Present: Di Giacomo, Tony (CCP&Z), Woodhull, Mark (CCDPW), Whittie, Tim (CCDPW), Harmon, Lloyd (DEH), Brown, Chris (CCSCS), Graham, Daniel (Citizen’s Rep.) and Bakeoven, Jennifer (CCP&Z).

Absent: Cwiek, Philip (USCoE), Ouano, Jun (Delmarva Power), Latham, Cindy (MDE), Zeller, Rich (SHA), Langford, Ariana (CCPS), Meaders, David (FA).

The first item on the agenda will include a conference call with the developers; therefore, this item will be moved to the end of the agenda.

2. New East Crossing, 72 Units, Razor Strap Road, Concept Plat, McCrone, Inc., Fifth Election District.

Donny Sutton and David Strauss, McCrone, Inc., David Holden, The Ingerman Group and Dwight Thomey, Esq., appeared and presented and overview of the project.

Mr. Holden presented the background of The Ingerman Group and the work they have completed in Cecil County.

Mr. Thomey stated that due to the state funding that the project is receiving, the developers are under specific time restraints.

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

1. This project must be designed to meet the requirements of the current SWM Ordinance. As such the applicant is required to submit concept, preliminary & final SWM plans for review and approval before the equivalent level plat is presented to the Planning Commission for their review. Therefore the concept SWM plan must be approved by the Department of Public Works (DPW) prior to any submission of this plat to the Planning Commission.

2. The 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. The Town should request that the serving fire company review fire hydrant spacing and locations and require a PWA for the work associated with the water distribution system installation.

4. 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.

5. A sanitary sewer allocation request must be submitted to the DPW for review prior to approval of the final plat.

6. The Department requires that a Traffic Impact Study (TIS) be submitted for this project. The scope of that TIS must address the two way traffic flow on Razor Strap Rd. once the bridge has been replaced. That project is in the CIP for FY2015.
7. The proposed minor collector road intersection with Razor Strap Rd. must be designed to correspond with the County’s road improvement plan associated with the bridge replacement. As such, the Applicant’s Engineer must coordinate with the Department’s Engineering & Construction Division in preparing the road plans.

8. Sight distance measurements for the proposed Razor Strap Road intersection as well as the two proposed loop road intersections must be submitted and approved prior to submitting the concept plat to the Planning Commission for their review. Mark the proposed Razor Strap Road, as well as the other two (2) intersections in the field.

9. The need for deceleration, acceleration and bypass lanes at the proposed Razor Strap Road intersection must be addressed as specified in Sections 3.07 6), 7) & 8) of the Cecil County Road Code.

10. The proposed minor collector road is not in compliance with Section3.04 4) of the Cecil County Road Code in regards to tangent lengths between reverse curves. This must be addressed in the Road & Storm Drain plans as well as on the concept plat submitted to the Planning Commission.

11. The proposed minor collector road must end in a temporary tee turnaround (see Standard Detail R-18 of the County Road Code).

12. The final plat submitted to the Planning Commission for review must contain a note indicating that the proposed minor collector road is dedicated in fee simple to the Board of County Commissioners of Cecil County.

13. Indicate on the plat that the loop road accessing the proposed minor collector road is private and will not be maintained/repaiired by the County. This must be reflected on the Road & Storm Drain plans submitted for review.

14. Acceleration/deceleration lane requirements must be addressed in the proposed road design plans.

15. Where do you intend provide for driveway access to the Rolfe property (Tax Map 25, Parcel 690)? They can no longer directly access onto Razor Strap Rd. once the proposed minor collector road stone base course is installed. They will require an access easement or fee simple dedication of right of way to gain access onto the proposed minor collector road.

16. The proposed Rolfe property driveway access point must be a minimum of 75’ away from the centers of the two proposed loop road intersections. The department recommends that Lot 3A gain access off the proposed minor collector road.

17. The Department does not believe sufficient parking spaces have been provided. The 146 parking spaces based on the number of 1, 2 & 3 bedroom apartment units proposed provides for only 2.03 spaces per unit overall. What about guest parking and additional spaces for the Boys & Girls Club? Compare the 2.03 parking space factor with North Creek Run Apartments which was approved at a factor of 2.34 parking spaces per unit. This which would result in 20 additional spaces based on the 72 units proposed. Mr. Thomey said the Boys & Girls club does not usually include a lot of parked cars. The children are usually dropped off at the center. Mr. Holden stated that the play fields are only for the use of the residents. Mr. Di Giacomo said he that in earlier discussions about the community center, the facility will be used by the residents and the Boys & Girls Club will be allowed to use it on occasion. Mr. Woodhull stated he would like to see this in writing.

18. The County will not allow parking on either side of the proposed minor collector road and it will be so posted.

19. Show the property lines for the Parcel 690 on Tax Map 25.

20. Who owns the piece of land adjacent to the northwest corner of this proposed subdivision? Mr. Strauss said the property is owned by Montgomery Brothers.

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.
Compliance with Section 3.07.15 of the Cecil County Road Code.

Requirements for Utility relocations.

Requirements for Public Works Agreements.

Requirements for Stormwater Inspection and Maintenance Agreements.

Requirements for County Roads.

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 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. 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.

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

4. Public Works Agreements are required for the work associated with the construction of the streets & storm drainage, and public sewer system.

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

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

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

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

Mr. Harmon, DEH, read the comments of the department:
Water and Sewer allocations must be obtained from the appropriate utility providers prior to final plat approval. The allocation letter must contain the following information:

1. The amount of flow allocated. If allocation is in phases, identify the phase of the project the current allocation is for.

2. Identify if the allocation expires if it is not put into use by a given date.

3. Identify if any water or sewer upgrades are needed to provide this allocation (pump stations, new mains, additional treatment) and if any Maryland Department of the Environment permits are required for these upgrades.

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

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

2. Use of public water and sewerage is in conformance with the Cecil County Master Water and Sewer Plan (by the Health Department’s signature).

Written details for the use of the community building and Boys and Girls Club must be submitted to the Cecil County Health Department to determine if any regulated activities are proposed.
Mr. Brown, CCSCS, read the comments of the department:

- The project must conform to the current Stormwater Management ordinance. To date, Concept Storm Water Management Plans have been received by the Cecil Soil Conservation District however, have not been approved. The Cecil Soil Conservation District recommends disapproval of the Concept Plat until the Concept Stormwater Management Plans have been reviewed and approved by all applicable agencies per the current Stormwater Management ordinance.
- Soil maps and reports on soil limitations have not been provided as they have been submitted by the engineer within the Storm Water Management review process. Please review checklist for Joint Agency Review of the Stormwater Management/Erosion and Sediment Control Plan and contact the Department of Public Works or the Cecil Soil Conservation District with any questions.

Mr. Di Giacomo stated that comments were not received from the Fire Chief’s Representative and Delmarva Power.

Mr. Di Giacomo read the comments of MDE:
If public water supply by the Town of North East is available to serve this site, a water appropriation & use permit will not be required for final plat.

Mr. Di Giacomo read the comments of SHA:
SHA has no comment regarding the proposed access to this site as it will be from a county road however, given the amount of development and the close proximity of this development to US 40, SHA would like the opportunity to review a Traffic Impact Study to determine the impacts to the surrounding road network. We require 6 copies for our review.

CCPS provided the office with a copy of the capacity / enrollment numbers for the schools within the proposed developments district.

Mr. Di Giacomo asked the Town of North East representatives if the Town is willing and able to provide water to this project. Melissa Cook-MacKenzie, Town Administrator, said yes.

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

With regard to the posting of plats on the County’s website, notice is hereby given 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.

Proposals for this site were reviewed by the TAC on 6/7/00 and again on 4/4/01, under the name Montgomery Bros., Inc., but never submitted for Planning Commission review.

Under the name “Lakeside South,” a proposal on this site was reviewed by the TAC on (9/7/05). Under the name “Valley Stream,” a Concept Plat¹ was approved on 10/17/05, conditioned on:
1) Minor Subdivisions 1989, 2982, and 3188 being referenced on the plat;

¹ It proposed 5 lots on 4.953 acres for a density of 1.0.9906.
2) Water and sewer service providers being named on the Preliminary Plat;
3) The Jurisdictional Determination (JD) being completed prior to Preliminary Plat review by the Planning Commission
4) The density being correctly stated on the Preliminary Plat submitted for TAC review; and
5) Evidence being provided that Montgomery Bros. owns the abandoned Baron Road, or the abandoned road being shown on the Preliminary Plat.

The Valley Stream Prelim. Plat, though not signed & sealed, was approved on 4/17/06, conditioned on:
   1) Health Department requirements being met;
   2) DPW requirements being met;
   3) Verification of water allocation being received from the Town of North East prior to Final Plat review;
   4) Verification of sewer allocation being received from the DPW prior to Final Plat review;
   5) The final FCP and Landscape Plan being approved prior to Final Plat review; and
   6) A copy of the signed and sealed Preliminary Plat being provided to OPZ prior to Final Plat submittal.

A one-year extension of the Valley Stream Preliminary Plat’s validity was granted on 3/17/08.

A revised Valley Stream Preliminary Plat was approved on 7/21/08, conditioned on:
   1) Health Dept. requirements being met;
   2) DPW requirements being met;
   3) The 10’ street tree planting easements’ being again depicted and noted on the Final and Record Plats;
   4) Water allocation being confirmed by the Town of North east prior to Final Plat Review; and
   5) Sewer allocation being confirmed by DPW prior to Final Plat review.

The Valley Stream Final Plat was approved on 7/21/08, conditioned on:
   1) Health Dept. requirements being met;
   2) DPW requirements being met;
   3) The 10’ street tree planting easements’ being again depicted and noted on the Record Plat;
   4) The Record Plat’s containing a statement signed by the Health Department, approving authority, to the effect that use of the community water supply and community sewerage system is in conformance with the Master Water and Sewer Plan;
   5) The Record Plat’s also containing a statement, signed by the owner, to the effect that such facilities will be available to all lots/homes offered for sale;
   6) The Record Plat’s depicting and noting the 10’street tree planting easements;
   7) The Landscape Agreement’s being executed prior to Recordation; and
   8) Deed restrictions for the long-term protection of the street trees and off-site 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 Forest Conservation Plan.

The Valley Stream Record Plats were never submitted for signatures.

This proposed site makes up part of Lot 5 in Minor Subdivision # 3188, approved 10/12/99, which has been cited on the plat in Note # 35. Why haven’t Minor Subdivisions 1989 & 2982 also been referenced?

2 The boundary line survey was completed by American Land Surveyors, LLC.
3 The 6th condition was subsequently satisfied.
Zoning = RM

Density: The RM zone permits a density of up to 14 du/1 ac. for apartments. This Concept Plat proposes 72 apartment units on 11.14 acres, for a proposed density of 6.46/1.

Per §6.3 of the Subdivision Regulations, multi-family dwellings such as townhouses and apartments must be approved via the major subdivision review and approval process.

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

Relating to Note # 6, does the 11.14 acres cited include the area to the west of proposed Building 8? Where do the Lands of Rolfe end?

The aggregate acreages cited in Notes 7, 24, and 25 total 12.35, which is at odds with Note # 6 (11.14 ac.). How can that discrepancy be explained? Mr. Sutton said the right of way was not included.

Dwellings or impervious surfaces shall not occur on slopes with a grade of 25% or more covering a contiguous area of 10,000 ft² or more. On slopes between 15 and 25%, good engineering practices shall be used to ensure sediment and erosion control and slope stabilization before, during and after disturbance activities.\(^4\)

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

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

OPZ will not require a 100-year floodplain delineation based on field-run topo.

A 25’ buffer is required around all non-tidal wetlands and intermittent streams present. Permits are required from the (US Army) Corps of Engineers and MDE for all non-tidal wetland and stream impacts prior to recordation. JD’s are required in conjunction with permitting. If no permits are required, and if the proposed project meets the policy standards established on 3/20/95 and revised on 1/16/96, or if the FSD/Conceptual Environmental Assessment finds that there are no impacts to field-delineated wetlands or stream impacts, or if the FSD/Conceptual Environmental Assessment finds that there are no wetlands or streams and that finding is consistent with the details of County wetlands maps and USGS quad maps, then no JD is required. If required, then a JD is recommended to be done prior to Final Plat review by the Planning Commission, but required to be completed prior to recordation. Records indicate that the JD has been completed.\(^5\)

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

20% open space is required (§28.6.b); \(\pm70\%\) 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

\(^4\) 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.”

\(^5\) Permits are required from the (US Army) Corps of Engineers and MDE for all non-tidal wetland and stream impacts prior to recordation.
species. No more than 40% of the common open space required shall consist of those areas designated as nontidal or tidal wetlands. The open space sensitive areas thresholds must be calculated for inclusion on the Preliminary Plat.

15% landscaping of the development envelope is required (§28.5.a).

Any existing easements on site must be shown on the plat, per §4.0.13(h).

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

The required (§28.5.b), peripheral Bufferyard Standard C has been shown.

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

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

The minimum distance between townhouse structures shall be 60’ if the townhouse structures are face to face. No townhouse structure shall be closer than 20’ to any interior roadway or closer than 15’ to any off-street parking area – excluding garages built into an individual townhouse unit. The maximum townhouse height is 35’.

Apartment buildings shall be set back at least 20’ from all parking areas and internal roads (§28.4.h).

No apartment building can be constructed closer to any property line of the development tract than a distance equal to the height of the building (§28.4.d). The maximum length of an apartment building is 300 feet (§28.4.j).

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

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

The previously-approved FSD for Lakeside South/Valley Stream (representing only a portion of the property) has expired. The FSD and SWM Concept Plan for this site must be approved prior to the Concept Plat’s submission for review by the Planning Commission. (§5.1.C, Forest Conservation Regs.; §251.12, 2009 Cecil County SWM Ordinance).

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

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

Deed restrictions for the long-term protection of the street trees & Forest Retention/Afforestation Areas (FRAs) must be recorded & noted on the plat prior to recordation, with the metes & bounds description of the FRA being shown on the Final & Record Plats.
NO road names have been provided, as required by §4.0.13 (h). Road names must be approved by the Dept. of Emergency Services prior to the TAC’s review of the Preliminary Plat. Otherwise, the plat cannot proceed to Planning Commission review.

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

What is proposed regarding future access to the adjacent Lands of Rolfe?

The number and ratio of parking spaces to dwelling units has been provided and is consistent with the requirements of ARTICLE XIV. However, no details are provided relating to bike accessibility, as required by §278.2. How will these requirements be met? Mr. Holden stated there will be bike racks available.

A Boys & Girls Club is proposed; however, private clubs are not permitted in the RM zone. Have any steps been taken to obtain a rezoning? The Planning Commission cannot approve a Concept Plat that proposes a use that is not permitted.

