

PLANNING COMMISSION MINUTES 2004

Table of Contents

<u>January 22, 2004, 12:00 p.m.</u>	1
<u>February 17, 2004, 12:00 p.m.</u>	59
<u>March 15, 2004, 12:00 p.m.</u>	78
<u>April 19, 2004, 12:00 p.m.</u>	127
<u>May 17, 2004, 12:00 p.m.</u>	219
<u>June 21, 2004, 12:00 p.m.</u>	272
<u>July 19, 2004, 10:00 p.m.</u>	367
<u>August 16, 2004, 10:00 p.m.</u>	446
<u>September 23, 2004, 10:00 a.m.</u>	518
<u>October 18, 2004, 12:00 p.m.</u>	577
<u>December 20, 2004, 12:00 p.m.</u>	611

January 22, 2004, 12:00 p.m.

PLANNING COMMISSION MINUTES (Subdivisions)

PRESENT: Brown, Campbell, Carter, DiGiacomo, Farrell, Kilby, Moore, Mortimer, Prickett, Sennstrom, Woodhall, and Jones

ABSENT: Murray, Walbeck and Williams

MINUTES: Motion made by Mortimer, seconded by Prickett, and unanimously carried to approve the December 15, 2003 minutes as mailed.

1. Arthur Leonard presented Pines at Cherry Hill, Section 1; Lots 1-9, 31 38, 47 -54, 69 70 and 84 -90, Cherry Hill Road, Final Plat, Site Resources, Third Election District

The applicant was duly sworn according to law and testimony followed. Mr. Leonard stated that he was representing the owners of Pines at Cherry Hill. Due to previously scheduled appointments neither of the owners, who are coordinating the project, were able to attend today's meeting. Therefore Mr. Leonard respectfully asked that the Planning Commission grant a one year extension of the Preliminary Plat, instead of hearing discussion on the Final Plat submittal.

Mr. DiGiacomo stated that the zoning was VR (Village Residential). The Concept Plat for the Pines at Cherry Hill, with 90 lots on 37.6 acres with 38% common open space, was on approved 12/18/00, conditioned on:

- 1) The Preliminary Forest Conservation Plan (PFCP) being approved prior to Planning Commission review of the Preliminary Plat;
- 2) The final Forest Conservation Plan (FCP) being approved prior to Planning Commission review of the Final Plat;
- 3) The Landscape Plan, including street trees and bufferyards from roads, adjacent SR-zoned properties, and any properties in agriculture use, being approved prior to Planning Commission review of the Final Plat;
- 4) No street trees being planted within 20' of sewer laterals and cleanouts;

PLANNING COMMISSION MINUTES 2004

- 5) Confirmation of sewer allocation being received from the Cecil County DPW prior to Final Plat review by the Planning Commission;
- 6) Confirmation of water allocation being received from the CECO Utilities prior to Final Plat review by the Planning Commission;
- 7) MDE verifying that CECO Utilities has adequate capacity to serve these lots prior to Final Plat review by the Planning Commission;
- 8) MDE verifying that the GAP is adequate to serve these lots prior to Final Plat review by the Planning Commission;
- 9) Plans for the extension of water facilities demonstrating the ability to provide and maintain adequate quality and pressure, and being verified by MDE and the Cecil County Department of Public Works prior to Final Plat review by the Planning Commission;
- 10) A Homeowners Association for maintenance of common open space being established with \$50 per recorded lot placed in escrow for improvements prior to recordation;
- 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 woodline on the FCP matching the woodline on the Preliminary Plat presented for TAC review;
- 13) The gazebo and tennis courts being included in the Public Works Agreement;
- 14) A jurisdictional determination being done prior to Planning Commission review of the Preliminary Plat; and
- 15) The Maryland Department of the Environment being urged to carefully consider the impact on existing wells in their review of the Groundwater Appropriation Permit.

The Preliminary Plat was approved by the Planning Commission on 3/19/01, conditioned on:

- 1) That Health Department requirements be met;
- 2) That DPW requirements be met;
- 3) The final Forest Conservation Plan (FCP) being approved prior to Planning Commission review of the Final Plat;
- 4) The Landscape Plan, including street trees and bufferyards from roads, adjacent SR-zoned properties, and any properties in agriculture use, being approved prior to Planning Commission review of the Final Plat;
- 5) No street trees being planted within 20' of sewer laterals and cleanouts;
- 6) Confirmation of sewer allocation being received from the Cecil County DPW prior to Final Plat review by the Planning Commission;

PLANNING COMMISSION MINUTES 2004

- 7) Note # 11 indicating that it is Cecil County sewerage service being proposed;
- 8) Confirmation of water allocation being received from the CECO Utilities prior to Final Plat review by the Planning Commission;
- 9) MDE verifying that CECO Utilities has adequate capacity to serve these lots prior to Final Plat review by the Planning Commission;
- 10) MDE verifying that the GAP is adequate to serve these lots prior to Final Plat review by the Planning Commission;
- 11) Plans for the extension of water facilities demonstrating the ability to provide and maintain adequate quality and pressure, and being verified by MDE and the Cecil County Department of Public Works prior to Final Plat review by the Planning Commission;
- 12) A Homeowners Association for maintenance of common open space being established with \$50 per recorded lot placed in escrow for improvements prior to recordation;
- 13) 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;
- 14) The gazebo and tennis courts being included in the Public Works Agreement;
- 15) The rear lot lines for Lots 45 and 46 being modified to accommodate preservation of the specimen trees. Further, the developer is encouraged to provide a variety of housing models to avoid the appearance of identical subdivision types.

