisited in the previous review of the Preliminary Plat.

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.

Note # 4 indicates that there are 104.312 in the Critical Area, and that the RCA density is 1:104.312. That suggests that proposed Lots 6 & 7 are being abandoned. If so, then why was the just-reviewed Preliminary Plat submitted?

Note # 4 indicates that the cited SAR density is 1/24.16. However, based on the stated acreage of 144.941, 5 lots would yield a density of 1/28.89. Based on 7 lots, as the Preliminary Plat would suggest, the density would be 1/20.64. Therefore, it is unclear how the 1/24.16 density figure was arrived at, especially given the wording contained in Note # 8.

The wording of Note # 8 is erroneous and must be changed. Concept Plats approved after 7/25/89 do not remain valid in perpetuity, and with the SAR density of 1/20, 7 lots on 144.941 acres completely exhausts all subdivision potential. In addition, the RCA portion of the property and its potential for 1:20 density do not stand independently.

The boundary line survey has been completed. The Critical Area boundary and old 110’ Buffer have been shown. The new RCA Buffer is 200’. 17

The Smith Creek Lane road name has been approved.

17 So long as the lots are recorded prior to 7/1/10, they will be considered grandfathered with respect to the 110’ Buffer.
Slopes > 25% have been depicted. On slopes between 15 and 25%, good engineering practices shall be used to ensure sediment and erosion control and slope stabilization before, during and after disturbance activities.  

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 fewer than 10 lots, & no landscaping is required in the SAR zone.

The FSD approved on 12/18/99 was extended on 12/20/06 until 10/15/09 – next Thursday.

The PFCP/Prelim. Environmental Assessment was conditionally approved on 11/19/08. The FRA shown is not consistent with the PFCP/PEA.

The final Forest Conservation Plan (FCP)/Landscape Plan/EA 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 RCA’s 15% lot coverage threshold applies; those percentages were calculated and included in Note #12 on Sheet 1 of 4 of the Preliminary Plat, just reviewed. The Preliminary Plat’s lot coverage calculation was based upon proposed Lot 5 consisting of 53.943 acres, not 133.791. Other questions also remain (/have been answered).

FIDS habitat must be avoided in the Critical Area.

No development is permitted in the tidal wetlands and tidal waters buffers, including septic systems, impervious surfaces, parking areas, roads, or structures, as noted in an unnumbered note.

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18 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 Critical Area 110’ buffer, and expansions thereof, have been shown. However, the new Buffer in the RCA is a minimum of 200’, not 110’. So long as the lots are recorded prior to 7/1/10, they will be considered grandfathered with respect to the 110’ Buffer.

Another Critical Date is 5/4/10, with respect to the stormwater management plan.

Should this project be delayed, and should a redesign therefore be necessary, then a new Concept Plat may be required. The applicant is hereby advised that the new SAR density of 1:20 would then apply – as would new stormwater management regulations and the new 200’ minimum Buffer in the RCA.

CBCAC comments relating to this project were received on 10/5/09. Those and promised subsequent comments must be satisfactorily addressed. A copy is being provided to the applicant.

Per §200.6.b (2), 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 (§200.6.a).

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

A 200’ 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.

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.

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<td>80%</td>
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The October TAC meeting adjourned at 10:22 a.m.

Respectfully submitted,

Jennifer Bakeoven
CECIL COUNTY TECHNICAL ADVISORY COMMITTEE
Wednesday November 4, 2009, 9:00 a.m.
County Administration Building
200 Chesapeake Blvd., Elkton, Maryland

Present:  Di Giacomo, Tony (CCP&Z), Woodhull, Mark (CCDPW), von Staden, Fred (DEH),
Brown, Chris (CCSCS), West, Janel (CCPS), Kelly, Nick (CBCAC), Graham, Daniel (Citizen’s
Rep.), Latham, Cindy (MDE) and Bakeoven, Jennifer (CCP&Z).

Absent:  Cwiek, Philip (USCoE), Ouano, Jun (Delmarva Power), Meaders, David (FA), Davis, Gary
(SHA),

1. Barksdale Village, 71 Lots, PUD, Barksdale Road, Van Cleef Engineering Associates, Fourth
   Election District.

Scott Lobdell, Van Cleef Engineering and Bangalore Lakshman, developer, 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, Sanitary Sewer plan, Water Distribution plan, and a
   Mass and Final Grading plan must be approved by the CCDPW prior to submittal for Final Plat
   Approval.
2. This property is outside of the Master Water & Sewer Plan (MWSP) coverage area. Therefore the
   applicant will need to request an amendment to the MWSP Plan. If this site is brought into the
   Master Water & Sewer Master Plan, applicant must obtain an allocation for public sewer and
   water prior to final plat.
3. The Highlands WWTF is planned for decommissioning therefore the applicant must provide for
   sewer connectivity to the Meadow View WWTP or wait for the Aston Point off-site sewer project
   completion.
4. The ability of the existing water distribution system, together with the proposed extensions, to
   provide adequate fire flow and pressure must be demonstrated through an update to the
   Engineering Report of Meadow View – Highlands Water System Analysis prepared by George,
   Miles, & Buhr, LLC in October 2004.
5. Will this site require an onsite lift or pumping station to connect to the Highlands WWTP? Mr.
   Lobdell said he is not sure yet. He will be looking into this matter.
6. Any sanitary sewer lines run outside of County ROW must be ductile iron and located in a utility
   easement of sufficient width to allow access.
7. Applicant is advised that if the SWM and E&S Control plans for this project are not approved (i.e.
   signed) by May 4th 2010 the new SWM Ordinance will apply and the SWM plan must be
   designed to meet its requirements.
8. The wetlands & associated buffer differ substantially from what was previously presented to the
   TAC for this site. Is the wetlands representation here based on a determination by the MDE or
   COE? Mr. Lobdell said delineation was done previously on this site but it is outdated at this point.
   It will need to be updated.
9. The Department’s policy is not to allow structural SWM BMP’s to be located with stream buffers. The facility proposed along Barksdale Road has almost 50% of its area within a stream buffer. If the Applicant continues with this location MDE permitting must be obtained prior to approval of the SWM design.