Any proposed Boys & Girls Club must be served by water & sewer systems approved by the Health Department. A major site plan submittal may be submitted for any Boys & Girls Club, or the Preliminary Plat may contain its details, per Appendix A of the Zoning Ordinance. Any major site plan must be approved prior to Final Plat approval(s). The requirements of §291 and Appendix A of the Zoning Ordinance must be adhered to.

Why have the parking requirements for the Boys & Girls Club not been addressed?

What is the rationale for locating the bus shelter on the side of the unnamed road that is not paved? Mr. Strauss said he will look into it.

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

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 units offered for rent/lease.

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.

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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Mr. Strauss stated that the lot area of the apartments is 11.14 and the proposed right of way is 1.21 for a total of 12.35 acres. Mr. Strauss asked if the density should be calculated out of the 12.35 acres. Mr. Di Giacomo said yes. Mr. Strauss asked if CCSCS and DPW will be able to review and approve the SWM plan before the February Planning Commission deadline. Mr. Woodhull said he is unable to answer that since he has not reviewed the SWM plan. Mr. Woodhull stated that SWM plans go through multiple reviews so the engineer will also need to work in a timely matter to ensure proper approvals. Mr. Holden stated that they are only trying to meet deadlines given on the State and Federal level.

1. **Clean Energy, Site Plan, Courtesy Review for the Town of North East, Lums Road, Fiedler Group, Fifth Election District.**

Mr. Di Giacomo tried unsuccessfully to contact the developers via telephone.

Betsy Vennell, Town of North East Planner and Melissa Cook-MacKenzie, Town Administrator, appeared for the presentation of the project. Ms. Vennell asked that the developer adhere to the TAC comments as the Town will accept the TAC’s comments. A Special Exception is required for this use.

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

It is understood that this site plan proposes work within the corporate limits of the Town of North East. With that understanding our comments are as follows:

1. The current SWM Ordinance applies to this proposal and as such the Applicant must submit concept, preliminary & final SWM plans to the Cecil County Department of Public Works (CCDPW) for review and approval before the CCDPW will recommend that the Town of North East approve the final plat. We request that the Town Of North East not approve the final site plan until they receive such recommendation from CCDPW.
2. Any ESDs proposed will require a SWM Declaration which must be executed and the inspection fee paid prior to the CCDPW approving the Final SWM plan.
3. The final site must include the standard Lot Grading Note or the Department will not recommend approval of the plat.

Mr. Woodhull stated that the department has concerns about the proximity of this project to the existing hotel. The department would like to see comments from the Fire Chief’s Representative and/or the Fire Marshall’s office.

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

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

Confirmation of adequate water and sewer allocations must be received from the Town of North East and Cecil County Department of Public Works. The Cecil County Health Department has confirmed with Maryland Department of the Environment Oil Control and Air Management that neither plans approval nor MDE permits are required for LNG refueling.

Mr. Brown, CCSCS, read the comments of the department:
• The project must conform to the current Stormwater Management ordinance. To date, Concept Storm Water Management Plans have not been received by the Cecil Soil Conservation District. The Cecil Soil Conservation District recommends disapproval of the Concept Plat until the Concept Stormwater Management Plans have been reviewed and approved by all applicable agencies per the current Stormwater Management ordinance.
• Soil maps and reports on soil limitations have not been provided as they will need to be submitted by the engineer within the Storm Water Management review process. Please review checklist for Joint Agency Review of the Stormwater Management/Erosion and Sediment Control Plan and contact the Department of Public Works or the Cecil Soil Conservation District with any questions.
• The plan view is not shown at the 1:60 scale proposed.

Mr. Di Giacomo stated that comments were not received from the Fire Chief’s Representative and Delmarva Power.

Mr. Di Giacomo read the comments of MDE:
Neither water lines or wells are shown at the site however since proposed use is located in the Town of North East water service area, it is assumed that any water uses at the site will be served by the Town. Therefore, neither a water appropriation & use permit nor a notice of exemption will be required for final plat.

Mr. Di Giacomo read the comments of SHA:
SHA has no objection to plan approval as access to this site is from a county road. Ms. MacKenzie stated that the road involved belongs to the Town of North East.

Mr. Di Giacomo, P&Z, read the comments of the department:
This Site Plan proposal is in the Town of North East. The Cecil County TAC, as a courtesy to the towns in the County, occasionally reviews site plans and subdivision proposals within the towns’ corporate limits.

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

- Town Zoning: NOT PROVIDED on the Site Plan.
- It is recommended that the Site Plan not be accepted by the Town for review and possible approval until all technical Site Plan requirements, as set forth in the Town’s Zoning Ordinance and Subdivision Regulations, have been adhered to.
- It is recommended that any necessary rezoning be completed as early as possible, but, definitely, no later than prior to final Site Plan approval.
- Since this appears, in actuality, to be a revision to a previously-approved Site Plan, it is recommended that a note referencing the previously-approved Site Plan and its date of approval be included on the Site Plan.
• Notations referencing the removal of 7 existing parking stalls and a retaining wall suggest to location of the ingress-egress point from the existing parking area, though no real detail is provided.

• It should be confirmed that the removal of 7 existing parking stalls does not invalidate the approval of the existing Site Plan. Moreover, it should be confirmed that the number of parking spaces falls within the minimum and maximum established by the Town’s Zoning Ordinance and Subdivision Regulations. No notes in that regard have been provided.

• It is possible that the removal of 7 existing parking stalls will be offset by the addition of stalls at the western end of the parking stall row, given a note about the removal of an existing curb in that area. However, in the absence of any details and explanatory notes, that is merely of matter of conjecture.

• Since this 8 ½ x 17” ‘site plan’ is a reduction from a larger version, the cited scale is not accurate. It is recommended that the Town not accept any Site Plan with an incorrect scale citation.

• From a safety and emergency response perspective, it is recommended that the Town not approve any site plan until after review and approval by the North East Fire Company and the Fire Marshall. Of particular concern is the proximity of the facility to the motel and the apparent circuitous path to the facility for emergency responders.

• It is recommended that the Town not approve any site plan until after review and approval of the fire suppression plan, including fire hydrant locations – with heavy emphasis on their accessibility and visibility.

• It should be determined if the addition of this facility would result in additional employees, and, if so, if additional employee parking spaces would be required, as set forth in the Town’s Zoning Ordinance and Subdivision Regulations.

• It is recommended that a determination be made, in conjunction with SHA and CCDPW, that the original Traffic Impact Study (TIS) was sufficient with respect to this site plan revision and the original trip generation parameters.

• Would the primary access to this facility be through the parking area from Lums Road or from Center Drive? No notes in that regard have been provided.

• The Town of North East and Cecil County signed an “Assigning obligations under the Forest Conservation Act” agreement. It is recommended that the Site Plan not be approved until the Landscape Plan and the Forest Conservation Plan have been approved. It should be confirmed that any landscaping proposed is consistent with the landscaping requirements of the Town’s Zoning Ordinance and Subdivision Regulations, especially with respect to any required bufferyards. If the site of the facility is to remain unchanged, then it is recommended that a protective berm be required between the facility and the motel. No information in those regards has been provided.
• It should be confirmed that the setbacks, landscaping, and structure heights are consistent with the Town’s Zoning Ordinance for the unspecified zoning district.

• It is recommended that the Site Plan not be approved until the Lighting Plan has been approved. No information in that regard has been provided. It is recommended that the lighting plan emphasize both pedestrian safety and security.

• It is recommended that the Site Plan not be approved until an internal traffic circulation plan has been approved. No information in that regard has been provided.

• Permits are required from the (US Army) Corps of Engineers and MDE for all non-tidal wetland impacts or stream crossings prior to recordation. It is recommended that a final determination be made as to the necessity for a JD prior to final Site Plan approval.

• Any habitats of any rare, threatened, and endangered species on site in the area of proposed improvements should be avoided. No information in that regard has been provided.

• It is recommended that no street/landscaping trees be planted within 20 feet of sewer laterals and cleanouts, if any. No information in that regard has been provided.

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

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

• It should be confirmed that all proposed structure heights do not exceed the maximum height established in the Town’s Zoning Ordinance and Subdivision Regulations. No information in that regard has been provided.

• Consideration should be given to locating dry hydrants at the stormwater management ponds – if deemed advisable and feasible by the North East Fire Co.

• Stormwater management final plan approval must precede final Site Plan approval.

• MDE fueling facility approval must precede final Site Plan approval.

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

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

• It is recommended that a lighting plan that emphasizes pedestrian safety and security be submitted.

• It is recommended that all Variance numbers, if any, be shown on future plans.

• It is incumbent upon any applicant to provide adequate, detailed information to the effect that his proposal meets all requirements, and is, therefore, worthy of approval. Therefore, it is
recommended that the site plan be carefully checked by the Town to ensure that all requirements for Site Plans, as set forth in the Town’s Zoning Ordinance and Subdivision Regulations, have been satisfied.

The January TAC meeting adjourned at 10:03 a.m.

Respectfully submitted,

Jennifer Bakeoven
Due to a lack of agenda items, there was not a February 2012 meeting of the Technical Advisory Committee.
1. McDonald’s, courtesy Review for the Town of Rising Sun, MD Rte. 273, Existing and Proposed Site Plan, Stantec Architecture, Inc., Sixth Election District.

Charles Karat, Stantec Consulting, appeared and presented an overview of the project.

Mr. Woodhull, DPW, read the comments of the department:
As all the work proposed is within the existing McDonalds parking lot and no new impervious surface will be created the Cecil County Department of Public Works has no comments.

Mr. Graham, Citizen’s Representative, stated that McDonald’s needs to improve their wait staff in order to fill more orders efficiently. Until that is done, the new drive-through design will not improve customer wait times. Mr. Graham also believes that the existing entrance should allow for exiting also. He thinks there is too much congestion in the parking lot when customers are coming out of the drive-through lane.

Mr. Harmon, DEH, read the comments of the department:
The Health Department has no objection to the proposed Site Plan. Mr. Harmon asked if any interior changes will be made. Mr. Karat said no.

Mr. Brown, CCSCS, read the comments of the department:
If disturbance is kept to less than 5000 sq ft. and less than 100 yds is excavated, an Erosion and Sediment Control Plan will not be needed.

Mr. Di Giacomo stated that comments were not received from the Fire Chief’s Representative or the Town of Rising Sun.

Mr. Di Giacomo read the comments from MDE:
Since the site is supplied by public water, neither a water appropriation and use permit or a notice of exemption will be required for final plat.

Mr. Di Giacomo read the comments from SHA:
As long as no changes are being made to the existing entrances on MD 273 (the plans submitted don't reflect any change), SHA has no objection to plan approval. The existing entrances are adequate. If there are any questions, please call me at 410-545-5598.
Mr. Di Giacomo, P&Z, read the comments of the department:

This project, a revised site plan, is proposed in the Town of Rising Sun. The Cecil County TAC, as a courtesy to the towns in the County, occasionally reviews development proposals within the towns’ corporate limits.

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

- **Town Zoning:** It should be determined if the Town’s Zoning Ordinance allows for the submission of a Site Plan that does not require the citation of the Zoning District in which the project is proposed.

- It is recommended that the proposed use and design be verified as being consistent with the Town’s Zoning Ordinance for the Zoning District in which the project is proposed.

- It should be confirmed that the Town’s Zoning Ordinance does not require the title blocks of submitted Site Plans to include the Tax Map #, Grid #, Parcel #, Election District #, or Census Tract of the project. In addition, Maryland is a state, not a Province.

- It should be confirmed that the setbacks for the new drive-through lane and other design features are consistent with the Town’s Zoning Ordinance for the Zoning District.

  - The Town of Rising Sun and Cecil County have not signed an “Assigning obligations under the Forest Conservation Act Agreement.” However, the Office of Planning and Zoning will, as a courtesy to the Town, review and comment on any FSD, PFCP, and/or FCP as may be necessary.

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

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

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

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

- It is recommended that any replacement of street trees not be planted within 20 feet of sewer laterals and cleanouts.

- It is recommended that any Landscape Plan be approved prior to final Site Plan approval.

- It is recommended that any Landscape Agreement be executed prior to approval signatures’ being affixed to the Site Plan prior to recordation.
• It is recommended that bicycle and pedestrian access and facilities, including sidewalks and crosswalks, that have been included in this design are adequate to provide an acceptable level of safety given the traffic pattern modifications.

• It should be confirmed that all aspects of the proposed site design and layout are consistent with the Town’s Subdivision Regulations and Public Works street code, especially with respect to access point offsets from access points on the opposite side of Main Street.

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

• It should be confirmed that all proposed building heights or floor area ratios are consistent with limits established in the Town’s Zoning Ordinance and Subdivision Regulations.

• The original vehicular/pedestrian access and circulation plan should be removed or re-examined to determine its suitability to the new traffic flow. Any new, potential pedestrian-vehicle conflicts should be identified. Signage, other traffic control devices, and striping should be considered as remedies thereto. A bicycle rack might also be considered.

• Consideration should be given to requiring a Traffic Impact Study (TIS) if the increased drive-through capacity is projected to significantly increase the number of customers.

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

• It is recommended that the original Site Plan’s lighting plan be reviewed for its suitability to the proposed new traffic flow.

• It is recommended that the original Site Plan’s trash disposal location be reviewed for its suitability to the proposed new traffic flow. Any resultant, potential traffic flow conflicts should be identified and corrected in a revised vehicular/pedestrian access and circulation plan.

• Water allocation should be confirmed by the Town of Rising Sun to be sufficient for any significant projected increase the number of customers.

• It should be confirmed that any new signage locations and structures remain consistent with the Town’s Zoning Ordinance and Subdivision Regulations, especially with respect to setbacks.

The March TAC meeting adjourned at 9:26 a.m.

Respectfully submitted,

Jennifer Bakeoven
Due to a lack of agenda items, there was not an April 2012 meeting of the Technical Advisory Committee.

Absent:  Cwiek, Philip (USCoE), Ouano, Jun (Delmarva Power), Latham, Cindy (MDE), Langford, Ariana (CCPS), Meaders, David (FA), Bakeoven, Jennifer (CCP&Z).

1. Hawks Feather Subdivision, Lots 1-7, Bailiff Road, Preliminary Plat, Otwell Engineering, LLC, Fifth Election District.

Terry Otwell, Otwell Engineering and Elmer Justice, III, developer, appeared and presented an overview of project.