§4.1.17 of the Cecil County Subdivision Regulations provides that Preliminary Plats shall be valid for two years from date of approval. Thus, the Preliminary Plat approval granted on 3/19/01 was set to expire on 3/19/03. The Planning Commission granted a one-year extension of Preliminary Plat approval on 2/24/03.

At issue today is solely the question of granting a second one-year extension of the Preliminary Plat approval.

Should the Planning Commission grant an extension, it will be valid for one year, until 1/22/05. At that time, if necessary, the applicant may again request a subsequent one-year extension of Preliminary Plat approval. It would then be incumbent upon the applicant to demonstrate the rationale for an additional extension.

§4.1.18 of the Subdivision Regulations stipulates, The Planning Commission may, at their regular monthly meeting, grant an extension of the Preliminary approval upon application of the developer. In connection with such request, the Commission shall consider the following:

- a) Change of adjoining land use.
- b) Change in street or highway plan.

PLANNING COMMISSION MINUTES 2004

- c) Change in zoning or subdivision regulations.

There have been no such changes.

Mr. Brown asked Mr. Leonard to explain why an extension was needed. Mr. Leonard stated that there were community water improvements that impacted their project. Mr. Leonard stated that it was his understanding that the engineer was slated to submit the final plan to MDE for consideration by the end of this week. The treatment plant workings as well as improvements of the controls features for the water treatment plant would be included in this final plan. There was also a water tank construction project that was necessary for this project to come on line. The owner is working on negotiating a contract with a design built contractor.

Mr. Mortimer asked if they were waiting on the waste treatment facility and Mr. Leonard responded no, the waste water treatment facility was already online and in operation. They are waiting on community water.

Mr. Farrell asked Mr. Leonard if he believed that the water would be online in one year. Mr. Leonard answered yes, he believed that his company would be back in front of the Planning Commission before one year was up.

Mr. Woodhull stated that the Stormwater Management Plan had been granted technical approval based on the existing configuration. Administrative requirements (plans review & inspection fees, PWAs, I&M Agreement, and financial assurance remain outstanding.

Because of the likely impacts from construction of the rear lots, the department will require that 80% of the entire lots be constructed before Shannon Drive is accepted as a County Road and the performance bond is released. Lots 36 & 37 must be denied access to Shannon Drive, except for the northwestern most 30' of road frontage. Lots 1 & 69 must be denied access to Shannon Drive except for the eastern most 30' of road frontage.

Sanitary sewer allocation has been granted (1/14/04) for 90 single-family homes.

Approval of the water distribution system, including hydrants, will be the primary responsibility of Maryland Department of the Environment; however, DPW will also review the system design and pressure distribution analyses to assure adequate system pressure and fire flow. If necessary, improvements to the existing water system must be made to assure adequate quality, quantity, and pressure for the entire service district.

PLANNING COMMISSION MINUTES 2004

A Utility and Easement Agreement is required for private water utilities within a County ROW prior to Final Plat recordation. An Inspection and Maintenance Agreement will be required for the SWM facilities. A PWA will be required for internal streets, stormdrains, sanitary sewers, and any private utility improvements.

Mr. Moore read the Health Department comments, a copy attached for reference.

No one appeared either in favor of or in opposition to the proposal.

2. Tory Pierce presented Wyndale Farm, Childs Road, Concept Plat, Frederick Ward Associates, Third Election District

The applicant was duly sworn according to law and testimony followed. Mr. Pierce advised that they are proposing a subdivision of a 128 single family homes on be Fabrizi property located at northwest corner of Childs Road and Rte 213. The property will be served by the CECO Utilities water system and sanitary sewer system in order to meet the allowable density of two units per acre. All TAC comments have been addressed. Acknowledgement was made that a couple of road code variances needed. They will be working with DPW prior to the Preliminary Plat submittal. SMW will be provided on site. The client has been in contact with adjacent property owners and the school located on Childs Road in reference to buffers etc.

Mr. Moore read the Health Department notes, a copy attached for reference.

Mr. DiGiacomo stated that the zoning is SR. The SR zone permits a maximum base density of one dwelling unit per acre, or 2/1 with the presence of community facilities. This Concept Plat proposes 128 lots on 64.89 acres, for a proposed density of 1.97/1, using CECO Utilities for water and sewer service.

However, the property is not located in an existing sewer and water service area nor is it located in a planned sewer and water service area. Therefore, the Master Water & Sewer Plan would need to be amended prior to final plat review by the Planning Commission.

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

PLANNING COMMISSION MINUTES 2004

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

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

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

A 25' buffer, expandable to 50' in Forest Retention Areas, is required around all intermittent streams. 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 and stream impacts prior to recordation. A Jurisdictional Determination (JD) must be done prior to preliminary plat review by the Planning Commission.

A minimum of 15% common open space is required; 21%, or 13.8 acres, is proposed. No more than 40% of the common open space shall consist of those areas designated as nontidal or tidal wetlands and 15% of the common space shall not consist of perennial or intermittent stream buffers, nontidal wetland buffers, steep slopes or habitats of rare threatened or endangered species. As presently proposed, the common open space exceeds this requirement (44% or 6.12 Acres). These calculations must be included on the Preliminary Plat.