10. How will anyone build and maintain this proposed SWM pond without impacting the adjacent wetlands and stream buffers? Pond embankments and or excavations should not be located in such close proximity to wetlands boundaries. The Pond MD 378 states that trees and/or shrubs will not be allowed within the buffer zone (15’ from the toe of embankment).

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

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

13. The Lot Grading Plan and SWM Plan must address how the conveyance of drainage from the proposed road will be handled.

14. If SWM structural BMPs are required for this site, they must be provided for within Common Open Space (COS) and located within a private stormwater management easement. Fee simple access from the county road system must be provided to each SWM facility on site.

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

16. A Traffic Impact Study (TIS) is required for a subdivision of this size. The TIS must be completed & submitted prior to Preliminary Plat review by the TAC.

17. Why was the connectivity to Parcel 619 shown on the first concept plat reviewed by the TAC removed? Mr. Lobdell said the applicant attempted to have that parcel rezoned commercial. If the Planning Commission approves connectivity, all of the connecting road stubs may be temporarily terminated in “Tee Turnarounds” per the Road Code.

18. Change all references to the Barksdale Road frontage dedication to read “30’ wide strip dedicated in fee simple to the Board of County Commissioners of Cecil County.” This applies to the note on Barksdale Road.

19. Correct the road stationing on all proposed roads. Stationing begins at 0+00 not 10+00.

20. With 71 lots proposed Isaiah Avenue, from station 0+00 to 10+00 will be classified as a “Minor Collector Road” which requires a 60’ wide right-of-way and a 32’ wide paved section. From station 10+00 to 16+95 Isaiah Avenue will be classified as a “Minor Road” with 50’ ROW and 30’ wide pave section.

21. With the minimum lot frontage being 20’, Section 2.07 of the Road Code requires that a curbed road section be used throughout the development.

22. Proposed roads must be designed in accordance with the current road code. Specifically the minimum road design standards identified in Standard Detail R-35 of the Cecil County Road Code.

23. The Cul-de-sac bulb proposed is not in compliance with the Standard Detail R-14 of the Cecil County Road Code.

24. Any applicable Road Code Variances must be requested prior to submittal for Preliminary Plat approval.
25. Applicant must provide intersection & stopping sight distance measurements for the Barksdale Road access to DPW prior to preliminary plat submittal. The centerline of the proposed entrance location must be marked in the field. Section 3.07.15 of the Road Code requires that Barksdale Road be upgraded to Minor Collector Road equivalency standard for 100’ either side of the proposed entrances. The design engineer must address the requirement to improve/establish shoulders, construct the minimum acceleration and deceleration lanes, and improve any deficient roadside drainage along the development’s road frontage on the street construction drawings.

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

27. Lots 1 & 62 must be denied access to Barksdale Road along their entire road frontage. Add a note indicating the same to the final plat. And both lots must also be denied access to the proposed road for the first 75’ as measured from the point of intersection with Barksdale Road. All denied access must be identified on the Final Plat as well as the Lot Grading Plan.

28. The Applicant must conduct a Category 3 Protocol road condition survey along Barksdale Road from its intersection with Appleton Road to its intersection with Valley Road. The Department may require the Applicant to perform off-site upgrades to Barksdale Road based on the findings of this condition survey. All necessary road improvements must be agreed to by the Department and shown on the preliminary plat presented to the TAC for review.

29. How do you propose to parking for the townhouses shown? Mr. Lobdell said the homes would have garages with driveways. The Department has concern about on-street parking interfering with EMS & DPW access to the area of the cul-de-sac (Lots 25-40).

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

31. What existing rights and obligation do the owners of Parcels 223 & 711 have in regards to the existing access drive? Mr. Lobdell said he believes this is an access easement. Is this access owned in fee simple or is it an access easement? What is the proposed disposition of the access to these Parcels? The applicant’s intent is to keep an access way for them.

32. The access to Torres & Miller properties (Parcels 223 & 711) must be aligned with the proposed street to provide a 90° angle.

33. Any Tot Lots or active recreation areas required by the Planning Commission must be included in a PWA and have approved construction plans.

34. A PWA is required for the Roads and Storm Drains, Public Sanitary Sewer, and Water System.

35. An I&M Agreement is required for SWM facilities.

36. 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."

3
Final Plat: “Sidewalk maintenance will be required of the adjacent property owner, as required by the Cecil County Road Code.”

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

Mr. Woodhull informed the applicant that if Artesian is the water supplier, there will need to be a utility easement agreement in place between them and the county.

Mr. Kelly, CBCAC, had no comment.

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

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

Mrs. West, CCPS, had no comments as this project is proposed as an age restricted community.

Ms. Latham, MDE, said that a GAP or exemption will not be necessary if the community will be serviced by public water.

Mr. von Staden, DEH, read the comments of the department:
Identify the public water supply and public sewer plant to be utilized by this development on the plat. Written confirmation of adequate water and sewer allocation must be received prior to final plat approval. If an upgrade to the water system or sewer plant is required to serve this development, approval for the upgrade must be approved by Cecil County Department of Public Works and Maryland Department of the Environment prior to final plat approval.

Design of the water and sewer lines should include capacity for parcels 223 and 711.

Buildings on parcel 288 must be removed prior to record plat approval. The existing well must be abandoned and sealed by a licensed well driller prior to record plat approval. The existing cesspool/septic tank must be pumped and filled with earth prior to record plat approval.

The Master Water and Sewer Plan must be amended to include this project as an area served by Public Water and Sewer prior to final plat approval.

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

1. Public water and sewerage will be available to all lots offered for sale (by 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’s signature block).

Mr. Di Giacomo stated that SHA had no comment.
Mr. Di Giacomo read the comments of Delmarva Power and provided the applicant with a copy of the comments received 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.

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 TAC has previously reviewed Concept Plats for this site, under the names W. Harris Construction and Estates at Barksdale, on 8/4/04 and 1/5/05, respectively.

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.

The applicant is cautioned that if the proposal should change such that any of the units are instead proposed as condominiums, then, in that case, a different process of review and approval shall be followed.

§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.”

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 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.

1 Moreover, §’s 256.3 & 256.4 make clear that the Planning Commission’s role first 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.