Mr. Woodhull, DPW, read the comments of the department:
1. The Applicant is advised that the preliminary plat may not be submitted for Planning Commission review until both the concept & preliminary SWM plans have been approved by all reviewing agencies.
2. A Road & Storm Drain plan and a Mass and Final Grading plan must be approved by the DPW prior to submitting the final plat to the Planning Commission for review.
3. Section 2.13 of the Cecil County Road Code apply to the proposed private mini road specifically the Applicant is reminded that a statement clearly outlining the responsibilities of homeowners in the maintenance of the road and storm drain system must be approved by the Planning Commission and placed on the final plat. Deed restrictions to be applied to each lot in the proposed subdivision, which must be submitted to and approved by the County Attorney, are to provide for the perpetual maintenance of the road and storm drain system in the subdivision by the homeowners. The deed restrictions are to be recorded at the same time the final plat is recorded.
4. In accordance with Section 3.07 14) of the Cecil County Road Code intersection sight distance measurements must be submitted and approved prior to this Department recommending approval of the preliminary plat by the Planning Commission. Mark the centerline of the proposed intersection in the field.
5. Section 3.07 15) also applies to this project and must be addressed. The extent of the road improvements, if required, must be reflected on the preliminary plat and the Applicant must agree to construct the same.
6. The proposed private mini road must be paved to County Road Code standard for a minor road (see Standard Detail R-35) within the County’s R/W.
7. The 30’Bailiff Road widening dedication note (General Note 11) must be revised to read “A 30’ wide strip of land along Bailiff Road is hereby dedicated in fee simple to the Board of County Commissioners of Cecil County and is recorded among the land records of Cecil County (D.W.L._____,______).” Reference General Note 11 on the plan view appropriately.
8. The fee simple dedication Deed must be recorded prior to recordation of the final plat to allow for inclusion of its Liber / Folio on the plat.
9. Any applicable Road Code Variances must be requested prior to submittal for Preliminary Plat approval.

10. Revise General Note 6 to add “Any change to the Forest Retention, Forestation, and/or Reforestation will require a consistency review of the approved SWM plan by the Cecil County Department of Public Works.”.

11. Revise General Note 10 to reflect the name of the current Clerk of the Circuit Court.

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 Lot Grading Plan Construction Limits Note.
   12.2 Requirements for Public Works Agreements.
   12.3 Requirements for Stormwater Inspection and Maintenance Agreements.

Notes and requirements identified for record:

1. The Lot Grading Plan must include the standard construction limits note.
   a. 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. A Public Works Agreement is required for the private mini road & associated storm drainage construction.

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

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

Mr. Harmon read the comments of the Health Department:
This plat does not meet the criteria for a preliminary plat. Plat must include test holes and perc data table per COMAR 26.04.03.

Lots 1 and 7 – move sewage area out of 15’ buffer, 25’ from roadside ditch. Well must be 100’ away from septic and pump tanks. A written well variance is required.

Mr. Brown, CCSCS, read the comments of the department:
- To date, neither Concept nor Preliminary Stormwater Management Plans have been submitted to the Cecil Soil Conservation District for review and/or approval. The CSCD attended a pre-submittal meeting on 1/30/12 however no formal submission of the Stormwater Management Plans was made to our office. The submission and subsequent approval of each level of SWM review by each department is required prior to each level of Plat review.
- Soils maps and reports of soils limitations must be submitted for review with the Concept SWM plans.

Mr. Di Giacomo read the comments from MDE:
1. A notice of exemption will be required for final plat.

Mr. Di Giacomo read the comments of the Cecil County Public Schools. See file. Also, the comments from Delmarva Power will be in the file.

Mr. Di Giacomo stated that no comments were received from the Fire Chief’s Representative.

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

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

Zoning: LDR

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

Procedurally, §4.0.1 of the Subdivision Regulations allows for the elimination of a Concept Plat for projects with fewer than 10 lots (7) and 25 acres (10.248). §4.0.1 does not eliminate any required technical approvals that would ordinarily be completed at the Concept phase of the review and approval process.

A boundary line survey must be done in conjunction with the preparation of the Preliminary Plat for density calculation purposes. Has the boundary line survey been completed? Mr. Otwell said yes. Mr. Di Giacomo asked the applicant to place a note on the plat showing the date of the survey.

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

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

A 110’ perennial stream buffer is required from all perennial streams present. This buffer shall be expanded to include contiguous areas of hydric soils, highly erodible soils, and soils on slopes greater than 15% -- to a maximum distance of 160’. A soils delineation could not be found; per §4.1.22 (t) it must be included on any plat submitted to the Planning Commission.

In addition to a soils delineation, Preliminary Plats require test hole locations and tabular perc data for the proposed septic reserve areas.

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.

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$^1$ §4.0.1 of the Subdivision Regulations allows for the elimination of a Concept Plat for projects with fewer than 10 lots and 25 acres.

$^2$ 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.”
No Common Open Space is required for fewer than 10 lots.

Except in the NAR and SAR zones, at a minimum, 15% of any 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 (except in the NAR and SAR zones). Any C.O.S. sensitive areas thresholds must be calculated for inclusion on the Preliminary Plat.

15% landscaping of the development envelope is required in the LDR zone.

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

Bufferyard Standard C is required, outside the right-of-way, along the road frontages of Bailiff Road. Only one of two sight distance easements has been labeled, and the required Bufferyard Standard C has not been depicted. The required Bufferyard Standard C must be depicted on any plat submitted to the Planning Commission.

What is the “15’ street buffer” depicted on proposed Lot 1 between the septic reserve area and the property line? Mr. Otwell said it is a Bufferyard C.

Per §187.2, the Planning Commission may require bufferyards to separate different zoning districts from one another. Not all adjacent properties’ zoning has been shown.

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

Rows of street trees with 10’ planting easements are required, outside the right-of-way, along both sides of all internal roads. The 10’ street tree planting easements have not been depicted per §4.1.22 (n), as they must on any plat submitted for review by the Planning Commission. 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.

In conjunction with the procedural elimination of the Concept Plat review, per the provisions of §4.0, the Forest Stand Delineation (FSD) was previously approved, on 3/29/12. However, the SWM Concept Plan still has not. This is a serious issue, and the applicant is reminded that the SWM Concept Plan must ordinarily be approved prior to the Planning Commission’s review of the Concept Plat (§251.12, 2009 Cecil County SWM Ordinance). That means prior to the TAC’s Preliminary Plat review. Why hasn’t this been completed? Mr. Otwell said he submitted a Concept with revisions but it was rejected. His plan is to do structural infiltration. Discussion ensued.

The Preliminary Forest Conservation Plan (PFCP) and SWM Preliminary Plan must (shall) be approved prior to Planning Commission review of the Preliminary Plat (§6.2.B(1), Cecil County Forest Conservation Regulations; §251.12, 2009 Cecil County SWM Ordinance). If the SWM Concept and Preliminary Plans and the PFCP have not been approved, then the Preliminary Plat cannot be accepted for review by the Planning Commission.
On sheet 2 of 2, the ‘Forest Preservation hatching’ area note does not make sense.

§4.1.22 (p) requires that a drainage schematic be shown, including any SWM facility locations. In the absence of approved SWM Concept and Preliminary Plans, is the applicant absolutely certain that there will be no SWM facilities?

§4.1.22 (r) requires a table that includes the number of lots, the area of lots, density, etc. Some of this information can be found on the plat, but all of this information must be included in a table on any plat submitted for review by the Planning Commission.

The final Forest Conservation Plan (FCP)/Landscape Plan and SWM Final Plan must (shall) be approved prior to the Planning Commission’s review of the Final Plat (§6.3.B(1)(a), Cecil County Forest Conservation Regulations; §251.12, 2009 Cecil County SWM Ordinance). Pursuant to §6.2.B(1) §6.3.B(1) of the Cecil County Forest Conservation Regulations, what is the applicant’s intended schedule for submitting the PFCP and the FCP?

A Landscape Agreement must be executed prior to recordation.

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

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

Access to any possible common open space between or beside lots must be marked with concrete monuments.

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

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

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 hereby perfunctorily reminded of the 4:30 p.m. submission deadline on the 3rd Thursday for review by the Planning Commission the following month. However, in the absence of:

- SWM Concept and Preliminary Plans approvals,
- PFCP approval,
- The provision of test hole locations and tabular perc data for the proposed septic reserve areas,
- §4.1.22 (n), §4.1.22 (p), §4.1.22 (r), §4.1.22 (t) and other requirements, … … the applicant is advised that the remedy of these deficiencies with a subsequent resubmittal for TAC review is the more prudent procedural path to follow. If these deficiencies have not been remedied, and the Preliminary Plat is submitted for review by the Planning Commission, then the Preliminary Plat will not be accepted for review by the Planning Commission, and application fees will be forfeited.
Dan Lutz, Capstone Development Group, Inc., appeared and presented an overview of the projects.

Mr. Woodhull, DPW, read the comments of the department: (Concept & Preliminary)

1. The project as presented here today represents three phases of construction. Phases 1 & 2 were approved under the previous SWM Ordinance. However, phase 3 was not and therefore must be designed under the requirements of the current SWM Ordinance. Section 251-13 of the Ordinance requires that before final plat can be submitted for Planning Commission review the Phase 3 SWM concept, preliminary & final plans must be submitted & approved by all reviewing agencies. If the Applicant wishes to break the final plat submission down into one for Phases 1 & 2 and another for Phase 3 we can allow the Phases 1 & 2 to go Planning Commission for final plat approval.

2. A submittal substantiating the Flood Plain delineation must be made prior to submittal for Final Plat Approval. Applicant must verify that the proposed vehicle storage area is outside the flood plain.

3. A street and storm drain submittal must be approved by the DPW prior to submittal for Final Plat Approval.

4. Admiral’s Way is crossed by the flood plain line, which has presumably been calculated. An engineered crossing must be designed and submitted for review prior to submittal for Final Plat Approval.

5. Sight distance measurements must be provided to the DPW for the vehicle storage area entrance to establish compliance with the Cecil County Road Code.

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

7. A Sanitary Sewer submittal must be approved by the DPW for the sewer improvements prior to submittal for Final Plat Approval.

8. Sewer capacity is not available at this time. The applicant must demonstrate that sufficient build out capacity exists for the existing line along Route 40 (including consideration of other proposed projects) and the North East Interceptor must be upgraded before sewer allocation can be made for this and other similar projects along the corridor. A public/private solution to this has been discussed w/ Mechanics Valley, LLC but has not yet been executed via an agreement with the Board of County Commissioners. As such, the timing is uncertain.

9. The applicant has submitted a package to establish sewer allocation for the clubhouse due to improvements in their private water system. This package is under review by the Department.

10. MDE is primarily responsible for the water system approval. However, a submittal must be copied to DPW for review; given the paternal relationship that MDE may create for the County should the developer ever fail to adequately operate the system.

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

12. A PWA will be required for internal streets, storm drains, sanitary sewers.
Mr. Graham, Citizen’s Representative, had no comments.

Mr. Zeller, SHA, read the comments of the department:
SHA would like the opportunity to review a traffic impact study for the additional development proposed on this site to determine the impacts to the surrounding road network. We require 6 copies of the study for our review.

Mr. Harmon, DEH, read the comments of the department:
Water and sewer allocations must be obtained from the appropriate utility providers prior to final plan approval. The allocation letter must contain the following information:

1. The amount of flow allocated. If allocation is in phases, identify the phase of the project the current allocation is for.

2. Identify if the allocation expires if it is not put into use by a given date.

3. Identify if any water or sewer upgrades are needed to provide this allocation (pump stations, new mains, additional treatment) and if any Maryland Department of the Environment permits are required for these upgrades.

Mr. Brown, CCSCS, read the comments of the department:
• Phase III is grandfathered under old SWM ordinance.
• Phase III will require a standalone Erosion and Sediment Control Plan to be reviewed and approved by the CSCD.
• Be sure to watch the approval and construction dates outlined in the new SWM ordinance.

Mr. Di Giacomo read the comments of MDE:
1. No additional changes to the water appropriation and use permit will be needed for final plat.

Mr. Di Giacomo stated that no comments were received by the Fire Chief’s Representative.

Mr. Di Giacomo read the comments from the Cecil County Public Schools. See file.

Mr. Di Giacomo, P&Z, read the (Concept Plat) comments of the department:
This proposal is in not compliance with §3.8 regarding public notification.³

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.

Current Zoning: BG, MH and OS.

Density: The MH, or Manufactured Home, District permits a maximum base density of 2 du/ 1 ac., or up to 6 du/ 1 ac. for a manufactured home park, as stipulated in §’s 29 and 78 of the Cecil County Zoning Ordinance.

This Concept Plat was approved on 11/18/01, conditioned on:

³ No public notification sign could be found on site.
1) Road names being approved by the County 911 Emergency Center prior to Planning Commission review of the Preliminary Plat, and 
2) A Traffic Impact Study (TIS) being completed prior to TAC review of the Preliminary Plat.

§4.0.9 then provided that Concept Plats were valid for two years from date of approval. The 11/18/01 Concept Plat approval would have expired on 11/18/03, but that was a moot point because of the subsequent Preliminary and Final Plat approvals. That point is no longer moot because, although the project remains in progress, the Preliminary Plat’s approval extensions were inadvertently not renewed.\(^4\) Mr. Di Giacomo stated that if the Planning Commission grants approval of this Concept and Preliminary Plats, the Concept approval will be valid for three (3) years and the Preliminary approval will be valid for two (2) years. Also, if any phases or sections are recorded, this will extend the Preliminary approval for two (2) years from the date of recordation.

The original Preliminary Plat was approved on 2/19/02, conditioned on:
1) Health Department requirements being met;
2) Department of Public Works requirements being met;
3) Sites 207-213 being referenced regarding an adjacent agricultural operation;
4) A modification to the bufferyard D requirement at the “Wetland/Buffer Crossing” location being granted, to reduce the width to 10’ and to shift the road 5’ toward the eastern property boundary;
5) The Cecil County Master Water & Sewer Plan being amended prior to Final Plat review by the Planning Commission;
6) The sewer capacity to serve these proposed sites being verified by the Department of Public Works prior to Final Plat review;
7) Water supply and sewer service notes, consistent with Sections 4.2.13 (t) & (u) of the Subdivision Regulations, appearing on the Record Plat stating that such services shall be made available to all sites;
8) The final Forest Conservation Plan (FCP) and Landscape Plan being approved prior to Planning Commission review of the Final Plat;
9) Verification that 15% of the required open space does not consist of perennial or intermittent stream buffers, nontidal wetlands or buffers, steep slopes, or habitats of rare, threatened and endangered species;
10) Receiving verification from MDE prior to Final Plat review that the proposed water system is capable of serving these proposed sites;
11) Deed restrictions for the long-term protection of the Forest Retention/Afforestation Areas (FRAs) being recorded and noted on the plat prior to recordation. The metes and bounds description of the FRA must be shown on the record plat;
12) The title block indicating that this is a manufactured home park prior to Final Plat review by the Planning Commission; and
13) All references to lots being changed to sites prior to Final Plat review by the Planning Commission.