Twenty percent landscaping of the development envelope is required in the SR zone. Bufferyard Standard C is required, outside the right-of-way, along the road frontages of MD Route 213 and Childs Road. Rows of street trees 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 Forest Stand Delineation (FSD) was approved on 12/22/03. The site is not home to any rare, threatened and endangered species. The Preliminary Forest Conservation Plan (PFCP) must be approved prior to Planning Commission review of the Preliminary Plat. The Final Forest Conservation Plan (FCP) and Landscape Plan must be approved prior to Planning Commission review of the Final Plat. A Landscape Agreement must be executed prior to recordation.

PLANNING COMMISSION MINUTES 2004

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

Minor Subdivision 2609 must be referenced on the plat. The internal road names will need to be approved by the County 911 Emergency Center prior to Planning Commission review of the Preliminary Plat. Sidewalks are recommended on at least one side of all internal roads. Access to common open space between lots must be marked with concrete monuments.

The Development Summary and Typical Lot Layout must be revised to indicate the correct rear yard setback of 40 .

Verification must be received from MDE and CECO Utilities that CECO is capable of serving, and that CECO has water and sewer capacity available for allocation, for the proposed development prior to final plat review by the Planning Commission. A public works agreement must be consummated with the DPW for the water and sewer facilities.

Documentation of all Public Service Commission approvals must be provided prior to Final Plat Review. Water supply and sewer service notes, consistent with Sections 4.2.13 (t) & (u) of the Subdivision Regulations must appear on the Final and Record Plats stating that such services shall be made available to all lots. A Traffic Impact Study is recommended prior to TAC review of the preliminary plat.

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

Mr. Woodhull stated that A SWM Plan, Road and Storm Drain Plan, Sanitary Sewer Plan, Water Distribution Plan and a Mass and Final Grading Plan must be approved by the CCDPW prior to submittal for Final Plat Approval. The Final Plat must include the standard note recognizing the applicability of the Lot Grading Plans. (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.).

The downstream conveyance of stormwater must be analyzed in accordance with Section 251-9 A. (5) of the county s SWM Ordinance. If stormwater discharge is directed off of the site on to adjacent property owners it is the responsibility of the developer to obtain appropriate easements from the affected property owners per

PLANNING COMMISSION MINUTES 2004

Section 251-13 of the Cecil County SWM Ordinance. Section 3.07.15 of the Road Code directs that Childs Road must be upgraded to a Minor Collector Standard for a minimum distance of 100' either side of the point of intersection between Childs Road and the proposed entrance. However, due to the width and condition of Childs Road the developer will be responsible for providing this upgrade to Childs Road from their western property line to MD Rte 213.

Sight distance measurements must be provided to the DPW to establish compliance with the Cecil County Road Code. The centerline of the proposed entrance and driveways must be marked in the field. Where determined necessary by the utility companies, the owner, the designer or DPW, utilities poles must be relocated at the Owner's expense.

The internal streets do not meet Road Code Standards. Cul-de-sacs must be 75' radius and both Latham Road and Keswick Drive must be constructed to Minor Collector Road Standard. Any applicable Road Code Variances must be requested prior to submittal for Preliminary Plat approval. All lots must access the least major road and be denied access accordingly. Lot 104 must be denied access to Latham Road, with the exception of the northwestern most 30' of road frontage.

Regardless of phasing, the department will not accept the internal roads until 80% of all the lots are complete, unless the developer includes a separate, dedicated construction entrance beyond the first phase of construction. The dedication note on the Final Plat for the ROW on Childs Road should read, 30' wide strip to be dedicated in fee simple to the Board of County Commissioners of Cecil County. for the 30' wide ROW indicated on Childs Road.

If the Planning Commission requires sidewalks, the Final Plats should include a note indicating that sidewalks maintenance will be the responsibility of the adjacent property owner, as required by the Cecil County Road Code.

-

This property is outside the service district of the Cherry Hill WWTF and may not hook up to it. It is understood that this development was part of the CECO Utilities water study and is consistent with it. The department recommends that any approval be conditioned upon demonstration to DPW of adequate fire flow and pressure. The water and sewer design must meet or exceed the county's standards.

The Department recommends that fire hydrants be spaced at no more than 600' maximum and at every intersection.

An Inspection and Maintenance Agreement will be required for the SWM facilities. A PWA will be required for the streets and storm drains.

PLANNING COMMISSION MINUTES 2004

No one appeared either in favor of or in opposition to the proposal.

Mr. Mortimer asked what the proposal to deal with the utilities was. Mr. Leonard stated that the developer was currently negotiating an agreement with CECO Utilities. The water system that was originally slated to serve the Pines of Cherry Hill was also sized going to include Wyndale and the rest of Manchester Park development. These plans are currently being reviewed by MDE and are slated to be approved by Spring 2004. The elevated tank is planned to be installed sometime in the summer of 2004. The sewage treatment capacity is permitted by MDE with an expansion plan of the plant; however, Wyndale was not part of the planning limits of that treatment facility and therefore have initiated a process to amended planning limits so that it can be served.

Mr. Mortimer questioned the space and density requirements. Mr. Pierce responded that they had not exceeded the open space and were just under the allowable density.

Mr. Moore asked if he had any communication with the Oblate Sisters.

Harry Hammond of Fair Hill, Chairman of the Board of Mount Aviat Academy, appeared in opposition of the proposal. He was duly sworn according to law and stated that Mr. Ault had contacted the developer back in September and asked if they could meet with them to discuss the project. The developer was also informed at that time that there were concerns about the inadequate buffer around the school. There are approximately 300 children enrolled at Mount Aviat. The school was told that a representative would be down to talk to them. The person never showed. The school received a hand delivered package last Friday which contained the project plan in it. There is a concern of density and traffic. Has a road study been done? Mr. Hammond asked the Planning Commission table the project until Mount Aviat Academy has a chance to talk with the developer.