2 It is incumbent upon the applicant to become thoroughly familiar with all aspects Article XVII, Part II.
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 PUD density of 4 du/ 1 ac. Otherwise, the SR zone permits a density of only 2/1 with community facilities. This Concept Sketch Plat proposes 71 lots on 29.61 acres, for a proposed density of 2.398/1.

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

The existing zoning of adjacent properties has not been shown, per §4.0.13(l).

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

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

A 110’ perennial stream buffer is required from all perennial streams present. This buffer shall be expanded to include contiguous areas of hydric soils, highly erodible soils, and soils on slopes greater than 15% -- to a maximum distance of 160’. Any necessary expansion could possibly adversely affect proposed Lots 41-44.

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.

30% common open space is required (§25.3.b); 46% is proposed.

At a minimum, 15% of the required open space shall not consist of perennial or intermittent stream buffers, nontidal wetlands or buffers, steep slopes, or habitats of rare, threatened and endangered species. No more than 40% of the common open space required shall consist of those areas designated as nontidal or tidal wetlands. The C.O.S. sensitive areas thresholds must be calculated for inclusion on the Preliminary Plat.

All “common open space” must be labeled and referenced as such.

30% landscaping of the development envelope is required (§251.3).

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

The required (§4.0.13(j)), proposed lot dimensions of all sides of the lots are, for the most part, provided on sheets 3 and 4. Curve data are missing, however.

If any of the Lands of Torres and/or the Lands of Miller are included, then the acreages of these areas must be provided, and Torres and/or Miller must sign the Record Plat.

Proposed Lots 1 & 62 must be denied access to Barksdale Road.

How was the placement of the stub road determined? Has any contact been made between the developer and the adjacent landowner, Barczewski? Mr. Lobdell said this connection was based on previous concept plans for this property.

The applicant is reminded of the provisions of §7.2.12.B.12 and §7.2.12.E.5.

Why wasn’t a stub road to the adjacent Lands of Lakshman included in the design? Mr. Lobdell said at the time of the layout, the applicant had anticipating the corner parcel being rezoned commercial. Discussion ensued regarding the concept of a PUD.

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 frontage of Barksdale 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, as is required by §4.0.13(l).

A Bufferyard Standard A will be required adjacent to any adjoining property on which an agricultural operation is occurring (§25.4.c).

Rows of street trees with 10’ planting easements are required, outside the right-of-way, along both sides of all internal roads. Where feasible, the natural vegetative equivalent may be used to satisfy the bufferyard and street tree requirements. In areas with community facilities, no street trees shall be planted within 20 feet of sewer laterals and cleanouts.

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

The FSD must be approved prior to any granting of a PUD Special Exception (§5.1.C, Cecil County Forest Conservation Regulations).

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

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

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

Proposed lots 15-23, 26, 30-31, and 34-39 exceed the 3:1 length to width ratio established in §7.4.2.

The internal road names will need to be approved by the County 911 Emergency Center prior to the Planning Commission’s review of the Preliminary Plat. The road name “Arianna Avenue” has been disapproved.4

A Traffic Impact Study (TIS) is required prior to the TAC’s Preliminary Plat review. Any TIS must contemplate the additional development potential of the adjacent property also controlled by the owner/developer.

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

Per §4.0.13 (m) 3, the “total number of off-street parking spaces and the space to unit ratio” must be provided on the plat. Note # 13 must contain more specific detail.

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.

The property is not presently shown as a water or sewer service area (W0 & S0). The Master Water and Sewer Plan must be amended to include this site, as a W2 and S2 area, prior to the Planning Commission’s review of the Final Plat.

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

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

The name of the water service provider providing the water must also be included on the Final and Record Plats.

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

The identity of the waste water treatment plant must be included on the Final and Record Plats.

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

This proposal is consistent with §248.1 in offering “a variety of building types … including, detached single-family dwellings, duplexes, semi-detached dwellings, townhouses and apartments.” Per §250.2, in the SR zone, proposed duplex homes cannot exceed 30% and townhomes cannot exceed 20%. The 22 and 12, respectively proposed, fall within these limits. This housing type diversity is one of the two hallmarks of PUDs.

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4 The road name “Arianna Avenue” was already approved on 8/28/06 for the Sun Valley subdivision.
However, this proposal is not consistent with §248.2, the other hallmark of a PUD, by the absence of “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.” TIS’s for PUDs must take this into consideration.

Clearly, a mixed use scenario is fundamental to the PUD concept. Why is no mixed use proposed? Mr. Lobdell said the applicant feels that this concept would be more successful for marketing purposes.

§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 information has not been provided in the accompanying “Site Report.” Because of that, the requirements set forth in §256.1 (a) – (f) and §256.2 have not been 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; however, the TAC needs to review the data and information required in §256.1 (a) – (f) prior to the Planning Commission’s review.

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2. Smith Creek II, Lots 1-3, Welders Lane, Revised Concept Plat, Michael Scott, Inc., First Election District.

Michael Scott appeared and presented an overview of the project.

Mr. Di Giacomo stated that he felt Mr. Scott has done a good job on this project as it has been going through the approval process for quite some time with different engineers/surveyors.

Mr. Di Giacomo reminded the applicant that this project will need to be recorded prior to July 1, 2010 otherwise this project will be subject to 200’ Critical Area buffer requirement.

Mr. Woodhull, DPW, read the comments of the department:
1. 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.
2. If the stormwater management plan involves the redirection of some or all the stormwater runoff of the site or concentrates the releases 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.
3. 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 and what impact does this have on the proposed Lot 1? The Department will require, at a minimum, a deeded right of access for the dwelling on Parcel 76, Lot 1 across the proposed Lot 1 of this subdivision. This terminology must be reflected in the note referencing this access on Sheet 2/5. Mr. Scott said that Mr. Harrison wants to keep the access the way it is currently.
4. The following standard notes and requirements apply to this plat and project: The details of these notes and requirements will be identified in the record but will not be read at this time:
   4.1 The Final Plat Lot Grading and the Lot Grading Plan Construction Limits Note.
   4.3 Requirements for Utility relocations.
   4.4 Requirements for Stormwater Inspection and Maintenance Agreements.
   4.5 Requirements for Public Works Agreement.
   4.6 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 CC DPW for the construction shown hereon. A site construction as built shall be submitted to the CC DPW 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 CC DPW.”
   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 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 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. Kelly, CBCAC, highlighted points made in a letter from the CBCAC to the applicant regarding the project. See file.