\(^4\) §4.1.17 provided that “The recordation of any section of a Final Plat shall extend the Preliminary Plat approval for an additional two (2) year period from the date of said recordation. If a Final Plat is not recorded during the period, then the developer may have requested an extension in accordance with [the former] Section 4.1.18.” Thus, extensions of Preliminary Plats can be accomplished either by an extension or the recordation of a Final (Record) Plat. The fifth (and most recent) Cecil Woods Preliminary Plat extension, granted on 11/19/07, extended Preliminary Plat approval until 11/19/08. Per §4.1.16 of the Cecil County Subdivision Regulations, the 2/19/09 recordation would have extended your Preliminary Plat's validity until 2/19/11, except that, as of 2/19/09, it had already expired on 11/19/08. And with that expiration, the 5/18/11 recordation is moot because the new §4.1.16 does not provide for the extension of Preliminary Plat approvals that have already expired.
§4.1.17 provided that Preliminary Plats be valid for two years from date of approval. Therefore, Preliminary Plat approval, which would have expired on 2/19/04, was granted a one year extension on 1/22/04, extending Preliminary Plat approval until 1/22/05.

Because sewer allocation was still unavailable\(^5\), subsequent extensions were granted on 12/20/04, 12/19/05, 12/18/06 & 11/19/07, thus, in each case, extending Preliminary Plat validity for one additional year, until 12/20/05, 12/19/06, 12/18/07 & 11/19/08, respectively.

Sewer allocation became available for 50 sites; therefore, the Section 1 Final Plat\(^6\) was approved on 9/15/08, conditioned on:

1) Health Department requirements being met;
2) Department of Public Works requirements being met;
3) All references to lots being changed to sites prior to recordation;
4) The Record Plat’s citing the exact acreage of the open space provided in Section 1;
5) Water supply and sewer service notes, consistent with §’s 4.2.13 (t) & (u) again appearing on
6) Deed restrictions for the long-term protection of the Forest Retention/Afforestation Areas
   (FRAs) being recorded and noted on the plat prior to recordation, with the metes and bounds
   description of the FRA being shown on the Record Plat; and
7) A landscape Agreement being executed prior to recordation.

§4.1.17 provided that “The recordation of any section of a Final Plat shall extend the Preliminary Plat
approval for an additional two (2) year period from the date of said recordation. If a Final Plat is not
recorded during the period, then the developer may have requested an extension in accordance with
[the former] Section 4.1.18.”

All previous comments pertinent to the original Concept Plat review stand.

If approved, this development will require that the existing Manufactured Home Park license be
amended to include the additional 102 sites.

The improvements proposed on the South Parcel, are not subject to review and approval by the
Planning Commission. That proposed development will be reviewed administratively through the
major site plan process. There shall not be any further submittals to the Planning Commission
covering proposed development on that parcel.

A boundary line survey has been completed.

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’. This buffer has been expanded in the appropriate areas.

References to lots have been changed to sites, except for in the title blocks.

A 25’ buffer is required around all non-tidal wetlands present. Permits are required from the (US
Army) Corps of Engineers and MDE for all non-tidal wetland impacts prior to recordation. A
Jurisdictional Determination (JD) has been completed.

Not less than 15% of the gross area shall be devoted to open space and recreational area, not including
roads and bufferyards. 6.3138 acres of open space is required. In addition, the 1.2061 acres of open

\(^5\) The unavailability of sewer allocation precludes the possibility of the approval of any Final Plat that might be submitted by the applicant.
\(^6\) The Section 1 Final Plat was consistent with the approved Concept and Preliminary Plats, except that only 102 (was 103) sites were proposed.
space lost in the original section must be replaced, bringing the total requirement to 7.5199 acres. 15.0133 acres of open space are proposed, but, although they are graphically depicted, the Section 1 open space acreage has not been provided.\(^7\)

The open space sensitive areas thresholds were calculated and included on the approved Preliminary Plat.\(^8\)

The street tree planting easement has been noted and depicted. No street trees should be planted within 20 feet of sewer laterals and cleanouts.

The approved Preliminary Plat’s Note # 8 stated that sidewalks will be provided on one side of all internal roads.

The FSD and PFCP have been approved.

The FCP was approved on 3/31/05 and the Landscape Plan was approved on 12/16/04.

A landscape agreement must be executed prior to recordation.

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

Water supply and sewer service notes, consistent with §’s 4.2.13 (t) & (u) must again appear on the Record Plat.

Verification that the proposed water system is capable of serving these proposed sites has been received from MDE.

This site is included in the Master Water & Sewer Plan.

Each manufactured home site shall measure not less than 4000 ft\(^2\) in area. This minimum area requirement has been added to the plat, as well as the 50’ width at the setback line.

Each manufactured home site shall be provided with 2 off-street parking spaces, as was noted in Note # 7 of the approved Preliminary Plat.

In future Section 2, only a proposed Bufferyard D separates proposed Sites 207-213 from an agricultural operation. In this regard, Note # 10 makes reference to sites 208-214 – which was correct under the previous numbering system. Sites 207-213 must be referenced on 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.

All the requirements of §’s 30 & 78 of the Zoning Ordinance\(^9\) and §6.6 of the Subdivision Regulations must be satisfied, including roadway geometry.

\(^7\) Those figures are necessary to account for the total open space acreage has each section is submitted.

\(^8\) No more than 40% of the common open space required shall consist of those areas designated as nontidal or tidal wetlands. 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.

\(^9\) Now §’s 29 & 78 of the Zoning Ordinance.
A copy of the original plat that was approved on 11/18/01 must be submitted for review and approval by the Planning Commission, and the public notification sign must be installed.

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: N/A

Mr. Di Giacomo, P&Z, read the (Preliminary Plat) comments of the department: This proposal is not in compliance with §3.8 regarding public notification.

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

Current Zoning: BG, MH and OS.

Density: The MH, or Manufactured Home, District permits a maximum base density of 2 du/ 1 ac., or up to 6 du/ 1 ac. for a manufactured home park, as stipulated in §’s 29 and 78 of the Cecil County Zoning Ordinance.

The original Concept Plat was approved on 11/18/01, conditioned on:
   1) Road names being approved by the County 911 Emergency Center prior to Planning Commission review of the Preliminary Plat, and
   2) A Traffic Impact Study (TIS) being completed prior to TAC review of the Preliminary Plat.

§4.0.9 then provided that Concept Plats were valid for two years from date of approval. The 11/18/01 Concept Plat approval would have expired on 11/18/03, but that was a moot point because of the subsequent Preliminary and Final Plat approvals. That point is no longer moot because, although the project remains in progress, the Preliminary Plat’s approval extensions were inadvertently not renewed. Thus, the Concept’s review on today’s TAC agenda.

The original Preliminary Plat was approved on 2/19/02, conditioned on:
   1) Health Department requirements being met;
   2) Department of Public Works requirements being met;
   3) Sites 207-213 being referenced regarding an adjacent agricultural operation;
   4) A modification to the bufferyard D requirement at the “Wetland/Buffer Crossing” location being granted, to reduce the width to 10’ and to shift the road 5’ toward the eastern property boundary;
   5) The Cecil County Master Water & Sewer Plan being amended prior to Final Plat review by the Planning Commission;
   6) The sewer capacity to serve these proposed sites being verified by the Department of Public Works prior to Final Plat review;

10 §4.1.17 provided that “The recordation of any section of a Final Plat shall extend the Preliminary Plat approval for an additional two (2) year period from the date of said recordation. If a Final Plat is not recorded during the period, then the developer may have requested an extension in accordance with [the former] Section 4.1.18.” Thus, extensions of Preliminary Plats can be accomplished either by an extension or the recordation of a Final (Record) Plat. The fifth (and most recent) Cecil Woods Preliminary Plat extension, granted on 11/19/07, extended Preliminary Plat approval until 11/19/08. Per §4.1.16 of the Cecil County Subdivision Regulations, the 2/19/09 recordation would have extended your Preliminary Plat's validity until 2/19/11, except that, as of 2/19/09, it had already expired on 11/19/08. And with that expiration, the 5/18/11 recordation is moot because the new §4.1.16 does not provide for the extension of Preliminary Plat approvals that have already expired.
7) Water supply and sewer service notes, consistent with Sections 4.2.13 (t) & (u) of the Subdivision Regulations, appearing on the Record Plat stating that such services shall be made available to all sites;
8) The final Forest Conservation Plan (FCP) and Landscape Plan being approved prior to Planning Commission review of the Final Plat;
9) Verification that 15% of the required open space does not consist of perennial or intermittent stream buffers, nontidal wetlands or buffers, steep slopes, or habitats of rare, threatened and endangered species;
10) Receiving verification from MDE prior to Final Plat review that the proposed water system is capable of serving these proposed sites;
11) Deed restrictions for the long-term protection of the Forest Retention/Afforestation Areas (FRAs) being recorded and noted on the plat prior to recordation. The metes and bounds description of the FRA must be shown on the record plat;
12) The title block indicating that this is a manufactured home park prior to Final Plat review by the Planning Commission; and
13) All references to lots being changed to sites prior to Final Plat review by the Planning Commission.

§4.1.17 provided that Preliminary Plats be valid for two years from date of approval. Therefore, Preliminary Plat approval, which would have expired on 2/19/04, was granted a one year extension on 1/22/04, extending Preliminary Plat approval until 1/22/05.

Because sewer allocation was still unavailable11, subsequent extensions were granted on 12/20/04, 12/19/05, 12/18/06 & 11/19/07, thus, in each case, extending Preliminary Plat validity for one additional year, until 12/20/05, 12/19/06, 12/18/07 & 11/19/08, respectively.

Sewer allocation became available for 50 sites; therefore, the Section 1 Final Plat was approved on 11/08.

§4.1.17 provided that “The recordation of any section of a Final Plat shall extend the Preliminary Plat approval for an additional two (2) year period from the date of said recordation. If a Final Plat is not recorded during the period, then the developer may request and extension in accordance with Section 4.1.18 [now §4.1.16].”

Thus, extensions of Preliminary Plats can be accomplished either by an extension or the recordation of a Final (Record) Plat. The fifth (and most recent) Cecil Woods Preliminary Plat extension, granted on 11/19/07, extended Preliminary Plat approval until 11/19/08.

Sewer allocation became available for 50 sites; therefore, the Section 1 Final Plat12 was approved on 9/15/08, conditioned on:
1) Health Department requirements being met;
2) Department of Public Works requirements being met;
3) All references to lots being changed to sites prior to recordation;
4) The Record Plat’s citing the exact acreage of the open space provided in Section 1;
5) Water supply and sewer service notes, consistent with §’s 4.2.13 (t) & (u) again appearing on

11 The unavailability of sewer allocation precludes the possibility of the approval of any Final Plat that might be submitted by the applicant.
12 The Section 1 Final Plat was consistent with the approved Concept and Preliminary Plats, except that only 102 (was 103) sites were proposed.
6) Deed restrictions for the long-term protection of the Forest Retention/Afforestation Areas (FRAs) being recorded and noted on the plat prior to recordation, with the metes and bounds description of the FRA being shown on the Record Plat; and
7) A landscape Agreement being executed prior to recordation.

The Section 1 Final Plats were recorded on 2/19/09 and 5/18/11.

Per §4.1.16 of the Cecil County Subdivision Regulations, the 2/19/09 recordation would have extended your Preliminary Plat's validity until 2/19/11, except that, as of 2/19/09, it had already expired on 11/19/08. And with that expiration, the 5/18/11 recordation is moot because the new §4.1.16 does not provide for the extensions of Preliminary Plat approvals that have already expired.

All previous comments pertinent to the original Preliminary Plat review stand.

The improvements proposed on the South Parcel, are not subject to review and approval by the Planning Commission. That proposed development will be reviewed administratively through the major site plan process. There shall not be any further submittals to the Planning Commission covering proposed development on that parcel.

A boundary line survey has been completed.

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’. This buffer has been expanded in the appropriate areas.

References to lots have been changed to sites, except for in the title blocks.

A 25’ buffer is required around all non-tidal wetlands present. Permits are required from the (US Army) Corps of Engineers and MDE for all non-tidal wetland impacts prior to recordation. A Jurisdictional Determination (JD) has been completed.

Not less than 15% of the gross area shall be devoted to open space and recreational area, not including roads and bufferyards. 6.3138 acres of open space is required. In addition, the 1.2061 acres of open space lost in the original section must be replaced, bringing the total requirement to 7.5199 acres. 15.0133 acres of open space are proposed, but, although they are graphically depicted, the Section 1 open space acreage has not been provided.13

The open space sensitive areas thresholds were calculated and included on the approved Preliminary Plat.14

The street tree planting easement has been noted and depicted. No street trees should be planted within 20 feet of sewer laterals and cleanouts.

The approved Preliminary Plat’s Note # 8 stated that sidewalks will be provided on one side of all internal roads.

The FSD and PFCP have been approved.

The FCP was approved on 3/31/05 and the Landscape Plan was approved on 12/16/04.

13 Those figures are necessary to account for the total open space acreage has each section is submitted.
14 No more than 40% of the common open space required shall consist of those areas designated as nontidal or tidal wetlands. 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.
A landscape agreement must be executed prior to recordation.

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

Water supply and sewer service notes, consistent with §’s 4.2.13 (t) & (u) must again appear on the Record Plat.

Verification that the proposed water system is capable of serving these proposed sites has been received from MDE.

This site is included in the Master Water & Sewer Plan.

Each manufactured home site shall measure not less than 4000 ft² in area. This minimum area requirement has been added to the plat, as well as the 50’ width at the setback line.

Each manufactured home site shall be provided with 2 off-street parking spaces, as was noted in Note # 7 of the approved Preliminary Plat.

In future Section 2, only a proposed Bufferyard D separates proposed Sites 207-213 from an agricultural operation. In this regard, Note # 10 makes reference to sites 208-214 – which was correct under the previous numbering system. Sites 207-213 must be referenced on 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.

All the requirements of §’s 30 & 78 of the Zoning Ordinance\textsuperscript{15} and §6.6 of the Subdivision Regulations must be satisfied, including roadway geometry.

A copy of the original Preliminary Plat that was approved on 2/19/02 must be submitted for review and approval by the Planning Commission, and the public notification sign must be installed.

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.

School information: N/A

4. New East Crossing, 72 Units, Razor Strap Road, Preliminary Plat, McCrone, Inc., Fifth Election District.


Mr. Brown, CCSCS, read the comments of the department:

- Preliminary Stormwater Management Plans have been submitted to the Cecil Soil Conservation District and are currently under review. The submission and subsequent approval of each level of SWM review by each department is required prior to each level of Plat review.

\textsuperscript{15} Now §’s 29 & 78 of the Zoning Ordinance.
• How will Mr. Rolfe access his property during construction? The SWM and E&S plans depict sediment controls blocking entrance to his lot.

