

CECIL COUNTY PLANNING COMMISSION WORKSESSION Minutes

1 February 2010

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

Absent: None

Call to Order: Chairman Mortimer called the meeting to order at 6:05 p.m.

Old Business Action Items:

Agenda Item # 1: Residential density in the northeastern area of the County

Mr. Mortimer recounted that there were three alternatives. First, the Planning Commission could accept the densities for the area as recommended by the Citizens' Oversight Committee (COC) in the draft Comprehensive Plan document. Second, the Planning Commission could change only 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 to medium density residential. Third, the Planning Commission could accept the four-part proposal of Mr. Janusz from the previous, 25 January 2010, worksession, as follows:

- 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. Wiggins made a motion, seconded by Mr. Edwards, to accept the first alternative, to accept the densities for the area as recommended by the Citizens' Oversight Committee (COC) in the draft

Comprehensive Plan document. The vote on the motion ended in a 3-3 tie, with Mr. McDowell, the Alternate, not voting.

Mr. Janusz then made a motion, seconded by Mr. Wallace, to accept a density pattern, revised as follows:

- 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 a line parallel to and 1,200' east of Cat Swamp Road (on the west), a line parallel to and 1,200' south of 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. The two 1,200' 'buffers' would serve as low density transition zones.

The motion passed 4-1, with Edwards, Janusz, Wallace, and Wiggins voting in favor, Doordan opposed, and McDowell (Alternate) and Mortimer (Chairman) not voting.

Agenda Item # 2: Pollution control (denitrification) of septic systems

A motion was tendered by Doordan, seconded by Janusz, to retain the amended Chapter 6 language, as follows:

- 1) Page 6-28: REWORD second paragraph of **§6.6.3**, Septic Denitrification subsection, to read: "The County does not currently require denitrification units for new or replacement septic systems, but should consider their recommendation in other areas, such as near perennial waterways or in watersheds that are impaired by nitrogen. In addition to the State's Critical Area requirements, this Plan encourages all new septic systems to use nitrogen removal at the discretion of the owner. The County should also encourage denitrification retrofits for existing septic systems – including obtaining nonpoint-to-point source nutrient credits for such retrofits, if applicable under forthcoming nutrient trading guidance (see Section 6.5.3)."
- 2) Page 6-33: REWORD third bullet point under **§6.8.2** to read: "Outside the Critical Area, all new development that is not connected to public sewer systems to use best available pollution reducing technologies for controlling pollutants, as defined by MDE, at the

discretion of the owners. Elsewhere, consider requiring nutrient credits (similar to those established under the state Nutrient Cap Management and Trading policy) for subdivisions built using septic systems.”

The motion passed 3-2, with Doordan, Edwards, and Janusz, voting in favor, with Wallace, and Wiggins opposed, and McDowell (Alternate) and Mortimer (Chairman) not voting.

Agenda Item # 3: 75’ vs. 25’ non-tidal wetland buffers outside the designated growth area

A motion was made by Wallace, seconded by Wiggins, to accept the proposed 75’ non-tidal wetland buffer requirement outside the designated growth area as recommended by the COC in the draft Comprehensive Plan document. The vote ended in 3-3 tie.

Mr. Doordan introduced a compromise motion, seconded by Mr. Janusz, to recommend requiring a 75’ non-tidal wetland buffer only in Priority Preservation Areas (PPAs) and only for those non-tidal wetlands great than 10,000 ft² in size; otherwise, all non-tidal wetlands would continue to require a 25’ non-disturbance buffer. The motion passed 3-2, with Doordan, Edwards, and Janusz in favor, and Wallace and Wiggins opposed, and McDowell (Alternate) and Mortimer (Chairman) not voting.

Agenda Item # 4: Rural growth cap percentages

Janusz introduced a motion, seconded by Doordan, to retain the amended Chapter 3 language as follows:

Page 3-16: DELETE, under **§3.5.2**, the Rural Areas section, end of 4th paragraph, after “overall county development: [~~—most likely in the range of no more than 10 to 20 percent~~].