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.

Ms. Latham, MDE, stated that a notice of exemption has not yet been filed in her office.

Mr. von Staden, DEH, read the comments of the department:
A Groundwater Appropriation Permit Exemption must be requested from Maryland Department of the Environment prior to final plat approval.

Only show 1 designated sewage area on proposed lot 1.

Mr. Di Giacomo stated that SHA, Delmarva and the Fire Chief’s Representative had no comments.

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 original 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:
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;

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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.” Those comments pertain to Lot 5 of Smith Creek.
7) Any Preliminary Plat’s tabular information accurately reflecting lots in the proposal; and
8) Misspellings being corrected on all future submissions.

The Preliminary Plat for proposed Lots 1-4 only, was approved on 12/15/08, conditioned on:
1) Health Department requirements being met;
2) DPW requirements being met;
3) All Critical Area details being clearly and fully provided on subsequent submittals;
4) All Critical Area Commission comments being fully addressed on subsequent submittals;
5) The street tree planting easement’s being depicted on the Final Plat;
6) The FCP/Landscape Plan being approved prior to the submission of the Final Plat;
7) The issue of the proposed access easement across proposed Lot 1 being revisited prior to the submission of the Final Plat;
8) The Smith Creek Lane acreage being added to Note # 4 to meet the §4.1.22 (r) requirement prior to the submission of the Final Plat;
9) Deed Parcel lines being shown on all subsequent submittals; and
10) The SAR total acreage being corrected on all subsequent submittals.

This new Concept Plat does away with the previous proposal of 8 new lots. Only 3 lots are now proposed on 145.438 acres, for a proposed density of 1/36.36,7 which is consistent with both the SAR and RCA densities of 1/20.

Note # 4’s stated SAR density of 1/34.614 can be arrived at only by subtracting the 6.982 acres of “private tidal wetlands” from the gross 145.438 acres and then dividing the remainder (138.456) by the 4 dwelling units.8 §12 of the Zoning Ordinance defines “density” as follows: “The number of dwelling units that may be constructed per acre or per square foot of a zoned lot area.” Per Note # 4, the area zoned SAR is 145.438 acres.

For the previous Preliminary Plat, the acreage and layout had changed and a resubdivision had created a revised Lot 4 on Deed Parcel 3, but no additional density was added to Deed Parcel 3. All of the new dwellings now proposed are, and must be, on Deed Parcel 1.

What is the proposed disposition of the shed, with access from the adjacent lot, on proposed Lot 1? Mr. Scott said he does not know.

Will the shed on proposed Lot 1, with access from the adjacent lot, figure into the lot coverage calculations?

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.

Note # 4 indicates that there are 104.312 acres in the Critical Area. The RCA density is 1/32.44; Note # 4’s 1/24.332 must be corrected. That figure can be arrived at by subtracting the 6.982 acres of “private tidal wetlands” from the 104.312 Critical Area acres and then dividing the remainder (97.33) by the 4 dwelling units. The problem is that the remainder should be divided by 3, because the Lot 5 that was previously approved on Deed Parcel 1 was not in the Critical Area.

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7 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.” Those comments pertain to Lot 5 of Smith Creek.
8 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.” Those comments pertain to Lot 5 of Smith Creek.
The boundary line survey has been completed. The Critical Area boundary and old 110’ Buffer have been shown. (The new RCA Buffer is 200’.)

These lots would access Welder’s Lane – which needs to be labeled on sheet 1 of 4. Smith Creek Lane is no longer proposed. (The Smith Creek Lane road name has been approved.)

What is the rationale for the access easement across proposed Lot 1 to the Lands of Heath?

Slopes > 25% have been depicted. On slopes between 15 and 25%, good engineering practices shall be used to ensure sediment and erosion control and slope stabilization before, during and after disturbance activities.¹⁰

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 fewer than 10 lots, & no landscaping is required in the SAR zone.

The FSD approved on 12/18/99 was extended on 12/20/06 until 10/15/09, and a second extension was granted, rendering it valid until 10/15/12.

The PFCP/Prelim. Environmental Assessment was conditionally approved on 11/19/08. The FRA shown is not consistent with the PFCP/PEA.

The final Forest Conservation Plan (FCP)/Landscape Plan/EA 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 RCA’s 15% lot coverage threshold must be calculated and included on the Preliminary Plat.

FIDS habitat must be avoided in the Critical Area.

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⁸ So long as the lots are recorded prior to 7/1/10, they will be considered grandfathered with respect to the 110’ Buffer.

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 development is permitted in the tidal wetlands and tidal waters buffers, including septic systems, impervious surfaces, parking areas, roads, or structures, as noted in an unnumbered note.

A Critical Area 110’ buffer, and expansions thereof, have been shown. (However, the new Buffer in the RCA is a minimum of 200’, not 110’.)

CBCAC comments relating to this project were most recently received on 11/2/09. A copy is being provided to the applicant.

Per §200.6.b (2), 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 (§200.6.a).

In the Critical Area, no structure shall exceed 35’ in height.

A 200’ 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.

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.

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Mr. Woodhull reminded the applicant of the new SWM Ordinance deadline of May 4, 2010.

Mr. von Staden asked the applicant for clarification on Lot 1.

The November TAC meeting adjourned at 10:26 a.m.

Respectfully submitted,

Jennifer Bakeoven
Present: Di Giacomo, Tony (CCP&Z), Woodhull, Mark (CCDPW), von Staden, Fred (DEH), Brown, Chris (CCSCS), West, Janel (CCPS), Latham, Cindy (MDE), Meaders, David (FA), Davis, Gary (SHA) and Bakeoven, Jennifer (CCP&Z).

Absent: Cwiek, Philip (USCoE), Ouano, Jun (Delmarva Power), Graham, Daniel (Citizen’s Rep.).

1. Hillwood Manor (f/k/a Lands of Johnson and Merriman), Lots 2-11, Rock Run Road, Preliminary Plat, Northern Bay Land Planning, Seventh Election District.