Mr. Harmon, DEH, read the comments of the department:
Water and sewer allocations must be obtained from the appropriate utility providers prior to final plan approval. The allocation letter must contain the following information:

1. The amount of flow allocated. If allocation is in phases, identify the phase of the project the current allocation is for.

2. Identify if the allocation expires if it is not put into use by a given date.

3. Identify if any water or sewer upgrades are needed to provide this allocation (pump stations, new mains, additional treatment) and if any Maryland Department of the Environment permits are required for these upgrades.

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

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

2. Use of public water and sewerage is in conformance with the Cecil County Master Water and Sewer Plan (by the Health Department’s signature).

Written details for the use of the community building must be submitted to the Cecil County Health Department to determine if any regulated activities are proposed.

Mr. Zeller, SHA, read the comments of the department:
SHA has no comment regarding the proposed access to this site as it will be from a county road. We have reviewed the traffic study and determined that no off-site improvements will be required. We have no objection to plan approval.

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

Mr. Woodhull, DPW, read the comments of the department:
1. Department will not recommend Planning Commission approval of the preliminary site plan until the off-site road improvements requirements have been agreed to by the Applicant and DPW and it is so noted on the preliminary plat presented to the Planning Commission for review. Discussion ensued regarding the disagreement on the trip count provided by the applicant.

2. The preliminary SWM plan for this project must be approved by all reviewing agencies prior to submitting the preliminary site plan for Planning Commission review/approval.

3. The Preliminary site plan presented to the Planning Commission must contain a note stating “A 30’ wide strip of land along Razor Strap Road is hereby dedicated in fee simple to the Board of County Commissioners of Cecil County and is recorded among the land records of Cecil County (D.W.L._____, _____)”. Clearly identify this area on the preliminary site plan.

Mr. Di Giacomo read the comments from the Cecil County Public Schools. See file.

15
Mr. Di Giacomo stated that he will forward the comments from MDE to Mr. Strauss when they are received in P&Z.

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

With regard to the posting of plats on the County’s website, notice is hereby given 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.

Proposals for this site were reviewed by the TAC on 6/7/00 and again on 4/4/01, under the name Montgomery Bros., Inc., but never submitted for Planning Commission review.

Named “Lakeside South,” a proposal on this site was reviewed by the TAC on (9/7/05).

Under the name “Valley Stream,” a Concept Plat was approved on 10/17/05, conditioned on:
1) Minor Subdivisions 1989, 2982, and 3188 being referenced on the plat;
2) Water and sewer service providers being named on the Preliminary Plat;
3) The Jurisdictional Determination (JD) being completed prior to Preliminary Plat review by the Planning Commission
4) The density being correctly stated on the Preliminary Plat submitted for TAC review; and
5) Evidence being provided that Montgomery Bros. owns the abandoned Baron Road, or the abandoned road being shown on the Preliminary Plat.

The Valley Stream Prelim. Plat, though not signed & sealed, was approved on 4/17/06, conditioned on:
1) Health Department requirements being met;
2) DPW requirements being met;
3) Verification of water allocation being received from the Town of North East prior to Final Plat review;
4) Verification of sewer allocation being received from the DPW prior to Final Plat review;
5) The final FCP and Landscape Plan being approved prior to Final Plat review; and
6) A copy of the signed and sealed Preliminary Plat being provided to OPZ prior to Final Plat submittal.

A one-year extension of the Valley Stream Preliminary Plat’s validity was granted on 3/17/08.

A revised Valley Stream Preliminary Plat was approved on 7/21/08, conditioned on:
1) Health Dept. requirements being met;
2) DPW requirements being met;
3) The 10’ street tree planting easements’ being again depicted and noted on the Final and Record Plats;
4) Water allocation being confirmed by the Town of North east prior to Final Plat Review; and
5) Sewer allocation being confirmed by DPW prior to Final Plat review.

The Valley Stream Final Plat was approved on 7/21/08, conditioned on:
1) Health Dept. requirements being met;

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16 It proposed 5 lots on 4.953 acres for a density of 1.9906.
17 The boundary line survey was completed by American Land Surveyors, LLC.
18 The 6th condition was subsequently satisfied.
2) DPW requirements being met;
3) The 10’ street tree planting easements’ being again depicted and noted on the Record Plat;
4) The Record Plat’s containing a statement signed by the Health Department, approving authority, to the effect that use of the community water supply and community sewerage system is in conformance with the Master Water and Sewer Plan;
5) The Record Plat’s also containing a statement, signed by the owner, to the effect that such facilities will be available to all lots/homes offered for sale;
6) The Record Plat’s depicting and noting the 10’ street tree planting easements;
7) The Landscape Agreement’s being executed prior to Recordation; and
8) Deed restrictions for the long-term protection of the street trees and off-site 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 Forest Conservation Plan.

The Valley Stream Record Plats were never submitted for signatures.

Zoning = RM

Density: The RM zone permits a density of up to 14 du/1 ac. for apartments. The Concept Plat proposing 72 apartment units on 12.35 acres, for a proposed density of 5.83/1, was approved on 2/22/12, conditioned on:

1) The Preliminary Forest Conservation Plan (PFCP) and SWM Preliminary Plans’ being approved prior to Planning Commission review of the Preliminary Plat;
2) A TIS being completed prior to the TAC’s review of the Preliminary Plat;
3) A major site plan’s being submitted for the proposed Community Building, or the Preliminary Plat’s containing its details, per Appendix A of the Zoning Ordinance;
4) The open space percentage calculation in Note # 24 being corrected; and
5) The fire hydrant locations, being finalized in consultation with the Department of Public Works and the North East Fire Company prior to the TAC’s Preliminary Plat review.

Per §6.3 of the Subdivision Regulations, multi-family dwellings such as townhouses and apartments must be approved via the major subdivision review and approval process.

This proposed site makes up Lot 5 in Minor Subdivision #3188, approved 10/12/99, which has been cited on the plat in Note #35. Minor Subdivisions 1989 & 2982 still have not been sited on the plat.

A boundary line survey must be done in conjunction with the preparation of the Preliminary Plat for density calculation purposes. Note #21 references a boundary survey done by McCrone in March 2012; has a copy been sent to OPZ separately?19 Mr. Strauss said not yet.

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.

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19 This Preliminary Plat has been sealed by an engineer, not a surveyor.
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.”
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’.

OPZ will not require a 100-year floodplain delineation based on field-run topo.

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

Records indicate that the JD has been completed.21

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

20% open space is required (§28.6.b); ±63% is proposed, not the 70% cited in note # 24.

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

15% landscaping of the development envelope is required (§28.5.a).

Any existing easements on site must be shown on the plat, per §4.0.13(h).

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

The required (§28.5.b), peripheral Bufferyard Standard C has been shown.

Rows of street trees with 10’ planting easements are required, outside the right-of-way, along both sides of all internal roads. This planting easement has not been shown. 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’ of sewer laterals and cleanouts.

Fire hydrant locations should be selected in consultation with the Department of Public Works and the North East Fire Company prior to the TAC’s Preliminary Plat review. What progress has been made in that regard? Mr. Di Giacomo stated that he had received an email pertaining to this question; the plat submitted for Planning Commission review should reflect the fire hydrant locations.

The minimum distance between townhouse structures shall be 60’ if the townhouse structures are face to face. No townhouse structure shall be closer than 20’ to any interior roadway or closer than 15’ to any off-street parking area – excluding garages built into an individual townhouse unit. The maximum townhouse height is 35’.

Apartment buildings shall be set back at least 20’ from all parking areas and internal roads (§28.4.h).

No apartment building can be constructed closer to any property line of the development tract than a distance equal to the height of the building (§28.4.d). The maximum length of an apartment building is 300 feet (§28.4.j).

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21 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.
Per §187.2, the Planning Commission may require bufferyards to separate different zoning districts from one another.

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

The FSD and SWM Concept Plan for this site have been approved.

The PFCP was approved on 4/17/12, and SWM Preliminary Plan must be approved prior to Planning Commission’s review of the Preliminary Plat (2009 Cecil County SWM Ordinance).

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

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

The road name ‘Maresca Circle’ was approved on 1/13/12.

A Traffic Impact Study (TIS) was required22 prior to the TAC’s Preliminary Plat review. Its conclusions are curious in that they reference this location’s being in the ‘Development District,’ in which, according to the TIS document “each approach to the key intersections are required to operate at a level of service ‘D’ or better at future build-out traffic conditions.”

In fact, neither the Comprehensive Plan nor the Zoning Ordinance23 contains a ‘Development District.’ It appears that the TIS document’s (mis)information came from the 1990 Comprehensive Plan, which no longer pertains.

This project location is situated in the medium-high density district, which requires a level of service “C” in the off-peak hours and a level of service “D” in the peak hours of operation. The applicant is referred to §5.2.5 of the 2010 Comprehensive Plan, page 5-9.

The number and ratio of parking spaces to dwelling units has been provided and is consistent with the requirements of ARTICLE XIV. As was stated at Concept review, “Per §278.2, future submissions must provide details relating to bike accessibility.” What bicycle accessibility details have been provided? Mr. Strauss said bicycle racks are proposed.

As was stated at Concept review, “the proposed Community Building must be served by water & sewer systems approved by the Health Department. A major site plan submittal may be submitted for the proposed Community Building, or the Preliminary Plat may contain its details, per Appendix A of the Zoning Ordinance. Any major site plan must be approved prior to Final Plat approval(s). The requirements of §291 and Appendix A of the Zoning Ordinance must be adhered to.” What is the proposed schedule for the submittal of the site plan? Mr. Di Giacomo asked Mr. Strauss to communicate with us and include a lighting plan copied to DPW and in the body of the communication state how they will comply with Appendix A requirements.

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

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22 That was the second condition of Concept Plat approval.
23 Both documents are available on line.
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 units offered for rent/lease.

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.

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

Respectfully submitted,

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

Absent: Cwiek, Philip (USCoE), Ouano, Jun (Delmarva Power), Latham, Cindy (MDE), Langford, Ariana (CCPS), Meaders, David (FA), Graham, Daniel (Citizen’s Rep.) and Zeller, Rich (SHA).

1. Hawks Feather Subdivision, Lots 1-7, Bailiff Road, Preliminary Plat, Otwell Engineering, LLC, Fifth Election District.

Terry Otwell, Otwell Engineering and Elmer Justice, III, developer, appeared and presented an overview of project.

Mr. Woodhull, DPW, read the comments of the department:
1. The Applicant is advised that the concept plat may not be submitted for Planning Commission review until the concept SWM plan has been approved by all reviewing agencies.
2. A Road & Storm Drain plan and a Mass and Final Grading plan must be approved by the DPW prior to submitting the final plat to the Planning Commission for review.
3. Section 2.13 of the Cecil County Road Code apply to the proposed private mini road specifically the Applicant is reminded that a statement clearly outlining the responsibilities of homeowners in the maintenance of the road and storm drain system must be approved by the Planning Commission and placed on the final plat. Deed restrictions to be applied to each lot in the proposed subdivision, which must be submitted to and approved by the County Attorney, are to provide for the perpetual maintenance of the road and storm drain system in the subdivision by the homeowners. The deed restrictions are to be recorded at the same time the final plat is recorded.
4. In accordance with Section 3.07 14) of the Cecil County Road Code intersection sight distance measurements must be submitted and approved prior to this Department recommending approval of the preliminary plat by the Planning Commission. Mark the centerline of the proposed intersection in the field.
5. Section 3.07 15) also applies to this project and must be addressed. The extent of the road improvements, if required, must be reflected on the preliminary plat and the Applicant must agree to construct the same.
6. The proposed private mini road must be paved to County Road Code standard for a minor road (see Standard Detail R-35) within the County’s R/W.
7. The 30’ Bailiff Road widening dedication note (General Note 11) must be revised to read “A 30’ wide strip of land along Bailiff Road is hereby dedicated in fee simple to the Board of County Commissioners of Cecil County and is recorded among the land records of Cecil County (D.W.L.____, _____).” Reference General Note 11 on the plan view appropriately.
8. The fee simple dedication Deed must be recorded prior to recordation of the final plat to allow for inclusion of its Liber / Folio on the plat.
9. Any applicable Road Code Variances must be requested prior to submittal for Preliminary Plat approval.
10. Revise General Note 6 to read “A lot grading plan has been approved by the CCDPW for the construction shown hereon. A site construction as built shall be submitted to the CCDPW prior to use and/or occupancy of any of the sites shown hereon. Any change to the Forest Retention, Forestation, and/or Reforestation will require a consistency review, of the SWM approval, with CCDPW.”.

11. Revise General Note 10 to reflect the initials of the current Clerk of the Circuit Court.

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 Lot Grading Plan Construction Limits Note.
12.2 Requirements for Public Works Agreements.
12.3 Requirements for Stormwater Inspection and Maintenance Agreements.

Notes and requirements identified for record:

1. The Lot Grading Plan must include the standard construction limits note.
   a. 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. A Public Works Agreement is required for the private mini road & associated storm drainage construction.
3. An Inspection & Maintenance Agreement is required for the private SWM facilities.

Discussion ensued regarding required DPW agreements.

Mr. Di Giacomo stated that no comments were received from the Fire Chief’s Representative, Citizen’s Representative, CCPS and SHA.

Mr. Harmon read the comments of the Health Department:
A G.A.P Exemption must be filed with Maryland Department of the Environment prior to final Plat approval. Send a courtesy copy of the application to our office.

A written request for a well variance is required for lots 1 & 7 for the wells to be down slope of the designated sewage areas.

Show disturbance for sewage areas on contour.

Mr. Brown, CCSCS, read the comments of the department:
- Concept Stormwater Management Plans have been submitted to the Cecil Soil Conservation District are currently awaiting approval. The CSCD has issued a SWM conditional approval letter on 6/5/12. A copy of this SWM conditional approval letter has been provided.
- Soil maps and reports of soils limitations have been submitted for review with the Concept SWM plans.

Mr. Di Giacomo read the comments from MDE:
1. A notice of exemption will be required for final plat.
Mr. Di Giacomo, P&Z, read the comments of the department:
This proposal was found to be in compliance with §3.8 regarding public notification.

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

Zoning: LDR

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

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

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

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

A 110’ perennial stream buffer is required from all perennial streams present. This buffer shall be expanded to include contiguous areas of hydric soils, highly erodible soils, and soils on slopes greater than 15% -- to a maximum distance of 160’.\(^3\)

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.

15% of any 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 (except in the NAR and SAR zones). Any C.O.S. sensitive areas thresholds must be calculated for inclusion on the Preliminary Plat.

\(^1\) §4.0.1 of the Subdivision Regulations allows for the elimination of a Concept Plat for projects with fewer than 10 lots and 25 acres.

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

\(^3\) The soils delineation details are provided and will satisfy the requirements of §4.1.22 (t) on the Preliminary Plat.
15% landscaping of the development envelope is required in the LDR zone, as noted in General Note # 20.