Tom Minor spoke in favor of the proposal. He was duly sworn according to law and stated he had been in contact with Mr. Ault in the fall and again after the concept plat was completed at which time he dropped a copy off at the school. Mr. Minor stated that he has been in contact with Mr. Ault on several occasions including the evening prior to hand delivering the plat to the school at which time Mr. Ault informed him that he would be back in contact once he and the Mount Aviat Academy board reviewed the plans. Mr. Minor stated that in a previous conversation he had notified Mr. Ault that the developer would pay to have a 50 landscape buffer established between the two parcels. Mr. Minor had requested that they share the deed restriction 25 on each property but they would pay for all the landscaping cost. Mr. Minor also stated that this is only the concept plat and that there is plenty of time to sit down and address the issues with the school rather than table the issue at this point.

PLANNING COMMISSION MINUTES 2004

Mr. Mortimer asked, when he had contacted the school. Mr. Minor stated that it was at least two weeks ago. One week prior to the TAC meeting.

Ms. Kilby commented that the density issues are addressed at the concept stage. This is when density is addressed. Ms. Kilby spoke directly to Mr. Hammond that they have been working on some type of provisions that would influence developers to meet with community groups to iron out concerns.

Ms. Kilby asked Mr. Woodhall, concerning the engineer's statement that they were working with MDE with respect to Cherry Hill plant not being up to capacity. Mr. Woodhall answered, that they were working with CECO, and, therefore, Cherry Hill would not be usable.

3. Pat McClary presented Francis H. Otenasek et ux (Lands of), Cassidy Wharf Road, Concept Plat, Michael Scott, Inc., First Election District

The applicant was duly sworn according to law and testimony followed. Mr. McClary advised that this property owners are Frank and Courtney Otenasek. This is their primary residents although they currently working on an assignment in England. They have a total of 95.5 acres along the Sassafra River. They would like to subdivide the property into four parcels, in the hope that each child will someday have a home on this land. They have no intentions, at this time, of selling any property.

Mr. Moore read the Health Department notes, a copy attached for reference.

Mr. DiGiacomo stated zoning is SAR & RCA. The SAR zone permits a maximum base density of one dwelling unit per eight acres Bonus density eligibility is not being sought. This Concept Plat proposes four lots on 95.965 acres, for a proposed overall density of 1/23.99. A total of 88.163 acres are designated RCA. The RCA zone permits a maximum density of 1/20. The proposed density for the Critical Area portion is 1/22.04.

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

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

PLANNING COMMISSION MINUTES 2004

used to ensure sediment and erosion control and slope stabilization before, during and after disturbance activities. Any slopes greater than 25% must be shown on the preliminary plat.

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

A 25 buffer is required around all non-tidal wetlands present. Permits are required from the (US Army) Corps of Engineers and MDE for all non-tidal wetland impacts prior to recordation. The pond depicted by the vicinity map on proposed Lot 3 is also depicted on the official wetlands maps and the USGS quad map. A Jurisdictional Determination (JD) must be done prior to preliminary plat review by the Planning Commission.

The habitats of rare, threatened, and endangered species must be avoided. An environmental assessment must be submitted. No open space is required.

No landscaping of the development envelope is required in the SAR zone. As Cassidy Wharf Road is a local County road, a Bufferyard Standard C is not required.

Bufferyard Standard A is required along the lot lines of proposed Lot 1 to buffer adjacent agricultural uses. 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.

Rows of street trees are required, outside the right-of-way, along both sides of the proposed mini-road. Where feasible, the natural vegetative equivalent may be used to satisfy the bufferyard and street tree requirements. Any tree removal within a public right-of-way requires approval from the Maryland Department of Natural Resources.

A 110 tidal wetland and tidal waters buffer shall be established in natural vegetation. This buffer shall be expanded to include contiguous sensitive areas featuring hydric soils, highly erodible soils on slopes greater than 15%, or areas of impact including streams, wetlands, or other aquatic environments.

No development is permitted in the tidal wetlands and tidal waters buffer, including septic systems, impervious surfaces, parking areas, roads, or structures. Therefore, if the buffers need to be expanded, one or more of the proposed building pad sites may need to be moved. For that reason, the topo and soils

PLANNING COMMISSION MINUTES 2004

information must be included on the plat submitted for Planning Commission review. No more than 15% of the surface area can be converted to impervious surface in the RCA. No more than 20% of the forest or developed woodland may be removed.

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

The Forest Stand Delineation (FSD) and Forest Conservation Plan (FCP) were approved 10/31/03. The area inside the Critical Area is exempt, per §3.2.B. Subsequently, the Environmental Assessment, as well as a revised FSD and FCP were approved on 12/23/03.

The Natural Heritage Letter indicates that the site contains two Habitat Protection Areas for three rare species (Sandbar Willow, American Lotus, and a hemlock forest community). In addition, the Natural Heritage Service noted that three other rare species (Parker's Pipwort, Mudwort, and Spongy Lophotocarpus) are known to occur within the vicinity of the site. The Environmental Assessment indicates that the proposed development activities shall not impact any suitable habitat for any of the species.

A Great Blue Heron colony is located on the site, and the buffering required by state law is correctly depicted on the plat.

A Landscape Agreement must be executed prior to recordation.

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

The mini-road name will need to be approved by the County 911 Emergency Center prior to Planning Commission review of the Preliminary Plat. A Mini-road Maintenance Association must be established w/ all lot owners becoming members.