Faron Pyles, Northern Bay Land Planning, 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. The SWM plan must address the runoff directed on to Rock Run Road roadside ditching to assure both water quality & quantity requirements are being met.

3. The proposed entrance improvements shown on the plat meet the requirements of Section 3.07.15 of the Road Code.

4. Have you given any consideration as to how you will address SWM for this site? Mr. Pyles said from quality perspective, he thinks they can accomplish all non-structurally.

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 the Lot Grading Plan Construction Limits Note.


   5.3 Requirements for Utility relocations.

   5.4 Requirements for Public Works Agreements.

   5.5 Requirements for Stormwater Inspection and Maintenance Agreements.

   5.6 Requirements for County Roads.

   5.7 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 Rock Run 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. Meaders, Fire Chief’s Representative, had no comments.

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

Mrs. West, CCPS, stated that this proposed development will fall within the Bainbridge Elementary, and the Perryville Middle and High Schools attendance areas. The named schools are currently not overcapacity, the elementary and high school is getting close. The applicant was provided with the bus stop guidelines.

Mr. Davis, SHA, had no comments.

Ms. Latham, MDE, a notice of exemption has been obtained and a GAP is not required.

Mr. von Staden, DEH, read the comments of the department:
A Groundwater Appropriation Permit Exemption has been filed with Maryland Department of the Environment.

Plat is satisfactory.

Mr. Di Giacomo provided the applicants with comments from Delmarva Power.

No comments were received from Mr. Graham, Citizens’ Rep.

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, was approved on 11/20/06, conditioned on:

1 The NAR zone permitted a maximum base density of 1 du/5 ac. Bonus density is not an issue.
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) 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.

The boundary line survey has been completed.

A Lot 1 Preliminary-Final Plat was approved on 8/18/08, conditioned on:

1) Health Department requirements being met;
2) DPW requirements being met;
3) Deed restrictions for the long-term protection of the Forest Retention/Afforestation Areas (FRAs) being recorded and noted on the plat prior to recordation, with the metes and bounds description of the FRA being shown on the Record Plat; and
4) The FCP/Landscape Plan being approved prior to Final Plat review.

That Preliminary-Final Plat approval extended the validity of the Concept Plat until 8/18/10, per §4.0.9.

There is currently a timber harvest on P. 26, but for a separate deed parcel.

Steep slopes have been shown on the plat.

The 110’ perennial stream buffer has been shown on the plat.

A 25’ buffer is required around all non-tidal wetlands and intermittent streams present. Permits are required from the (US Army) Corps of Engineers & MDE for all non-tidal wetland & 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 & 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 & that finding is consistent with the details of County wetlands maps & 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; 18% is proposed. No landscaping is required and no sidewalks were recommended in the NAR zone.

To be fully compliant with §4.1.22 (r), it is recommended that the proposed individual lot acreage coefficients be added to the Data Column.

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2 Per the Planning Commission’s policy, established on 3/20/95 and revised on 1/16/96, so long as the wetlands are in the common open space or the forest retention area or the large lot, a JD need not be done.
Bufferyard Standard C is required, outside the right-of-way, along the road frontages of Burlin & Rock Run Roads, as depicted.

Rows of street trees with 10’ planting easements are required, outside the right-of-way, along both sides of all internal roads. That easement must be shown on the Preliminary Plat submitted for Planning Commission review.

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

The FSD was approved on 11/15/06. The PFCP for Lot 1 was approved on 7/10/08.

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 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.

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.

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: Elementary Middle High School
Bainbridge Perryville Perryville
FTE 364 615 905
Capacity 449 860 944
% Utilization 81% 72% 96%


Mike Burcham, McCrone, Inc., Mike Pugh, Corridor Land Services and Ron Myers, developer, appeared and presented an overview of the project.

Mr. Woodhull, DPW, read the comments of the department:
1. A SWM plan, Public Water Distribution and Sewer Collection System plan, Road & Storm Drain plan, and a Mass and Final Grading plan must be approved by the CCDPW prior to submittal for Final Plat Approval.
2. The Applicant must be aware that if the SWM and E&S plans for this project are not approved (i.e. signed) by May 4th 2010 the new Ordinance will apply and the SWM plan must be designed to meet its requirements.

3. There is no county sanitary sewer service in the immediate area. Connection to the Meadowview WWTP will be the Developer’s responsibility including obtaining all required easements and the installation of the sewer main between the site and the nearest existing manhole. The applicant is also responsible for all costs in doing so.

4. The potential sewer capacity required for this development will take the Meadowview WWTP beyond the 80% usage limit set by the County. Therefore unless and until the Meadowview WWTP is upgraded allocation for the full build out of the development is not available.

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

6. The ability of the existing water distribution system, together with the proposed service extensions, to provide adequate fire flow and pressure must be demonstrated through an update to the Engineering Report of Meadow View – Highlands Water System Analysis prepared by George, Miles, & Buhr, LLC and dated October 2004. The Developer must engage a Maryland licensed professional engineer, at the Developer’s cost, to upgrade the water system model.

7. Both the sewer and water mains proposed along Fletchwood and Elk Mills Roads must be designed to provide for future connections from adjoining properties.

8. Has any consideration been given to the providing all or some portion of the potable water needs for this development on site (i.e. Aston Pointe or Villages at North East)?

9. The engineer’s preliminary layout for the subdivision public water & sewer was submitted and has been reviewed. In that regard why have no pumping and tankage been shown for the water system in the development? Where are the fire hydrants?

10. The water distribution system proposed should provide for possible future connection capability to the lands west of this development.

11. The Developer is responsible to have the serving fire company review fire hydrant spacing and locations prior to final engineering drawings submittal.

12. If and/or when Artesian Water Company takes control of the Meadowview WWTP & WTP utility easements will be required for the water & sewer lines located within the County ROW.

13. A utility easement will be required for the sewer line routed between Lots 159/160 running to lot 105. This easement must be between the owner of the utility and the HOA.

14. An SHA access permit is required for the MD Rte 277 entrance. Any and/or all SHA required off-site road improvements must be approved by SHA prior to the Department signing the final plat.

15. No Road Code Variances have been sought therefore all roads within the subdivision must be designed & built to County standards.