No Common Open Space is required for fewer than 10 lots, and sidewalks will not be recommended in this case. A potential concrete pad, possibly on proposed Lot 1, may need to be considered for a school bus stop.

Bufferyard Standard C is required (a 15’ Bufferyard C is depicted), outside the right-of-way, along the road frontages of Bailiff Road.

Per §187.2, the Planning Commission may require bufferyards to separate different zoning districts from one another. Not all adjacent properties’ zoning has been shown.

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

Rows of street trees with 10’ planting easements are required, outside the right-of-way, along both sides of all internal roads. The 10’ street tree planting easements are referenced in General Note # 8. 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 Site and Lot Tabulation boxes will satisfy the §4.1.22 (r) requirement for the Preliminary Plat.

The Forest Stand Delineation (FSD) was approved on 3/29/12. The SWM Concept Plan has been submitted, but it has not yet been approved. It must be approved prior to the Concept Plat’s submittal for review by the Planning Commission.

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

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

A Landscape Agreement must be executed prior to recordation.

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

The road name was previously approved by the County 911 Emergency Center. Hawks Feather Court is labeled on proposed Lot 6 and referenced in the Site Tabulation box.

Access to any possible common open space between or beside lots must be marked with concrete monuments.

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

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4 This will help satisfy the requirements of §4.1.22 (n) when the Preliminary Plat is submitted.
5 §4.1.22 (p) will also require that a drainage schematic be shown, including any SWM facility locations.
A Mini-road Maintenance Association for maintenance of the mini road must be established prior to recordation, with the owners of all lots accessing the mini-road becoming members.

The contiguous agricultural operation notice has been included as General Note # 21.

The applicant is hereby 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 comments of Planning and Zoning.

The June TAC meeting adjourned at 9:30 a.m.

Respectfully submitted,

Jennifer Bakeoven
Due to a lack of agenda items, there was not a July 2012 meeting of the Technical Advisory Committee.
Due to a lack of agenda items, there was not an August 2012 meeting of the Technical Advisory Committee.
Present: Di Giacomo, Tony (CCP&Z), Latham, Cindy (MDE), Peoples, Rob (MDE), Harmon, Lloyd (DEH), Brown, Chris (CCSCS), Graham, Daniel (Citizen’s Rep.) and Bakeoven, Jennifer (CCP&Z).

Absent: Cwiek, Philip (USCoE), Ouano, Jun (Delmarva Power), Woodhull, Mark (CCDPW), Langford, Ariana (CCPS), Meaders, David (FA), and Zeller, Rich (SHA).

1. West Creek Village, 904 Units, Fletchwood Road, Revised Preliminary Plat, McBride & Ziegler, Inc., Fourth Election District.

Andrea Finerosky, Pettinaro, and Mark Ziegler, McBride & Ziegler, Inc., appeared and presented an overview of the project.

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

Ms. Latham, MDE, stated that this project is covered by the existing water appropriation Meadowview service area, therefore she had no further comments.

Mr. Harmon, DEH, read the comments of the department:
Submit written documentation of water and sewer allocations prior to final plat approval of each phase. A permit to construct the pumping station must be issued by Maryland Department of the Environment prior to record plat approval.

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

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

2. Use of public water and sewerage is in conformance with the Cecil County Master Water and Sewer Plan (by the Health Department’s signature).

Mr. Brown, CCSCS, read the comments of the department:
The revision to the plat will require updated Erosion and Sediment Control Plans for West Creek Village – Phase II and Phase III. Erosion and Sedimentation Control Plans must be submitted to the Cecil Soil Conservation District for review and approval. We suggest your engineer contact our office to agree on design concepts before commencing design.

Mr. Di Giacomo provided the applicant with a copy of the comments from DPW. They read as follows:
The Department has no objection to the revision as proposed. However, due to the number of years lapsed since the Department last saw the Road & Storm Drain, Sanitary Sewer & SWM plans we require that they be re-submitted for review by this Office. These plans must be approved and their
associated administrative issues addressed to the Department’s satisfaction prior to the Department signing the record plat.

Mr. Di Giacomo read the comments of Delmarva Power:

The electric wires crossing Fletchwood Rd west of West Creek Village Dr is owned by Delmarva. The remaining poles and wires into the property is customer owned.

Mr. Di Giacomo stated that he spoke with Rich Zeller, SHA, regarding this project. Mr. Zeller stated that through reviewing the files on this project, there was discussion regarding the phasing of road improvements once the 50% threshold of the total occupancy is completed. He mentioned the possibility of a revisit of the TIS due to the length of time that has passed since the previous TIS.

Mr. Di Giacomo stated that OPZ received no comments from the other members of the Technical Advisory Committee.

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

This proposal is in compliance with §3.8 regarding public notification.

With regard to the posting of plats on the County’s website, notice is hereby given 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.

This Revised Preliminary Plat proposes to revise the Record Plat signed on 6/4/08, by including a portion of Building # 11 in Phase III rather than Phase II, and including Building # 10C in Phase II rather than Phase III. Procedurally, a revision of the Preliminary Plat is required prior to the revision of the Final and Record Plats.

Pursuant to §4.1.09, Planning Commission approval of this revised Preliminary Plat shall be effective for three years from the date of such approval.

Likewise, the possible, subsequent approval and recordation of a corresponding Final Plat would, pursuant to §4.1.16, extend Preliminary approval for two years from the date of recordation.

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

Subsequently, a Concept Plat for Section II and a portion of Section I, under the name Hardy Realty, was reviewed by the TAC on 9/4/02 and by the Planning Commission on 9/16/02 and 10/21/02 – when it was approved at a density of 7.4/1, conditioned on:

1) A Traffic Impact Study being complete prior to the TAC review of the Preliminary Plat;
2) The Traffic Impact Study’s scope of work including a needs assessment of, and possible feasibility study for, an alternative additional point of access;
3) A Jurisdictional Determination being done prior to the Planning Commission’s review of the Preliminary Plat;
4) The internal road names being approved by the County’s 911 Emergency Management Agency prior to the Planning Commission’s review of the Preliminary Plat;
5) The open space sensitive area acreages being provided prior to the TAC review of the Preliminary Plat; and
6) Waiver of the stream buffer expansion in the Development District contingent upon satisfactory quantitative demonstration of water protection equivalent to the requirements of the Zoning Ordinance.

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

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

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

Final Plats/revised Record Plats were subsequently signed on 4/16/07 and on 6/4/08 (see above).

Each recordation of Final Plat from an approved Preliminary Plat extended that Preliminary Plat’s approval for 2 years from the date of recordation (§4.1.16). Thus, the revised Preliminary Plat was valid until 6/4/10.
The 11/15/10 and 6/21/11 recordations extended the Preliminary Plat approved on 3/16/09 until 6/21/13.

Another Revised Preliminary Plat was approved on 3/16/09, and remained valid until 3/16/11.

This proposed revision does not involve any change in project layout or density. All previous Preliminary Plat comments stand.

The Traffic Impact Study (TIS) was previously submitted and it indicated that a traffic signal will be warranted at the Fletchwood/Peach Drive/West Creek Village Road when approximately 50% of the development is built out, and that all intersections in the study area will operate at level-of-service D, which is an acceptable level-of-service in the Development District.

A JD has been done.

20% open space – or 16.78 acres – is required in the RM zone. About 53% -- or 44.19 acres – are proposed. Common open space must be labeled.

Sidewalks are recommended on both sides of all internal roads, as well as along Fletchwood Road per a previous condition of approval.

Fire hydrant final locations should be selected in consultation with the Department of Public Works and the Singerly Volunteer Fire Company. Consideration should be given to the installation of a dry hydrant on the proposed bridge structure over the West Branch.

The applicant sought, and was granted, a modification, pursuant to §3.5 of the Subdivision Regulations and § 170 of the Zoning Ordinance, as follows:

- Some apartment buildings are proposed closer than the required 20’ setback, per §29.4.h. The applicant seeks design consistency with some of the existing, previously-approved buildings.
- Proposed apartment buildings 14A-1 and 14B-1 are slightly closer to the property line than a distance equal to the height of the building, pursuant to §29.4.d. They are intended to match previously approved buildings 14A and 14B.
- Proposed apartment building 18 exceeds the 300’ maximum length mandated in §29.4.j by 1.7’. Previously approved buildings 6 and 7 are more than 350’ long.

25% landscaping of the development envelope is required in the RM zone.
Bufferyard Standard C is required, outside the right-of-way, along the road frontage of Fletchwood Road. The 25’ peripheral bufferyard is also a Bufferyard standard C.

The Forest Stand Delineation (FSD) for the Hardy Realty parcel was approved on 10/2/02. A revised FSD, expanded to include both p. 75 and p.316, was approved on 1/13/04, and has expired.

The Phase I area was considered exempt under §3.2M, as noted in Prelim. Plat’s Note #15.\(^1\)

The Preliminary Forest Conservation Plan (PFCP) was approved on 4/8/04, but the details of the approved PFCP and this revised Preliminary Plat do not match up. Those details must be consistent between the FCP and any Final Plat(s).

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

The Record Plat(s) 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 apartments offered for lease.

In addition, OPZ staff notes that the FSD approval has expired and should be extended prior to this proposal’s being reviewed by the Planning Commission.

Should this Revised Preliminary Plat be approved by the Planning Commission on 9/17/12, then that approval shall remain effective until 9/17/15. The possible, subsequent Final approval and recordation would, in turn, extend any Preliminary approval for two years from the date of that recordation.

The applicant is reminded of the 4:30 p.m. submission deadline on the 3\(^{rd}\) Thursday for review by the Planning Commission the following month. In this case, though, the Planning Commission submittal has already been made.

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\(^1\) The Phase II areas that deviated from the West Creek Village Apartments’ Record Plat were subject to the Forest Conservation Regulations, as is Phase III. If there are no deviations, then Phase II could be included in Note #15, covering the §3.2M exemption.
The September TAC meeting adjourned at 9:13 a.m.

Respectfully submitted,

Jennifer Bakeoven
1. Springhill, Lot 5, Section Two, Preliminary / Final Plat, Springhill Road, American Engineering and Surveying, Inc., Sixth Election District.

Stanly Granger, American Engineering and Surveying, Inc. and Elam L. Miller, owner, appeared and presented an overview of the project.

Mr. Woodhull, DPW, read the comments of the department:
Provide a copy of the SWM Exemption cited in General Note 10 to the DPW. {Mr. Granger stated that Note 10 was a general note, they are in the process of a Lot Grading plan}. Before submitting this plat to the Planning Commission for review the Applicant’s Engineer needs to meet with the Department to discuss the issue of SWM. A SWM plan for this development must be designed to meet the County’s current SWM Ordinance. As such concept, preliminary & final SWM plan approval must be obtained prior to submitting this plat to the Planning Commission for review.

Mr. Woodhull asked Mr. Granger to strike Note 10 as DPW will provide him with wording. No other reference with the exception of the Lot Grading note will be necessary. Mr. Woodhull asked where the driveway location will be. Mr. Granger said in the cul-de-sac. Mr. Woodhull asked that Mr. Granger suggested that a fee simple deed be prepared and submitted to the Board of County Commissioners for the dedication along Springhill Road.

Mr. Graham, Citizen’s Representative, 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.

Plat is satisfactory.

Mr. Brown, CCSCS, read the comments of the department:
To date, Concept, Preliminary, nor Final Stormwater Management Plans have been submitted to the Cecil Soil Conservation District for review and / or approval.

Mr. Di Giacomo read the comments from MDE:
CE2007G007 is the water appropriation and use permit for Springhill Subdivision. The permit will need to be revised to the new number of lots for final plat.

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

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

Zoning: NAR

Density: The original Springhill Concept Plat proposing 19 lots on 98.501 acres¹ for a density of 1/5.18, was approved on 12/21/98, conditioned on:
   1) Amber Court being realigned to minimize the impact on the existing forest, and
   2) The number of panhandle lots being re-evaluated and if at all possible, being reduced to two.

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

Subsequently, the Section 2 Spring Hill Concept Plat for the remaining lots² was reviewed by the TAC on 3/7/01 and approved by the Planning Commission 3/19/01. It still showed an overall total of 19 lots (5 in Section 1 and 14 proposed in Section 2) on 98.501 acres.

The Springhill Section 1 Record Plats were signed on 10/17/02 (approved 8/16/99).³

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

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

The Section Two Concept, proposing 16 new lots on the remaining 88.417 acres, yielding a density of 1/5.526,⁴⁵,⁶ was approved on 12/21/06, conditioned on:
   1) The boundary line survey being completed prior to the TAC’s review of the Preliminary Plat;
   2) Documentation of the completion of the JD being submitted prior to the Planning Commission’s review of the Preliminary Plat;
   3) The PFCP being approved prior to the Planning Commission’s review of the Preliminary Plat; and
   4) A modified TIS being completed prior to the TAC’s review of the Preliminary Plat.

The Section Two Preliminary Plat, consistent with the approved Concept Plat, was approved on 7/21/08, conditioned on:
   1) Health Dept. Requirements being met;
   2) DPW requirements being met; and

¹ The actual acreage was 105.5, but the 98.5 figure was erroneously used on Springhill submittals through 11/3/04. The error occurred through the renumbering of lots 2 and 4, one a minor, and the other a major subdivision lot.
² 14 – based upon the 98.5 acre figure.
³ This Record Plat cited the erroneous 98.5 acres of remaining lands, so it must be modified.
⁴ Based on the original 105.528 total acres, 21 total lots would yield a density of 1/5.025, but the original Concept Plat’s density approval has expired.
⁵ The NAR zone then permitted a maximum base density of 1 du/5 ac. It is now 1/10, with no opportunity for bonus density.
⁶ NAR bonus density was not an issue.
3) Deed restrictions for the long-term protection of the street trees and Forest Retention/Afforestation Areas (FRAs) being recorded and noted on the plat prior to recordation, with the metes and bounds description of the FRA being shown on the Final and Record Plats.

§4.1.17 provided that Preliminary Plats were valid for two years from date of approval. Therefore, the 7/21/08 Preliminary Section 2 approval, set to expire on 7/21/10, was extended on 6/21/10, per §4.1.18. That extension expired on 6/12/12, and, therefore, previous Section 2 Concept and Preliminary approvals now have no standing.

This Section 2 Lot 5 Preliminary-Final Plat, in effect, reduces the number of Section 2 proposed lots from 14 to one (1). Therefore, the NAR zone’s current 1/10 density is not an issue. With a net Section 2 tract area of 88.224 acres (88.417 – 0.193), the proposed Section 2 density is 1 du/88.224 ac. Based on the original Springhill major subdivision acreage of 105.5, if approved, this 6th major subdivision lot would bring the combined Section 1-Section 2 density to 1/17.58.