As previously noted, the name of the owner/developer must be included on the plat submitted for Planning Commission review.

PLANNING COMMISSION MINUTES 2004

Mr. Woodhull stated that a SWM Plan, a Street and Storm Drain Plan and a Mass and Final Grading Plan must be approved by the DPW prior to submittal for Final Plat Approval. The Final Plat must include a note recognizing the applicability of the Lot Grading Plans. (A lot grading plan has been approved by the CCDWP for the construction shown hereon. A site construction as-built shall be submitted to the CCDWP prior to use and/or occupancy of any of the sites shown hereon.)

Section 2.13 of the Road Code must be adhered to for the construction of the private road. These requirements include a statement clearly outlining the responsibilities of the Mini-Road Maintenance Association in the maintenance of roads and storm drainage systems must be approved by the Planning Commission and placed on the final plat. The Department proposes the following note: (The proposed internal roads will not be dedicated for public ownership or maintenance. The Mini-Road Maintenance Association shall retain title to the road and all maintenance responsibilities.).

-

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

A PWA will be required for the extension of Cassidy Warf Road and the proposed Private Mini-Road.

No one appeared either in favor of or in opposition to the proposal.

4. Joseph Brueckner presented Village of Cecil Woods, Preliminary Plat, Trilogy Investments, Request for a six month extension of the Preliminary Plat Approval, Fifth Election District

The applicant was duly sworn according to law and testimony followed. Mr. Brockner advised that they were seeking an extension of the preliminary approval. It has almost been two years, February 2000, since the project was first approved. The resolution to the Rte 40 sewer problem, is one major item holding the project up,

Mr. Moore read the Health Department notes, a copy attached for reference.

Mr. DiGiacomo stated that the current zoning is MH and OS. The MH, or Manufactured Home, District permits a maximum base density of two dwelling units per one acre, or up to six dwelling units per one acre. if a manufactured home park, as stipulated in § s 30 and 78 of the Cecil County Zoning Ordinance.

PLANNING COMMISSION MINUTES 2004

The 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.

This 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.

If approved by the Planning Commission, then this development will require that the existing manufactured home park license be amended to include the additional 103 sites.

PLANNING COMMISSION MINUTES 2004

A Jurisdictional Determination (JD) has been completed.

§4.1.17 of the Subdivision Regulations provides that Preliminary Plats shall be valid for two years from date of approval. Therefore, the Cecil Woods Manufactured Home Park's Preliminary Plat approval will expire on 2/19/04 unless an extension was granted. An extension of approval would prolong Preliminary Plat validity for one year.

§4.1.18 of the Cecil County Subdivision Regulations stipulates, The Planning Commission may, at their regular monthly meeting, grant an extension of the Preliminary approval upon application of the developer. In connection with such request, the Commission shall consider the following:

- a) Change of the green land use.
- b) Change in street or highway plan.
- c) Change in zoning or subdivision regulations.

There have been no such changes.

Mr. Woodhull stated that A SWM Plan must be approved by the DPW prior to submittal for Final Plat Approval. A submittal substantiating the Flood Plain delineation must be made prior to submittal for Final Plat Approval. A Street and Storm Drain Plan must be approved by the DPW prior to submittal for Final Plat Approval.

A Sanitary Sewer Plan must be approved by the DPW for the sewer improvements prior to submittal for Final Plat Approval. Sewer capacity is not available at this time. The applicant must demonstrate that sufficient buildout 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 with Mechanics Valley, LLC but has not yet been executed via an agreement with the Board of County Commissioners. As such, the timing is uncertain.

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

PLANNING COMMISSION MINUTES 2004

to adequately operate the system.

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

A PWA will be required for internal streets, stormdrains, sanitary sewers, and any private utility improvements.

Mr. Mortimer asked if the entrance was one section all the way back. Mr. Brueckner answered yes. It comes off the current community. There are two smaller cul-de-sacs.

Mr. Mortimer asked for a specific reason for the request for extension. Mr. Brueckner answered because they have come across two years and they were told that they cannot have final approval until Rte 40 sewer matter is concluded and two years has come and gone and the Rte 40 sewer matter has not been concluded. Therefore, they are captive.

Mr. Mortimer asked, what was the prognosis of this matter being concluded in the next year. Mr. Brueckner asked Mr. Kirk to help him answer this question. Mr. Kirk stated that it was uncertain but probable if the details are worked out with Mechanic's Valley LLC. Mr. Kirk's estimation is that other facets of the project would be looked at before the trigger is pulled on the agreement. If the agreement was executed the expectation is that it would take 18 months for design, permit and construction to begin.

Ms. Kilby asked Mr. DiGiacomo, if this project was approved would there be more mobile homes than usual. Mr. DiGiacomo responded that the reason for the proposal was to expand the Village of Cecil Woods Manufactured Home Park and that where there is a manufactured home park each park has to have a license which stipulates the number of units or sites. The proposal is for an additional 103 sites, therefore, that license would have been logged accordingly.

No one appeared either in favor of or in opposition to the proposal.

5. Stan Granger presented Country Manor Estates, Principio Road, Preliminary Plat, American Engineering and Surveying, Inc., Fifth Election District

PLANNING COMMISSION MINUTES 2004

The applicant was duly sworn according to law and testimony followed. Mr. Granger advised that he presenting the preliminary final for a mini road subdivision of Country Manor Estates. All comments have to address for the various agencies. The JD has been completed in the field although Mr. DiGiacomo has not received approval for location of the wetlands, in writing, which had been approved last week.