16. Lots 2 & 3 are denied direct access to Wheel Gate Lane.

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

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

19. The TIS provided for this development addresses the queuing for the proposed entrance. In reviewing the TIS the Department has some questions concerning the queuing analysis used.

20. Pre-design geotechnical evaluation and borings along the proposed road stream and wetlands crossings is required, along with specific remedial recommendations for subsurface drainage and street sub grade placement.
21. The structure on Baldwin Mill Way crossing over the unnamed perennial stream must be approved as part of the road plan approval passing the 100 year storm without overtopping. A re-mapping of the 100-year flood plain onsite and a hydraulic analysis of the new stream crossing must be submitted by the applicant’s engineer as part of the crossing design.

22. Likewise the structures crossing the intermittent stream on Baldwin Mill Way and Elk Forge Way must be approved as part of the road plan approval passing the 25 year storm without overtopping.

23. What is envisioned for the proposed 25’ wide emergency access? The HOA must maintain this area.

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

25. What is the proposed disposition of the structures and driveway on Lots 231 & 232?

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

26.1 The Final Plat Lot Grading, Sidewalk Maintenance, and Lot Grading Plan Construction Limits Notes.
26.3 Requirements for Utility relocations.
26.4 Requirements for Public Works Agreements.
26.5 Requirements for Stormwater Inspection and Maintenance Agreements.
26.6 Requirements for County Roads.
26.7 Requirements for Driveways.
26.8 Requirements for Sewer Service Cleanouts – Location.

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 Re-forestation will require a consistency review, of the SWM approval, with CCDPW.”

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

   c. Grading Plan: “No clearing or grading is permitted beyond the limits of disturbance show hereon. Any expanded clearing and/or grading in the absence of an approved revised lot grading plan may be considered non-compliance with Chapter 231 of the Cecil County Code and either or both the developer and/or Builder may be subject to the enforcement of the penalty provisions therein.”

2. The downstream conveyance of storm water must be analyzed in accordance with Section 251-9 A. (5) of the county’s SWM Ordinance. If stormwater discharge is directed off of the site on to adjacent property it is the responsibility of the Developer to obtain appropriate easements from the affected property owners per Sections 251-13 and 251-15.D of the Cecil County SWM Ordinance.

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

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

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

6. The street R.O.W. entrance tapers must be offset 25’ from the R.O.W. point of intersection and be straight lines, per 7.2.12.E.3 of the Subdivision Regulations. The internal street grade leaving Elk Mills Road may not exceed 5% within the limits of the intersection right-of-way.

7. All driveways must be paved at least to the right of way. The driveway paving must be complete for all lots at the time when the surface course for the internal roads is installed. This requirement includes any vacant but platted lots. Any driveway exceeding 5% up-gradient-slope form the roadway must be paved to the crest. If the development is phased these requirements will apply to each phase when 80% of the lots are built-out. All of these requirements must be reflected on the Lot Grading Plan.

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

Mr. Meaders, Fire Chief’s Representative, read the comments of the department. See file.
Mr. Brown, CCSCS, provided the applicant with soil reports and maps.

Ms. West, CCPS, stated that this propose development falls within the Cecil Manor Elementary, Cherry Hill Middle and Elkton High School attendance area. Cecil Manor’s capacity is currently at 93%, in 2013 it is projected to be 102% with only taking into consideration normal historical growth rates. This size development has the potential to affect the enrollments at Cecil Manor. The applicant was provided with a copy of the bus stop guidelines.

Mr. Davis, SHA, read the comments of the department. See file.

Ms. Latham, MDE, stated that her concerns have been addressed in the previous comments made by other departments.

Mr. von Staden, DEH, read the comments of the department:
Project must be included in the County Master Water and Sewer Plan. A March 5, 2009 letter from Maryland Department of the Environment to the Cecil County Commissioners indicated that Maryland Department of the Environment approval of the map amendment could not be granted. Additional information was requested. No further correspondence on this issue can be found. Environment Article 9-507 requires Maryland Department of the Environment approval of revisions to the Water and Sewer Plan. The status of this revision must be resolved prior to Final Plat review.

Identify the public water and sewer system to be used on the final and records plats. 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’s signature).

In addition, if a public water system is to be constructed to serve the community, an additional note stating “Plans for the water system have been approved by Maryland Department of the Environment” must be added by the owner’s signature.

A permit to construct a sewerage pump station must be issued by Maryland Department of the Environment prior to record plat approval.

Water and sewer allocations adequate for the proposed number of lots must be approved by the appropriate entity prior to record plat approval.

The existing well must be abandoned and sealed by a licensed well driller and the existing septic tank must be pumped by a licensed septic hauler and filled with earth prior to record plat approval.

Mr. Di Giacomo read the comments of Delmarva Power.

No comments were received from Mr. Graham, Citizens’ 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: SR

Density: The Concept Plat, proposing 256 lots on 243.4 acres, for a proposed density of 1.05/1^3, was approved on 2/20/07, conditioned on:

1) The boundary line survey being completed prior to the TAC’s review of the Preliminary Plat;
2) Documentation of the completed JD being submitted prior to the Planning Commission’s review of the Preliminary Plat;
3) The PFCP’s being approved prior to the Planning Commission’s review of the Preliminary Plat;
4) The completion of a TIS prior to the TAC’s review of any Preliminary Plat;
5) The exact limits of the floodplain being established on the plat prior to the TAC’s review of any Preliminary Plat; and
6) The applicant consulting with the CSX Railroad to inform them of the intention of the use of the emergency access and provide documentation thereof to all departments involved as well as the Planning Commission with the easement information prior to the Planning Commission’s review of the Preliminary Plat.

At that time, per §4.0.9, Concept Plat approvals remained valid for two years. Therefore, the Concept Plat’s validity was set to expire on 2/20/09. Therefore, an extension was granted on 1/21/09, extending the Concept’s validity until 2/20/10.

The boundary line survey has been done, and that has rendered some changes necessary. Thus, this Preliminary Plat is generally consistent with the approved Concept plat.

The design, or layout, remains essentially the same, except that the proposed roads Feeder Canal Lane and Hoagland Lane have been eliminated.

All proposed lots now meet the minimum size, although many are right on the SR minimum lot size threshold.