While that proposed density is well within the NAR zone’s current permissible 1/10 limit, if this property should fall within the geographic limits of Maryland Sustainable Growth and Agricultural Preservation Act’s Tier IV, then it is likely that no further subdivision will be allowable.

What otherwise would be a Concept Plat, this Preliminary-Final Plat is permitted to be submitted because §4.0.1 of the Subdivision Regulations allows for the elimination of a Concept Plat for projects with fewer than 10 lots or 25 acres, and §2.0 allows for a combined Preliminary-Final Plat if there are from 1 to 5 lots proposed.

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

Dwellings or impervious surfaces shall not occur on slopes with a grade of 25% or more covering a contiguous area of 10,000 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.$^7$

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

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

A 25’ buffer is required around all non-tidal wetlands and intermittent streams present. Permits are required from the (US Army) Corps of Engineers and MDE for all non-tidal wetland and stream impacts prior to recordation. 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.

$^7$ The Cecil County Subdivision Regulations define steep slopes as “15 percent or greater incline.” The Cecil County Zoning Ordinance defines steep slopes as consisting of a grade of 25% or more covering a contiguous area of 10,000 ft$^2$ or more. The Cecil County Forest Conservation Regulations define steep slopes as “areas with slopes greater than 25 percent slope.”
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 ten (10) lots. Was a Homeowners’ Association previously established for the lots in Section 1? Mr. Granger said yes. Discussion ensued regarding the current HOA. Ann Jackson stated that the current HOA has dissolved.

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

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

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 Department of Natural Resources.

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

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

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

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.

Previous internal road name approvals (Amber Court & Natalie Way) are now moot.

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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Capacity | 715 | 818 | 903
% Utilization | 95% | 87% | 130%

School information: | Elementary | Middle | High School
Rising Sun | Rising Sun | Rising Sun
FTE | 665 | 714 | 1155
Capacity | 715 | 818 | 903
% Utilization | 93% | 87% | 128%

2. Lands of James D. & Louise Henry Kamihachi, Lot 6, Preliminary Plat, Piney Creek Lane, McCrone, Inc., Fifth Election District.

Mike Burcham, McCrone, Inc., and Louise Kamihachi, owner, appeared and presented an overview of the project.

Mr. Woodhull, DPW, read the comments of the department:
1. Concept and Preliminary Stormwater Management (SWM) Plans for the development proposed on Lot 6 must be submitted and approved prior to submitting the Preliminary Plat to the Planning Commission for their review. {Mr. Burcham stated that he has submitted a Concept / Preliminary SWM plan. They have received comments from DPW, DEH and CCSCS related to that submittal} Mr. Brown, CCSCS stated that they have not yet made comments on this submittal. In the future, if submittals are going to have Concept and Preliminary combined, he asked that a letter with DPW’s approval be submitted also.
2. A lot grading plan will be required for the development proposed on Lot 6.
3. The deed language for Lot 6 must include the rights and responsibilities associated with the perpetual road maintenance agreement providing common access to Elk River Lane. {Mr. Burcham stated that Dwight Thomey, Esq., is currently amending the appropriate paperwork.}
4. An agreement will be required for any SWM ESD measures proposed on Lot 6. This agreement will address the responsibilities of the owner of Lot 6 to maintain said measures and the right of the DPW to inspect the same.

Mr. Graham, Citizen’s Representative, 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.

Preliminary plats are required to show percolation test hole locations and percolation data. Percolation tests on this proposed lot requires testing during the seasonal testing period. The Health Department does not accept seasonal test applications until after January 1, 2013.

The Health Department recognizes that the intention of this application is to obtain grandfathering under Senate Bill 236, and has no objection to this. The applicant must submit revised preliminary plats satisfying COMAR 26.04.03 prior to proceeding to final plat.
Mr. Brown, CCSCS, read the comments of the department:
To date, Concept, Preliminary, nor Final Stormwater Management Plans have begun processing by
the Cecil Soil Conservation District for review and / or approval due to an insufficient submittal.

Plans were dropped off to our office however were not checked in because Concept and Preliminary
Plans were combined without approval from the Department of Public Works, If plans are to be
combined, approval letter from the DPW is required with the submission prior to processing. Plans
are waiting for pickup at the front counter.

Mr. Di Giacomo read the comments of MDE:
A notice of exemption will need to be issued for final plat.

Mr. Di Giacomo read the comments from the Critical Areas Commission:
We recently reviewed a lot line revision providing access to new Lot 6. The purposed lot is 20.06
acres and is located in the Resource Conservation Area (RCA). There are two (2) other lots
associated with this subdivision, 5F and 3G. It appears that there is an existing dwelling on Lot 6.
Provided all Critical Area requirements are being met for this subdivision, we have no comments on
Lot 6. It should be noted, however, on Lot 3G, there are two (2) areas where the 110 ft. buffer must
be expanded for the area of the wetland and the area of hydric soils up to 300 ft. or the landward edge,
whichever is less.

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

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

Zoning: NAR

Density: The NAR zone permits a maximum density of 1 du/ 10 ac. This Preliminary Plat, necessary
because minor subdivision potential has been exhausted, proposes 1 lot, proposed Lot 6, on 20.062
acres, for a proposed density of 1/35.51.

§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.8

15.585 acres of proposed Lot 6 – of Lot 3G’s 48.792 CA acreage – is located in the Critical Area’s
Resource Conservation Area (RCA), which imposes a maximum density of 1/20. The proposed
Critical Area density is 1/32.19.

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

Proposed perc areas have been delineated. The perc data must be included on any Preliminary Plat
submitted for review by the Planning Commission.

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

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8 2.0 of the Subdivision Regulations allows for a combined Preliminary-Final Plat if there are from 1 to 5 lots.
shall be used to ensure sediment and erosion control and slope stabilization before, during and after disturbance activities. 

Steep slopes have been shown.

A 110’ perennial stream buffer has been shown. 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, 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, and no landscaping of the development envelope is required in the NAR zone.

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

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

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

The final Forest Conservation Plan (FCP)/Landscape Plan and SWM Final Plan must (shall) be approved prior to Planning Commission review of the Final Plat (§5.1.C & §6.3.B(1)(a), Cecil County Forest Conservation Regulations; §251.12, 2009 Cecil County SWM Ordinance).

A Landscape Agreement must be executed prior to recordation.

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

The internal road names will need to be approved by the County 911 Emergency Center prior to Planning Commission review of the Preliminary Plat. Is Piney Creek Lane the name of the existing road? Mr. Burcham said yes.

No Homeowners’ Association is required.

No Mini-road Maintenance Association appears to be required. What legal instruments exist for the shared access of Piney Creek Lane? Will any modification be required? Mr. Burcham stated that Dwight Thomey, Esq., is addressing this modification to the PRMA. Mrs. Kamihachi stated that the signatures required for this have already been obtained. Discussion ensued regarding the owner of Lot 4D contacting Mr. Di Giacomo.

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.

In the RCA, Lot Coverage shall be limited to 15% of the gross site.

Within the Critical Area, clearing of up to 20% of the forest or developed woodland may be removed if one to one replacement is achieved.

No building or other structure shall exceed 35 feet in height in the Critical Area.

The proposed well, dwelling, and septic reserve areas are depicted outside the Buffer.

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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The October TAC meeting adjourned at 9:33 a.m.

Respectfully submitted,

Jennifer Bakeoven
CECIL COUNTY TECHNICAL ADVISORY COMMITTEE  
Wednesday, November 7, 2012, 9:00 a.m.  
County Administration Building  
200 Chesapeake Blvd., Elkton, Maryland

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

Absent:  Cwiek, Philip (USCoE), Latham, Cindy (MDE), Ouano, Jun (Delmarva Power), Langford, Ariana (CCPS), Meaders, David (FA), Zeller, Rich (SHA); and Graham, Daniel (Citizen’s Rep.).

1. Lands of Eric Behnke, 1 Lot, Arrants Road, Preliminary – Final Plat, Will Whiteman Land Surveying, Inc., Fifth Election District.

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

Mr. Woodhull, DPW, read the comments of the department:
1. The SWM plan for Lot 3 is technically complete and only administrative issues remain outstanding. The Department will not sign the final plat until all administrative issues have been resolved to our satisfaction.
2. A Road & Storm Drain plan and a Mass and Final Grading plan must be approved by the DPW prior to submitting the final plat to the Planning Commission for review.
3. Section 2.13 of the Cecil County Road Code applies to the proposed private mini road specifically the Applicant is reminded that a statement clearly outlining the responsibilities of homeowners in the maintenance of the road and storm drain system must be approved by the Planning Commission and placed on the final plat. Deed restrictions to be applied to each lot in the proposed subdivision, which must be submitted to and approved by the County Attorney, are to provide for the perpetual maintenance of the road and storm drain system in the subdivision by the homeowners. The deed restrictions are to be recorded at the same time the final plat is recorded.
4. The proposed private mini road must be paved to County Road Code standard for a minor road (see Standard Detail R-35) within the County’s R/W.
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 and Lot Grading Plan Construction Limits Notes.
   5.2 Requirements for Public Works Agreements.
   5.3 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 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.”
a. Grading Plan: “No clearing or grading is permitted beyond the limits of disturbance shown here or. Any expanded clearing and/or grading in the absence of an approved revised lot grading plan may be considered non-compliance with Chapter 251 of the Cecil County Code and either or both the developer and/or Builder may be subject to the enforcement of the penalty provisions therein.”

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

Mr. Harmon, DEH, read the comments of the department:
A Groundwater Appropriation Permit must be requested from Maryland Department of the Environment and a courtesy copy sent to Health Department.

Plat is satisfactory.

Mr. Brown, CCSCS, read the comments of the department:
- Preliminary Stormwater Management Plans were submitted to the Cecil Soil Conservation District on 10/31/12 and are currently under review. The submission and subsequent approval of each level of SWM review by each department is required prior to each level of Plat review.
- Soils maps and reports of soils limitations have been submitted for review with the Concept SWM plans. Concept plans requested for approval on 10/3/12 and are currently awaiting approval.

Mr. Di Giacomo read the comments from SHA (see file). No comments were received from MDE, Delmarva Power, CCPS, Fire Chief’s Representative or Citizen’s Representative.

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

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

Zoning: NAR

Density: The NAR zone permits a density of 1 du/ 10 ac. This Preliminary – Final Plat proposes subdividing Lot 2 of Minor Subdivision # 3936 to create proposed Lot 3 – a major subdivision lot, as minor subdivision potential for this parcel has been exhausted. Because all lots would access Arrants Road from the proposed Woods Farm Lane interior, private mini-road, per §2.4.1, using the acreage of the current Lot 2, this proposal would yield a major subdivision density of density 1/21.887.

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 or 25 or fewer acres, and §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.¹

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

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

A 25’ buffer is required around all non-tidal wetlands and intermittent streams present. Permits are required from the (US Army) Corps of Engineers and MDE for all non-tidal wetland and stream impacts prior to recordation. 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.

This proposal satisfies the general open space requirements of the NAR zone.

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

Sidewalks are not recommended.

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 Department of Natural Resources.

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

Any Landscape Agreement must be executed prior to recordation.

Deed restrictions for the long-term protection of any 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.

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.”
The internal road name ‘Wood Farm Lane’ will need to be approved by the County 911 Emergency Center prior to the Planning Commission’s review.

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

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

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. Coleridge, Section 2, Lots 19 & 25, Elk Ranch Park Road, Preliminary Plat, American Engineering and Surveying, Inc., Fifth Election District.

Stan Granger, American Engineering and Surveying, Inc., appeared and presented an overview of the project.

Mr. Woodhull, DPW, read the comments of the department:
1. A SWM plan is required for Lot 19A. This requires that the concept & preliminary plans must be approved by the Department prior to submitting the preliminary plat to the Planning Commission for review.
2. Section 3.08 of the Road Code applies to the driveway of the proposed dwelling on Lot 19A. Show the proposed driveway location on the preliminary & final plats. A site distance plan will also need to be submitted.
3. A fee simple deed dedication of the Elk Ranch Park Road frontage is required for Lots 19A & 25. The recorded plat for Lot 25 indicates that the property line is the southern edge of Elk Ranch Park Road. As shown the width of the dedication will be 40’ based on the 30’ wide normal dedication from the road centerline plus the 10’ width of the opposite lane. This Fee simple dedication will replace the 30’ road widening Easement on the existing plat.
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:
   5.1 The Final Plat and Lot Grading Plan Construction Limits Notes.
   5.2 Requirements for Public Works Agreements.
   5.3 Requirements for Stormwater Inspection and Maintenance Agreements.

Notes and requirements identified for record:

4. 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 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.”

5. A Public Works Agreement is required for the private mini road & associated storm drainage construction.
6. An Inspection & Maintenance and/or Micro Scale Practices Agreement is required for the private SWM facilities.

Mr. Harmon, DEH, read the comments of the department:
A Perc Data table must be shown on Plat.

Show test holes and numbers for Lot 25A from previous survey.

Show sewage area and locate diversion valve for Lot 25.

Indicate add-on of Lot 19 to Lot 25 with symbols.

Groundwater Appropriations Exemption is required from the Maryland Department of the Environment with a courtesy copy sent to the Health Department.

Proposed well on Lot 19A may need adjustment based on S.A. for Lot 25A.

Mr. Brown, CCSCS, read the comments of the department:
• To date, Concept, Preliminary, nor Final Stormwater Management Plans have been submitted to the Cecil Soil Conservation District for review and/or approval. Please include Cecil Soil Conservation District in discussions with The Department of Public Works as to the requirements of the Stormwater Management Plans and submit plans accordingly.
• Soil maps and reports on soil limitations have not been provided as they will need to be submitted by the engineer within the Storm Water Management review process.
• Old soils have been shown on the Plat. Please adjust to show the 2009 USDA soils.

Mr. Di Giacomo read the comments from SHA and Delmarva Power (see file). No comments were received from MDE, CCPS, Fire Chief’s Representative or Citizen’s Representative.

Mr. Di Giacomo, P&Z, read the comments of the department:
This proposal was found not to be in compliance with §3.8 regarding public notification. The Planning Commission will not review this proposal unless and until the public notification signs have been installed. Mr. Di Giacomo stated that the sign has since been installed.

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

Zoning: LDR, not RR. The correct zoning must be cited on the plat prior to any submission for review by the Planning Commission.

Density: The LDR zone permits a density of 1 du/1 ac. (or 2/1 with community facilities).
The original Coleridge Concept Plat was approved on 9/20/88 at a density of 1:1.298. Because it was approved prior to 7/25/89, Concept approval remains valid.²

This Preliminary Plat proposes no additional lots on an aggregate 20.2128 acres, leaving the density unchanged. The acreages of Lots 19A and 25A would remain unchanged, but the configurations would be different from those of Lots 19 and 25, and Lot 19A would be in a different location that of the current Lot 19.

