

CECIL COUNTY PLANNING COMMISSION WORKSESSION MINUTES
25 January 2010

Present: Doordan, B. Patrick; McDowell, H. Clay; Mortimer, William; Janusz, Joe; Wallace, Wyatt; Wiggins, Kennard; Di Giacomo, Tony (OPZ staff)

Absent: Edwards, Guy

Call to Order: Chairman Mortimer called the meeting to order at 6:00 p.m.

New Business: Chairman Mortimer stated that the items on the agenda needed to be prioritized to establish the order of their consideration. After deliberation, it was determined that the order of topics to be considered would be as follows:

- 1) Residential density in the northeastern area of the County;
- 2) Pollution control (denitrification) of septic systems;
- 3) 75' vs. 25' non-tidal wetland buffers outside the designated growth area;
- 4) Rural growth cap percentages;
- 5) Height restrictions in the growth corridor;
- 6) Homeowners' Associations (HOA's);
- 7) Multiple submissions (Concept & Preliminary or Preliminary/Final) to the Planning Commission for consecutive reviews;
- 8) Architectural standards in County areas;
- 9) Clustering in the NAR & SAR zones, per the Harlan Williams comments; and
- 10) Minor/Major subdivisions in the NAR & SAR zones.

It was determined that there would be no votes on the items considered at this meeting; therefore, no public comments would be accepted. Such voting would take place at the 1 February 2010 worksession.

It was also resolved that the Planning Commission would revisit the HOA issue (prioritized Agenda Item # 6) at its next regular meeting on 16 February 2010, at which time Mr. Whittie, from the Department of Public Works, could provide a detailed estimate of the amount of money required for the escrow deposit per lot for subdivisions and why it is needed. It was also resolved that Mr. Williams should be invited to the next regularly-scheduled Planning Commission meeting on 16 February 2010, at which time clustering development in the NAR & SAR zones (prioritized Agenda Item # 9) would be considered.

Agenda Item # 1

There was considerable debate on the merits of changing the proposed residential density for the area bounded by Appleton Road (on the west), MD 273 (on the north), the Delaware state line (on the east), and Barksdale Road (on the south) from medium density (2-6 du's/acre) back to low density (0-2 du's/acre), as was recommended by the Citizens' Oversight Committee (COC). It was acknowledged that the COC's preference for the low density designation represented a lowering of proposed density from the current Comprehensive Plan's Suburban District and associated Suburban Residential zoning, while a designation of medium density would, in fact, represent an increase.

While it was recognized that the future zoning to be associated with the proposed comprehensive plan's residential medium density designation, could possibly be structured in such a way as cap the permitted density in this area to 4:1, Mr. Janusz proposed a simpler compromise approach comprising the following details:

- 1) The area bounded by Appleton Road (on the west), the Pennsylvania state line (on the north), the Delaware state line (on the east), and MD 273 (on the south) would be designated Rural Conservation;
- 2) The area bounded by Appleton Road (on the west), Jackson Hall School Road (on the north), the Cat Swamp Road (on the east), and Barksdale Road (on the south) would be designated Residential Low Density;
- 3) The area bounded by Appleton Road (on the west), MD 273 (on the north), the Delaware state line (on the east), and Jackson Hall School Road (on the south) would be designated Residential Low Density; and
- 4) The area bounded by Cat Swamp Road (on the west), Jackson Hall School Road (on the north), the Delaware state line (on the east), and Barksdale Road (on the south) would be designated Residential Medium Density.

Mr. Janusz pointed out that this proposed designation scheme would provide a smooth density and land use transition from urbanized Newark westward to the County's Rural Conservation area.

Agenda Item # 2

The members present discussed the modification already made by which the plan would recommend the use of pollution reducing technologies (not just denitrification) for septic systems and agreed that there should be no change to that language. As to the County's requiring denitrification and/or pollution reducing technologies for septic systems outside the Critical Area, where the state now requires denitrification systems, it was felt that the timing was not right for a mandatory requirement by the County given ongoing state research on those technologies. Further, the proposed recommendation was seen as demonstrable policy support by the County for the state and federal efforts to ameliorate and protect the water quality of the Bay.

Agenda Item # 3

Deliberation regarding the proposed 75' vs. the existing 25' non-tidal wetland buffer outside the draft Comprehensive Plan's Designated Growth Area served to clarify the different nature of the protections afforded by stream buffers as opposed to those provided by non-tidal wetland buffers. However, there was concern voiced regarding what actually constituted non-tidal wetlands and which ought to be protected, and to what extent they ought to be protected.

By way of review, Mr. Di Giacomo pointed out that stream buffers are treated differently than non-tidal wetland buffers. As to stream buffers, perennial streams now require a minimum **110'** buffer, expandable to 160'. Intermittent streams require a 25' buffer, unless in a Forest Retention Area (50') or the Critical Area (min. 110'). Insofar as wetland buffers are concerned, non-tidal wetlands currently require a 25' wetlands buffer, whereas, for tidal wetlands, a minimum 110' Buffer is required, except for the RCA overlay zone in the Critical Area, wherein it's 200'. In the, a 110' Buffer is required except for new development in the RCA, which requires a 200' Buffer (per HB 1253). The same minimum 110' Buffer is required for perennial and tributary intermittent streams and tidal wetlands in the Critical Area.

Discussion ensued covering the types of wildlife for which an expanded non-tidal wetland buffer could provide, references to scientific literature relating to the efficacy of various buffer depths, and the possibility of requiring a minimum non-tidal wetland area to be protected with a 75' non-tidal wetland buffer or possibly requiring a 75' non-tidal wetland buffer only within the Priority Preservation Areas.

Agenda Item # 4

The issue of enforcing a limit, or cap, of 10-20% development in the Rural Conservation and Resource Protection areas was discussed. Particular attention was given to precisely how such a policy would be implemented and what possible ramifications such implementation could possibly have.

Adjournment: Further business for discussion being deferred until the 1 February 2010 worksession, Chairman Mortimer adjourned the meeting at 8:00 p.m.

NEXT MEETING: Worksession; 6:00 p.m., Monday, 1 February 2010, Elk Room, County Administration Building, Elkton, MD.

Respectfully Submitted:

Anthony J Di Giacomo, AICP
Principal Planner