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. 4

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’. Segments of the perennial stream still appear outside the floodplain. How were the elevations arrived at?

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

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^3 The SR zone permits a maximum base density of 1 du/ 1 ac., or 2/1 with community facilities.
^4 The Cecil County Subdivision Regulations define steep slopes as “15 percent or greater incline.” The Cecil County Zoning Ordinance defines steep slopes as consisting of a grade of 25% or more covering a contiguous area of 10,000 ft^2 or more. The Cecil County Forest Conservation Regulations define steep slopes as “areas with slopes greater than 25 percent slope.”
impacts prior to recordation. The JD has been completed. What is the character of the stream crossing? Mr. Burcham said they are proposing a 25’ wide box culvert at this time in a preliminary fashion.

The limits of the 100-year floodplain must be labeled on Sheet 1 of 5.

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

15% common open space is required; 55.1% 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 C.O.S. sensitive areas thresholds have been calculated and included.

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

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

Buffyard Standard C is required, outside the right-of-way, along the road frontages on Elk Mills Road.

Rows of street trees with 10’ planting easements are required, and must be depicted, 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.

What is the trapezoidal-triangular shaped area defined by lot lines, shown behind proposed Lots 1 & 2? Mr. Pugh said it is an add-on to Baldwin Church.

The Forest Stand Delineation (FSD) was approved on 2/16/07.

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.

All road names have been approved.

A Traffic Impact Study (TIS) has been submitted. 256 lots with only one entrance raises design and emergency service response questions. Should an emergency incident include an incapacitated train blocking the Johnson Lane grade crossing, then portions of this development could be rendered inaccessible.
The TIS should verify that Wheel Gate Lane would have adequate queuing capacity at the peak hours, as now designed.

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

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

The Master Water & Sewer Plan has been amended.

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

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

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

Fire hydrant locations have been shown and acceptable.

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.

Mr. Woodhull added that the department will not approve the county road plans until the SHA has approved the access plans and any improvement plans required for Elk Mills Road.


Lou Shaffer, Frederick Ward Associates, appeared and presented an overview of the project.

Mr. Woodhull, DPW, read the comments of the department for both the Concept and Preliminary Plats reviewed:

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. Any Road Code Variances sought must be requested prior to submittal for Preliminary Plat approval.
3. Lots 1 & 2 are denied access to Skyview Road. Add note to preliminary and final plat.
4. Label the right-of-way dedication as ‘30’ wide strip to be dedicated in fee simple to the Board of County Commissioners of Cecil County. The right-of-way dedication along Skyview Road is
scaled from the physical road centerline and offsite areas, i.e. areas of other ownership, should not be shown unless those owners have indicated their willingness to dedicate the right-of-way in fee simple as part of this project and plat. Provide additional right-of-way dedication at the Skyview Road cul-de-sac just north of Interstate-95. Right-of-way radius at this cul-de-sac should be 75’.

5. A Dam Breach Analysis is required for the proposed SWM pond. Verify the hazard class of the pond due to the close proximity of the dwellings on the opposite side of Skyview Road.

6. With the extent of the roadside drainage ditching proposed it is important that the velocity in the channels not exceed SHA Design Manual guidelines.

7. Show all private stormwater management and stormwater management outfall easements across the common open space on the final plat(s). Public Storm drainage easements must be separated from private stormwater management and access easements. Mr. Shaffer directed Mr. Woodhull to the information requested on the map.

8. The offsite road improvements requirements have been agreed to by the Department.

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 Compliance with Section 3.07.15 of the Cecil County Road Code.
9.4 Requirements for Utility relocations.
9.5 Requirements for Public Works Agreements.
9.6 Requirements for Stormwater Inspection and Maintenance Agreements.
9.7 Requirements for County Roads.
9.8 Requirements for Driveways.
9.9 Requirements for Stopping Sight Distance Measurements.

Notes and requirements identified for record:

1. The Final Plat must include the Lot Grading Plan standard note. The Lot Grading Plan must include the standard construction limits note.
   a. Final Plat: “A lot grading plan has been approved by the CCDPW for the construction shown here on. A site construction as built shall be submitted to the CCDPW prior to use and/or occupancy of any of the sites shown here on. 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 here on. Any expanded clearing and/or grading in the absence of an approved revised lot grading plan may be considered non-compliance with Chapter 251 of the Cecil County Code and either or both the developer and/or Builder may be subject to the enforcement of the penalty provisions therein.”

2. The downstream conveyance of storm water must be analyzed in accordance with Section 251-9.A. (5) of the county’s SWM Ordinance. If stormwater discharge is directed off of the site on to adjacent property it is the responsibility of the Developer to obtain appropriate easements from the affected property owners per Sections 251-13 and 251-15.D of the Cecil County SWM Ordinance.

3. Section 3.07.15 of the Road Code requires that Skyview Road be upgraded to a Minor Road standard for 100’ either side of the proposed entrance locations. The design engineer must address the requirement for minimum acceleration, deceleration, and bypass lanes. Any right-of-way acquisition necessary shall be performed by the applicant and at the applicant’s expense.

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

5. A Public Works Agreement is required for the streets & storm drainage constructions.

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

7. The street R.O.W. entrance tapers must be offset 25’ from the R.O.W. point of intersection and be straight lines, per 7.2.12.E.3 of the Subdivision Regulations. The internal street grade leaving Skyview Road may not exceed 5% within the limits of the intersection right-of-way.

8. All driveways must be paved at least to the right of way. The driveway paving must be complete for all lots at the time when the surface course for the internal roads is installed. This requirement includes any vacant but platted lots. Any driveway exceeding 5% up-gradient-slope form the roadway must be paved to the crest. If the development is phased these requirements will apply to each phase when 80% of the lots are built-out. All of these requirements must be reflected on the Lot Grading Plan.

9. Applicant must provide stopping sight distance measurements for the Skyview Road access locations to DPW prior to preliminary plat submittal. Mark the proposed entrance locations in the field by a survey stake or paint.
Mr. Meaders, Fire Chief’s Representative, had no comments.

Mr. Brown, CCSCS, provided the applicant with soil reports and maps for both the Concept and Preliminary Plat being reviewed.