§4.0.1 of the Subdivision Regulations allows for the elimination of a Concept Plat for projects with fewer than 10 lots or 25 or fewer acres.

Both the existing and proposed lots are the Critical Area’s LDA overlay zone; the CA density would not change. The Critical Area boundary and the floodplain boundary must be delineated on the plat, per §4.1.20(v)13 and §4.1.20(p), respectively.

§4.1.20(b) requires Preliminary Plats to include the grid number, as well as the tax map number. The grid number must be added to the plat prior to any submission for review by the Planning Commission.³

§4.1.20(q) requires Preliminary Plats to include the percolation information for the proposed sewage disposal area.

Dwellings or impervious surfaces shall not occur on slopes with a grade of 25% or more covering a contiguous area of 10,000 ft² or more. On slopes between 15 and 25%, good engineering practices shall be used to ensure sediment and erosion control and slope stabilization before, during and after disturbance activities.⁴

Slopes greater than 25% must be shown on the Preliminary Plat. None are present.

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.

This proposal satisfies the general open space requirements of the LDR zone.

⁵ 7/25/89 was the effective date of an amendment to the Subdivision Regulations that for the first time established time limits on the validity of Concept Plat approvals.
³ The ADC map and grid numbers have been provided, but the ADC map’s grid number cannot be substituted for the tax map’s grid number.
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.”
Except in the NAR and SAR zones, 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 (except in the NAR and SAR zones). The C.O.S. sensitive areas thresholds must be calculated for inclusion on the Preliminary Plat.

At least 15% landscaping of the development envelope is required in the LDR zone.

Sidewalks are not recommended.

Lot 19 now has an address of 44 Trent Road. If approved, proposed Lot 19A would be accessed from, and have an address on, Elk Ranch Park Road.

Per §7.2.12.F.1 & 2, the Planning Commission could possibly reject this proposal.

Bufferyard Standard C is not required, Elk Ranch Park Road being a local road rather than a collector.

The adjacent properties’ zoning has not been shown.

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

A row of street trees with a 10’ planting easement may be required, outside the right-of-way, along the side of Elk Ranch Park Road. Where feasible, the natural vegetative equivalent may be used to satisfy the street tree requirements.

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

This project’s exemption under §3.2.N notwithstanding, the additional Lot Coverage in the CA will trigger at least a simplified Environmental Assessment. In addition, A Landscaping Plan will also be required.

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

A Landscape Agreement must be executed prior to recordation.

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

The road names are not an issue.

Will the Homeowners’ Association documents need to be modified in any way? Mr. Granger stated that there is currently an active HOA for this subdivision. He is unsure as to whether the HOA documents will need to be modified. He will look into this.

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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3. Hawks Feather, Lots 1-7, Bailiff Road, Preliminary Plat, Otwell Engineering, LLC, Fifth Election District.

Perry Otwell, Otwell Engineering, LLC; Tracy Justice and Elmer Justice, owners, appeared and presented an overview of the project.

Mr. Woodhull, DPW, read the comments of the department:
1. The Applicant is advised that the preliminary plat may not be submitted for Planning Commission review until both the concept & preliminary SWM plans have been approved by all reviewing agencies.
2. A Road & Storm Drain plan and a Mass and Final Grading plan must be approved by the DPW prior to submitting the final plat to the Planning Commission for review.
3. Section 2.13 of the Cecil County Road Code applies to the proposed private mini road specifically the Applicant is reminded that a statement clearly outlining the responsibilities of homeowners in the maintenance of the road and storm drain system must be approved by the Planning Commission and placed on the final plat. Deed restrictions to be applied to each lot in the proposed subdivision, which must be submitted to and approved by the County Attorney, are to provide for the perpetual maintenance of the road and storm drain system in the subdivision by the homeowners. The deed restrictions are to be recorded at the same time the final plat is recorded.
4. Intersection sight distance measurements have been approved for the proposed intersection.
5. Section 3.0715) also applies to this project and must be addressed. The extent of the road improvements, if required, must be reflected on the preliminary plat and the Applicant must agree to construct the same.
6. The proposed private mini road must be paved to the County Road Code standard for a minor road (see Standard Detail R-35) within the County’s R/W.
7. The fee simple dedication Deed must be recorded prior to recordation of the final plat to allow for inclusion of its Liber / Folio on the plat.
8. No Road Code Variances have been requested prior to submittal of this Preliminary Plat therefore all applicable aspects of the Code apply.
9. Revise General Note 10 to reflect the name of the current Clerk of the Circuit Court.
10. The following standard notes and requirements apply to this plat and project: The details of these notes and requirements will be identified in the record but will not be read at this time:
    10.1 The Lot Grading Plan Construction Limits Note.
    10.2 Requirements for Public Works Agreements.
    10.3 Requirements for Stormwater Inspection and Maintenance Agreements.

Notes and requirements identified for record:
1. The Lot Grading Plan must include the standard construction limits note.
   c. Grading Plan: “No clearing or grading is permitted beyond the limits of disturbance shown here on. Any expanded clearing and/or grading in the absence of an approved revised lot grading plan may be considered non-compliance with Chapter 251 of the Cecil County Code and either or both the developer and/or Builder may be subject to the enforcement of the penalty provisions therein.”

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

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

A Groundwater Exemption must be filed with Maryland of the Environment prior to Final Plat approval. Send a courtesy copy of the application to our office.

A written request for a well variance is required for lots 1 & 7 for the wells to be down slope of the designated sewage areas.

Show pumping for Lots 1 and 7.

Show septic tank location for lot 4 at elevation 314

Show septic tank location for lot 5 at elevation 330

Show septic tanks at least 100’ from wells for all lots.

Mr. Brown, CCSCS, read the comments of the department:

- Preliminary Stormwater Management Plans were submitted to the Cecil Soil Conservation District on 10/24/12 and are currently under review. The submission and subsequent approval of each level of SWM review by each department is required prior to each level of Plat review.
- Soils maps and reports of soils limitations have been submitted for review with the Concept SWM plans. Concept plans were approved on 10/5/12.

Mr. Di Giacomo read the comments from SHA and Delmarva Power (see file). No comments were received from MDE, CCPS, Fire Chief’s Representative or Citizen’s Representative.

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

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

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

Zoning: LDR

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

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

§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.
A boundary line survey must be done in conjunction with the preparation of the Preliminary Plat for density calculation purposes. Has the boundary line survey been completed? Mr. Otwell 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.\(^6\)

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

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

A 25’ buffer is required around all non-tidal wetlands and intermittent streams present. Permits are required from the (US Army) Corps of Engineers and MDE for all non-tidal wetland and stream impacts prior to recordation. JD’s are required in conjunction with permitting. If no permits are required, and if the proposed project meets the policy standards established on 3/20/95 and revised on 1/16/96, or if the FSD/Conceptual Environmental Assessment finds that there are to be no impacts to field-delineated wetlands or stream impacts, or if the FSD/Conceptual Environmental Assessment finds that there are no wetlands or streams and that finding is consistent with the details of County wetlands maps and USGS quad maps, then no JD is required. If 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. Except in the NAR and SAR zones, at a minimum, 15% of any 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 (except in the NAR and SAR zones). Any C.O.S. sensitive areas thresholds must be calculated for inclusion on the Preliminary Plat.

15% landscaping of the development envelope is required in the LDR zone.

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

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

What is the “15’ street buffer” depicted on proposed Lot 1 between the septic reserve area and the property line?

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

\(^6\) 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 ft$^2$ or more. The Cecil County Forest Conservation Regulations define steep slopes as “areas with slopes greater than 25 percent slope.”
Rows of street trees with 10’ planting easements are required, outside the right-of-way, along both sides of all internal roads. Street tree graphics, but not the 10’ street tree planting easements, have not been depicted.\(^7\) Where feasible, the natural vegetative equivalent may be used to satisfy the bufferyard and street tree requirements. In areas with community facilities, no street trees shall be planted within 20 feet of sewer laterals and cleanouts.

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

The Forest Stand Delineation (FSD) was previously approved, on 3/29/12.

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

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

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

A Landscape Agreement must be executed prior to recordation.

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

The internal road name was previously approved by the County 911 Emergency Center.

Access to any possible common open space between or beside lots must be marked with concrete monuments.

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

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

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

\(^7\) Per §4.1.22 (a), they must on any plat submitted for review by the Planning Commission.
Discussion ensued regarding the requirement / recommendation of a Jurisdictional Determination (JD).

The November TAC meeting adjourned at 9:38 a.m.

Respectfully submitted,

Jennifer Bakeoven
CECIL COUNTY TECHNICAL ADVISORY COMMITTEE  
Wednesday, December 5, 2012, 9:00 a.m.  
County Administration Building  
200 Chesapeake Blvd., Elkton, Maryland

Present: Di Giacomo, Tony (CCP&Z), Wilen, Kordell, (DPW), Harmon, Lloyd (DEH), Brown, Chris (CCSCS), and Bakeoven, Jennifer (CCP&Z).

Absent: Woodhull, Mark (CCDPW), Cwiek, Philip (USCoE), Latham, Cindy (MDE), Ouano, Jun (Delmarva Power), Langford, Ariana (CCPS), Meaders, David (FA), Zeller, Rich (SHA); and Graham, Daniel (Citizen’s Rep.).

1. Fletchwood Station, Lots 1-4, Fletchwood Road, Preliminary / Final 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.

Mr. Wilen, DPW, read the comments of the department:
A SWM plan, Street and Storm Drain plan, Sanitary Sewer & Water plan and a Mass and and Final Grading plan must be approved by the CCDPW prior to submittal for Final Plat Approval by the Planning Commission. If the associated plans are deemed technically complete by DPW and only administrative issues remain outstanding, we can recommend approval of the final plat to the Planning Commission. However the Department will not sign the final plat until such time as all outstanding administrative issues are resolved to the Department’s satisfaction.

Mr. Harmon, Health Department, read the comments of the department:
Identify the source of public water and sewer by showing them in the data column. An allocation for water and sewer must be granted 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 offer 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. Brown, CCSCS, read the comments of the department:
- Preliminary / Final Stormwater Management Plans have been submitted to the Cecil Soil Conservation District as “Remle Inc.” and are currently awaiting approval. The CSD issued a SWM conditional approval letter on 4/5/12.
- Soils have not been shown on the Plat. Please provide 2009 USDA soils.
Mr. Di Giacomo stated that CCPS had no comments for this project.

MDE’s comments are as follows:
   1. As the site will be supplied by public water, neither a notice of exemption or a water appropriation permit will be required for final plat.

No comments were received from Fire Chief’s Representative. Mr. Di Giacomo provided the applicant with the comments from SHA.

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

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

Zoning: RM

Density: The RM zone permits a density of up to 6 du/ 1 ac., with community facilities. This Preliminary / Final Plat\(^1\) proposes 4 lots on 1.585 acres, for a proposed density of 2.52/1.

The Concept Plat was approved at a density of 2.52/1 on 4/19/10, conditioned on:
   1) The requested modification of relief from the provision of common open space being granted;
   2) The requested Bufferyard C modification being granted;
   3) Any necessary DPW requirements relating to SWM being completed prior to Preliminary Plat review by the Planning Commission; and
   4) The Mini-Road Maintenance Association/HOA maintaining the vegetative buffer.

That approval remains valid until 4/19/13.

The boundary line survey has been completed, per Note # 3.

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

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

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

A 25’ buffer is required around all non-tidal wetlands and intermittent streams present. Permits are required from the (US Army) Corps of Engineers and MDE for all non-tidal wetland and stream impacts prior to recordation. JD’s are required in conjunction with permitting. If no permits are required, and if the proposed project meets the policy standards established on 3/20/95 and revised on

\(^1\) §4.0.1 of the Subdivision Regulations allows for the elimination of a Concept Plat for projects with fewer than 10 lots and 25 acres. §2.0 of the Subdivision Regulations allows for a combined Preliminary-Final Plat if there are from 1 to 5 lots.

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

At Concept Plat review, staff testified that, per §29.6.a, 15% common open space is required in the RM zone. Only the RM zone requires common open space for projects proposing fewer than 10 lots. The Planning Commission, it was noted, is empowered to grant design modifications, per §3.5 of the Subdivision Regulations. Given the desirability of infill development in the designated growth area, and given that landscaping will be required by §29.3.d and §186.3, staff did not object to the requested modification/relief of the common open space requirement, provided DPW is satisfied that I & M can be efficiently carried out on individual lots. The Planning Commission granted a modification to the common open space provision, as is cited in Note # 9.

At a minimum, 15% of the required open space shall not consist of perennial or intermittent stream buffers, nontidal wetlands or buffers, steep slopes, or habitats of rare, threatened and endangered species. No more than 40% of the common open space required shall consist of those areas designated as nontidal or tidal wetlands. The C.O.S. sensitive areas threshold calculation requirement, for inclusion on the Preliminary Plat, is moot, per the Note # 9 citation.

Per §28.5.a, 15% landscaping of the development envelope is required, but the Planning Commission granted a modification to the requirement for a Bufferyard Standard C along the Fletchwood Road frontage, as is cited in Note # 10.

Sidewalks are generally recommended. Because this site is on the south side of Fletchwood Road, and because sidewalks have been required for projects along the north side of Fletchwood Road, and because of the inherent difficulties associated with the implementation of sidewalks along the south side of Fletchwood Road between this site and Newark Road (to the east), staff will only recommend sidewalks for this 4 lot subdivision. Moreover, this is a special case and ought not be considered a precedent.

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

Per §186.1, rows of street trees with 10’ planting easements are required, outside the right-of-way, along the proposed Red Rose Court, as depicted. Where feasible, the natural vegetative equivalent may be used to satisfy the bufferyard and street tree requirements. In areas with community facilities, no street trees shall be planted within 20 feet of sewer laterals and cleanouts.

The Forest Stand Delineation (FSD) was previously approved.

The final Forest Conservation Plan (FCP), Landscape Plan, and SWM Final Plan must be approved prior to Planning Commission review of the Preliminary-Final Plat (§6.3.B(1)(a), Cecil County Forest Conservation Regulations). What are the respective statuses of those plans? Mr. Whiteman stated that those plans are approved.

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 mini-road name, Red Rose Court, has been approved.

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

A Mini-road Maintenance Association for maintenance of the mini road must be established prior to recordation, with the owners of all lots accessing the mini-road becoming members, as has been cited in Note # 8.

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. That statement has not been shown on the plat.

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

The Record Plats shall also contain a statement, signed by the owner, to the effect that such facilities will be available to all lots/homes offered for sale. That statement has also not been shown on the plat.

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

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

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

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

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The December TAC meeting adjourned at 9:14 a.m.

Respectfully submitted,

Jennifer Bakeoven