Ensuing discussion centered on the difficulty of measurement, monitoring and enforcement, as well as possible unintended consequences. The merits of the additional, percentage language were discussed, particularly with regard to whether the attaching of specific percentage goals would actually change the intended policy tenor of the draft plan. Mr. Wallace suggested a specified limited of 20%, rather than a range of 10-20%.

The motion passed 4-1, with Doordan, Edwards, Janusz, and Wallace voting in favor, Wiggins opposed, and McDowell (Alternate) and Mortimer (Chairman) not voting.

Old Business Discussion Items:

Agenda Item # 5: Height restrictions in the growth corridor

After discussion, on a motion by Wallace, seconded by Edwards, and unanimously approved, it was decided to combine the 5th and 8th agenda items into a more comprehensive set of community character attributes and to recommend to the Board of County Commissioners that a study be undertaken to define salient elements of community character for each land use district.

Agenda Item # 6: Homeowners' Associations (HOA's)

It was the sense of the Commission that Mr. Whittie, Cecil County Department of Public Works, should make a presentation at the 16 February 2010 Planning Commission meeting detailing costs associated with various aspects of properly maintaining stormwater management facilities. It was the consensus that no action would be taken until after a thorough review has been made of the findings and recommendations of the HOA committee that was chaired by Joyce Bowsbey.

Agenda Item # 7: Multiple submissions (Concept & Preliminary or Preliminary/Final) to the Planning Commission for consecutive reviews

Discussion on this issue did not result in any specific action. The consensus was that the issue would be pursued at future meetings and/or worksessions. Concern was expressed about Preliminary/Final Plats when no Concept Plat is required. Staff was asked to prepare a draft change to §4.0.1 to the effect that only projects between 1 and 5 lots and less than 25 acres could avoid submitting a Concept Plat, in keeping with §2.0's 1-to-5 lot permitted lot number range for combined Preliminary-Final Plats.

Agenda Item # 8: Architectural standards in County areas

After discussion, on a motion by Wallace, seconded by Edwards, and unanimously approved, it was decided to combine the 5th and 8th agenda items into a more comprehensive set of community character attributes and to recommend to the Board of County Commissioners that a study be undertaken to define salient elements of community character for each land use district.

Agenda Item # 9: Clustering in the NAR & SAR zones, per the Harlan Williams comments

The issue of clustering in the NAR and SAR zones was discussed, particularly with respect to whether clustering in any way was counterproductive to the use of TDRs. It was pointed out that the clustering,

defined as limiting development to no more than 40% of the gross project area, is now required in the NAR and SAR zones, with no 'bonus' density being awarded for such clustering. Smaller lots and tighter clustering could be achieved with community facilities. Staff will request that Mr. Harlan Williams testify on this issue at the 15 March 2010 Planning Commission meeting and present the findings of any previous deliberations or studies that dealt with the issue of clustering in the rural areas of the County.

Agenda Item # 10: Minor/Major subdivisions in the NAR & SAR zones

Mr. Di Giacomo explained how minor subdivision eligibility was determined. After discussion, which included the fact that when minor subdivisions are taken into account, the respective NAR and SAR effective densities are higher than 1:10 and 1:20, no action was taken. Further discussion was deferred until future meetings and/or worksessions.

New Business

The comments of Ms. Sue Furman at the 13 January 2010 public hearing were broached regarding the language on page 11-1 of the draft Comprehensive Plan document, regarding Cecil County's being 'no longer a small, rural county.'" Based on the discussion, staff will work on more acceptable language.

Adjournment: Chairman Mortimer adjourned the meeting at 7:50 p.m.

NEXT MEETING: Regular Meeting; 12:00 noon, Tuesday, 16 February 2010, Elk Room, County Administration Building, Elkton, MD.

Respectfully Submitted:

Anthony J Di Giacomo, AICP
Principal Planner