Mrs. West, CCPS, stated that for both the Concept and Preliminary Plats, this proposed development falls within the Leeds Elementary, Cherry Hill Middle and North East High Schools. Currently, the capacity for Leeds is at 97% and North East High School is at 113% capacity. The applicant was provided with the bus stop guidelines.

Mr. Davis, SHA, had no comments.

Ms. Latham, MDE, stated that the applicant received an exemption for the project. A GAP is not required.

Mr. von Staden, DEH, read the comments of the department for both the Concept and Preliminary Plat being reviewed. A Groundwater Appropriation Permit Exemption has been filed with Maryland Department of the Environment.

Show 2009 soils. Additional comments will be given at Preliminary Plat stage.

Mr. Di Giacomo stated that Delmarva Power had no comments.

No comments were received from Mr. Graham, Citizens’ 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 density of 1 du/10 ac. 5 of the 8 proposed lots are minor subdivision lots. Their accessing the proposed interior roadway suggests the invocation of §2.4.1 of the Subdivision Regulations, although that is not specified on the plat, and the Lot Area Table suggests accounting for the minor subdivision acreage in the normal fashion.

The total lot acreage is 39.41 acres. The Development Summary is confusing inasmuch as it cited proposed Lots 6-8 being both minor and major subdivision lots, both on 30.40 acres. That must be rectified prior to any submission to the Planning Commission.

A maximum base density of 1 du/5 ac. was permitted when, on 5/17/06, the original Concept Plat, proposing 6 major subdivision lots (and 5 minor subdivision lots on 8.73 acres) on 30.60 (subsequently 39.4149) acres, was approved at a density of 1/5.1\(^5\), conditioned on:

\(^5\) Bonus density was not sought.
1) The boundary line survey being completed prior to the TAC’s review of the Preliminary Plat; and
2) Documentation of the completed JD being submitted prior to the Planning Commission’s review of the Preliminary Plat.

Subsequently, a Preliminary Plat was approved on 2/20/07, conditioned on:
   1) Health Department requirements being met;
   2) DPW requirements being met;
   3) The FCP and Landscape Plan being approved prior to the Planning Commission’s review of the Final Plat;
   4) The adjacent agricultural operation notice being place on the Final and Record Plats;
   5) Deed restrictions for the long-term protection of the Forest Retention/Afforestation Areas (FRAs) being recorded and noted on the plat prior to recordation, with the metes and bounds description of the FRA being shown on the Final and Record Plats;
   6) As there is currently no resolution to the JD issue, documentation of the completed JD be submitted if JDs are once again performed, prior to Final Plat approval; and
   7) Note # 1 being corrected.

At that time, §4.1.17 stipulated that Preliminary Plat approvals were valid for two years. Therefore, the 2/20/07 Preliminary Plat approval expired on 2/20/09. Therefore, all previous approvals are null and void.

No common open space is required; 1.54 are proposed for stormwater management.

Per 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.6

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

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

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.

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6 The Cecil County Subdivision Regulations define steep slopes as “15 percent or greater incline.” The Cecil County Zoning Ordinance defines steep slopes as consisting of a grade of 25% or more covering a contiguous area of 10,000 ft² or more. The Cecil County Forest Conservation Regulations define steep slopes as “areas with slopes greater than 25 percent slope.”
The habitats of rare, threatened, and endangered species must be avoided.

No landscaping of the development envelope is required in the NAR zone, and sidewalks are not recommended.

Skyview Road is functionally classified as a local Road. Therefore, no Bufferyard Standard C is required along its frontage.

A Bufferyard Standard A will be required adjacent to any adjoining parcel with an agricultural operation being conducted thereon.

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 been included on the plat. Where feasible, the natural vegetative equivalent may be used to satisfy the bufferyard and street tree requirements.

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

The FSD was approved on 5/2/06.

The Preliminary Forest Conservation Plan (PFCP) was approved on 8/28/06. 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).

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 proposed road name Larson’s 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 being placed in escrow for improvements prior to recordation.

Lots 1 and 2 must be denied access to Skyview Road, as cited in Note # 9.

There are no 100-year floodplains associated with this site, as stated in note #5.

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.

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Mr. Di Giacomo, P&Z, read the comments of the department for the Preliminary Plat review:

This proposal is in compliance with §3.8 & §3.9.1 regarding public notification.

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The total acreage is 39.41 acres. The Development Summary is confusing inasmuch as it cited proposed Lots 6-8 being both minor and major subdivision lots, both on 30.40 acres. That must be rectified prior to any submission to the Planning Commission.

A maximum base density of 1 du/5 ac. was permitted when, on 5/17/06, the original Concept Plat, proposing 6 major subdivision lots (and 5 minor subdivision lots on 8.73 acres) on 30.60 (subsequently 39.4149) acres, was approved at a density of 1/5.17, conditioned on:

1) The boundary line survey being completed prior to the TAC’s review of the Preliminary Plat; and
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Subsequently, a Preliminary Plat was approved on 2/20/07, conditioned on:

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No common open space is required; 1.54 are proposed for stormwater management.

Per Note # 1 the boundary line survey has been completed.

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7 Bonus density was not sought.
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

Areas of 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 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.

It is assumed that the “Intermediate” Stream Buffer Waiver Plan has misspelled “intermittent.” §174.2.b (1) empowers the Planning Commission to grant the waiver if the disturbance is minimized. It is incumbent upon the applicant to make the case for their proposed waiver when and if this is submitted for review by the Planning Commission.

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

No landscaping of the development envelope is required in the NAR zone, and sidewalks are not recommended.

Skyview Road is functionally classified as a local Road. Therefore, no Bufferyard Standard C is required along its frontage.

A Bufferyard Standard A will be required adjacent to any adjoining parcel with an agricultural operation being conducted thereon.

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 been included on the plat, but it has been mislabeled. Where feasible, the natural vegetative equivalent may be used to satisfy the bufferyard and street tree requirements.

The FSD was approved on 5/2/06.

The Preliminary Forest Conservation Plan (PFCP) was approved on 8/28/06.

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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.”
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 revised FCP was submitted on 6/12/09; comments were sent out on 6/18/09.

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.

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The December TAC meeting adjourned at 10:33 a.m.

Respectfully submitted,

Jennifer Bakeoven