Mr. Moore read the Health Department notes, a copy attached for reference.

Mr. DiGiacomo stated the zoning is NAR. The NAR zone permits a maximum base density of one dwelling unit of five acres.

The Concept Plat was approved on 3/17/03 at a density of 1/9.023, conditioned on:

- a) The boundary line survey being completed prior to TAC review of the Preliminary Plat, and
- b) The Jurisdictional Determination (JD) being completed prior to preliminary plat review by the Planning Commission.

This Preliminary-Final Plat proposes 5 lots on 45.103 acres, and is consistent with the approved Concept Plat. The boundary line survey has been done. Document of the JD has not been received.

The parcel shown in the vicinity map as Parcel 397 is shown as Parcel 378 on sheet one. That must be corrected on the record plat.

A 25' buffer is required around any non-tidal wetlands present. A 25' buffer is required along all intermittent streams. If an intermittent stream lies within a FRA, then it requires a 50' buffer.

Permits are required from the (US Army) Corps of Engineers and MDE for all non-tidal wetland and stream impacts prior to recordation. A Jurisdictional Determination (JD) must be done prior to Preliminary-Final Plat review by the Planning Commission.

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

PLANNING COMMISSION MINUTES 2004

Bufferyard standard A is required along the northern property line of proposed Lots 1 & 5. A 100' building setback is required. The setback is 25' for accessory structures. That bufferyard is labeled a 35' Bufferyard A. If it is to also serve as an afforestation area, then that should be clearly stated, so as to avoid any confusion.

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. That notice, specifically mentioning Article I, § 4 must appear on the record plat.

Rows of street trees are required, outside the right-of-way, along both sides of the proposed mini-road. Where feasible, the natural vegetative equivalent may be used to satisfy the bufferyard and street tree requirements. The standard bufferyard/street tree non-disturbance note must appear on the record plat.

The standard Forest Retention/Afforestation Area non-disturbance note must appear on the record plat. The Forest Stand Delineation (FSD) was approved on 2/28/03.

The final Forest Conservation Plan (FCP) and Landscape Plan must be approved prior to Planning Commission review of the Preliminary-Final Plat. A Landscape Agreement must be executed prior to recordation.

The road name Floral Way has been approved.

A Mini-road Maintenance Association must be established prior to recordation with all lot owners becoming members.

The lot created via Minor Subdivision # 1606, shown as other lands of Otto M. & Greta E. Huegel must be denied access to the proposed mini-road, as has been noted.

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

PLANNING COMMISSION MINUTES 2004

Mr. Woodhull stated that a Street and Storm Drain Plan and a Mass and Final Grading Plan must be approved by DPW prior to submittal for Final Plat Approval. The plans have been reviewed and comments returned to the engineer.

All lots must become members of the Mini Road Maintenance Association and access from the mini road.

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

A PWA will be required for the private road and storm drains.

No one appeared either in favor of or in opposition to the proposal.

6. Will Whiteman presented Northwoods, Section 4, Lots 96 162, Razor Strap Road, Final Plat, Will Whiteman Land Surveying, Inc., Fifth Election District

The applicant was duly sworn according to law and testimony followed. Mr. Whiteman is requesting approval of Section 4, Lots 96 162 of subdivision, Northwoods. There is a typographical error under the owner's certificate, which is shown on sheet 1. This error will be corrected.

Mr. Moore read the Health Department notes, a copy attached for reference.

Mr. DiGiacomo stated that the zoning is RM. The original Concept Plat was approved February 1988. A second Concept Plat was approved 11/20/95 at a density of 3.23 units per acre, (.31 acres/dwelling unit).

The RM zone permits a maximum base density of two dwelling unit at one acre or six dwelling unit per one acre, when community facilities are available. This Section 4 Preliminary Plat proposes 67 lots on 19.939 acres, giving this section a density of 3.36 units per acre.

The Section 1 Final Plat was approved April 1990. It was signed on 4/29/92.

PLANNING COMMISSION MINUTES 2004

The Final Plat for Section 2 was approved December 1997, and signed on 5/27/98.

The Section 3 (Lots 39-95) Final Plat was approved on 12/18/00, and signed on 10/31/01.

This Section 4 Preliminary Plat is generally consistent with the approved Concept and other Preliminary Plats.

The Town of North East water allocation remains at 96 lots. Documentation of additional allocation must be produced prior to Final Plat review by the Planning Commission.

Fifteen percent common open space must be provided in the RM zone. If Section 4 is approved as is now proposed, then there will be a remaining balance of 2.4431 acres of common open space that must be provided with future sections. Open space must be labeled as common open space.

To be consistent with previous sections and their conditions of approval, sidewalks are required on both sides of all internal roads.

Rows of street trees are required 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.

The FSD was approved 11/29/95 and has expired. An extension was granted on 10/3/03. The Preliminary Forest Conservation Plan (PFCP) was approved on 5/18/99. The FCP and the Landscape Plan were approved on 10/3/03. A Landscape Agreement must be executed prior to recordation.

Deed restrictions for the long-term protection of Forest Retention/Afforestation Areas (FRAs) must be recorded and noted on the plat prior to recordation. The metes and bounds description of the FRA must be shown on the record plat. Access to common open space between lots must be marked with concrete monuments.

The owners of these lots must become members of the Homeowners Association with \$50.⁰⁰ per recorded lot being placed in escrow for improvements prior to recordation.

PLANNING COMMISSION MINUTES 2004

-

Per the agreement executed on September 24, 1996 for Razor Strap Road improvements, \$266.⁰⁰ per lot must be paid to the Board of County Commissioners prior to recordation of the plat.

The surveyor's name and license number must be deleted from the owner's signature block on sheet 1. The wide margin must be on the left-hand side of the plat.

Is the AT&T access easement part of the common open space? Mr. Whiteman responded that it was part of the greenway, walking trail he was not sure if it has ever been discussed or negotiated. There was 16½ ROW which was enclosed into a 21' easement or ROW that was left as part of the open space. If so, then it must be labeled "common open space" on the record plat.

Mr. DiGiacomo stated that he received an email from Mr. Jensen, who was an adjacent property owner, who is concerned about access to his property through Northwoods. However, this section is not connected to his property.

Both the sewer mains and the roads and storm drains require as-built submittals per the Road Code.

The SWM for this section has been provided for in Section 2 of this development. A Road Code Variance was granted on April 10, 2003 for cul-de-sac bulb diameters. If the Planning Commission requires sidewalks, the Final Plats should include a note indicating that sidewalk maintenance will be required of the adjacent property owner, as required by the Cecil County Road Code.

A PWA will be required for internal streets, storm drains, and sanitary sewer.

No one appeared either in favor of or in opposition to the proposal.

Mr. Whiteman commented on the access to an adjoining property owner. He believes that this will come up in the next section if they are granted approval of this section and eventually the next section comes up. Section 3 is just about built out. When the time comes to address the adjoining owners issue he is not sure how it can be addressed. Although he has contacted the Planning Office he has not contacted Mr. Whiteman's clients. The area that actually access Mr. Jensen's property does access property was done quite a while ago.

PLANNING COMMISSION MINUTES 2004

No one appeared either in favor of or in opposition to the proposal.

7. Timothy Whittie, Dave Crowley and James Keeffer presented West Creek Village, Fletchwood Road, Revised Concept Plat, Morris & Ritchie Associates, Inc., Fourth Election District

The applicants were duly sworn according to law and testimony followed. Mr. Whittie advised that the project before the committee was presented to TAC in December. The property is located at the intersection of Rte 272 and Rte 279. The property consists of two parcels, Parcel 316 which will consist of 234 parking units that will have access to Willow Drive. Parcel 175 will consist of 190 townhouses, 192 apartment units which have already been approved and construction of 288 new apartments units for a total of 904 units. Both parcels are zoned RM which is residential multi-family. Permitted on site based on density are 1226 units. A previous improved TAC plan for Parcel 175 had included 342 condos and 582 townhouses for a total of 924 units which is before the committee. There is also a proposal to construct a road connecting Fletchwood Road and Rte 277 to the existing apartment complex going through the center through West Creek Road so that the development will have two access points. One of the accesses is Willow Drive and the second, new access on Rte 277. West Creek drive will be public until it crosses Azalea Court at which time it will become a private road. Azalea Court is just before the crossing of the creek. There is a proposal to build a bridge or some other structure that will expand the wetlands and limit the impact on both the wetlands and creek. A Traffic Impact Study is currently being prepared. The developer is aware that there in order for the plan to proceed there will be a requirement for an upgrading to the pumping station. There approximately 230 remaining hookups that they can utilize.

Mr. Moore read the Health Department notes, a copy attached for reference.

Mr. DiGiacomo stated that the zoning is RM.

A Concept Plat for Section 2 and a portion of Section 1, 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. It was approved on 10/21/02 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;

PLANNING COMMISSION MINUTES 2004

- 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.

The West Creek Village Apartments 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 and 12/13/00).

This revised Concept Plat (a consolidation and revision of those two projects) proposes a total of 904 dwelling units on (234 already existing) on 83.90 acres. A 714 of the proposed dwelling units are apartments, at a density of 13/1; and 190 are townhouse units, at a proposed density of 6.5/1. The RM zone permits a maximum density of 12 dwelling units at one acre for townhouses and 16/1 for apartments or condos, with community facilities.

This design is consistent with §7.2.12 (e) (4) of the Subdivision Regulations with respect to the proximity of the proposed entrance to Persimmon Lane.

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

A portion of the Hardy Realty proposal was a condominium project. These units are proposed as apartments and townhouses.

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

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

PLANNING COMMISSION MINUTES 2004

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'. There appear to be hydric soils (Hatboro silt loam and Othello silt loam) on either side of the stream, but only a 110' stream buffer has been shown.

Consistent with §174.1.b (1) (a) & (b), since this property is located in the Development District, as defined by the Cecil County Comprehensive Plan, the Planning Commission may waive the expanded buffer if evidence is provided that this design would provide the same level of water quality or better. Note # 13 indicates the waiver is being sought.

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) must be done prior to preliminary plat review by the Planning Commission.

The habitats of rare, threatened, and endangered species must be avoided. Twenty percent open space or 16.78 acres is required in the RM zone. About 39% -- or 32.61 acres are proposed. Fifteen percent 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. Those thresholds must be provided on the Preliminary Plat submitted for TAC review.

All Phase III structures should be labeled or numbered for easy reference.

Consideration should be given to providing active recreational amenities in the areas of common open space. Twenty-five percent landscaping of the development envelope is required in the RM zone.

Sidewalks are recommended on both sides of all internal roads, as well as along Fletchwood Road.

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

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.

PLANNING COMMISSION MINUTES 2004

Apartment buildings shall be set back at least 20 feet from all parking areas and internal roads (§29.4.h). No apartment building can be constructed closer to any property line of the development tract than a distance equal to the height of the building (§29.4.d). The maximum length of an apartment building is 300 feet (§29.4.j).

Bufferyard Standard C is required, outside the right-of-way, along the road frontage of Fletchwood Road. The 25-foot peripheral bufferyard is also a Bufferyard standard C.

Rows of street trees 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.

An adjacent property is shown zoned R-1. No such zoning classification exists. That must be corrected.

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

Some of the parking spaces are depicted partly on individual lots and partly on common open space. Those spaces should be located on one or the other, but not both. In addition, some parking spaces are depicted on two lots; that situation should also be avoided.

§176.2.a prohibits any common open space being used for parking. There can be common overflow parking areas, but they cannot be included in the open space total acreage. Maintenance of the common overflow parking areas will be the responsibility of the Homeowners Association.

The Forest Stand Delineation (FSD) for the Hardy Realty parcel was approved on 10/2/02. The locations of wetlands shown on this Concept Plat do not match up with those depicted on the approved FSD. Those discrepancies must be resolved prior to the Planning Commission's review of the Concept Plat.

The Phase I area could be considered exempt under §3.2M. That has not been noted however.

PLANNING COMMISSION MINUTES 2004

The Phase II areas that deviate from the West Creek Village Apartments Record Plat are subject to the Forest Conservation Regulations, as is Phase III.

The Preliminary Forest Conservation Plan (PFCP) must be approved prior to Planning Commission review of the Preliminary Plat. The final Forest Conservation Plan (FCP) and Landscape Plan must be approved prior to Planning Commission review of the Final.

A Landscape Agreement must be executed prior to recordation.

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

The internal road names will need to be approved by the County's 911 Emergency Management Agency prior to the Planning Commission's review of the Preliminary Plat. It is recommended that the proposed West Creek Drive name be changed to West Creek Village Drive, to avoid confusion.

Access to common open space between lots must be marked with concrete monuments. Additional open space access between structures should be considered in the townhouse portion. As designed, most owners would take a long and circuitous path to their back yards. To move lawn mowers or grilles to the rear yards, for example, this is an inconvenient design.

In the Section II Phase III portion, a Homeowners' Association for maintenance of common open space must be established with \$50 per recorded lot placed in escrow for improvements prior to recordation.

The Record Plats shall contain a statement signed by the Health Department approving authority; to the effect that use of the community water supply and community sewerage system is in conformance with the Comprehensive 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 condominiums and townhouses offered for sale.

Verification of water and sewer allocation must be received for each phase and/or section prior to the Planning Commission's review its Final Plat.

PLANNING COMMISSION MINUTES 2004

Mr. Whittie stated that the wetland delineation represent what they had went out and physically located. They felt that they had found some discrepancies in the one that had been previously approved and those issues will be resolved with the JD.

Mr. Keeffer informed Mr. DiGiacomo that he had not heard him mention that a revised FSD had been approved by his office. He went on to state that a FSD had been done on 1/13/04.

Mr. Woodhull stated that the following submittals, at a minimum, must be approved by the Department of Public Works prior to submittal for Final Plat Approval: a Stormwater Management Plan, a Street and Storm Drain Plan, a Mass and Final Grading Plan, a Sanitary Sewer Plan and a Water System Plan The Sanitary Sewer Plan must also reflect the proposed water line locations and all proposed fire hydrant locations. The Final Plat must include a note recognizing the applicability of the Lot Grading Plans. (A final lot grading plan has been approved by the Cecil County Department of Public Works for residential construction on the lots shown hereon. A site construction as-built, where required, shall be submitted to the Cecil County Department of Public Works prior to use and /or occupancy of any of the sites shown hereon.)

DPW requires hydrants at each intersection (including Fletchwood Road) and along the internal streets at separation distances of no more than 600 feet. Because of the clustering of townhouses, consideration of closer hydrant spacing may be in order (although consultation with the Singerly Fire Company is recommended); alternatively, other consideration should be given to minimize the spread of a fire, given the close spacing of buildings.

The ability of the existing water distribution system, together with the proposed extensions, to provide adequate fire flow and pressure must be demonstrated through a comprehensive network model. A baseline study of the Meadowview Plant was commissioned and is currently underway. The Applicant will be responsible to update it.

Looped water mains must be designed to ensure adequate fire flow and pressure throughout the development.

The downstream conveyance of stormwater must be analyzed in accordance with Section 251-9 A. (5) of the county s SWM Ordinance. This includes analysis of the drainage ditches and cross culvert on MD 277.

Regardless of phasing, the Department will not accept the internal roads until 80% of all the lots are complete, unless the Developer includes a separate, dedicated construction entrance beyond the first phase of construction. Any applicable Road Code Variances must be requested prior to submittal for Preliminary Plat approval.

PLANNING COMMISSION MINUTES 2004

Cornus Court, as well as, an apartment building, several lots, and SWM Areas are immediately adjacent to the flood plain line, which has been graphically shown from the FEMA maps. In reality, the flood plain follows some (probably as yet undefined) topographic contour. Because they could potentially be within the floodplain, an engineering analysis must be completed to delineate the 100-year flood plain line by contour. A particular concern is that West creek Drive could be under water during a significant flood and could pose emergency response concerns.

If the Planning Commission requires sidewalks, the Final Plats should include a note indicating that sidewalks maintenance will be required of the adjacent property owner, as required by the Cecil County Road Code A request for water allocation must be submitted to DPW.

No wastewater allocation exists for this development at this time. The Meadowview Wastewater Treatment Plant has no unallocated capacity at this time. As such, no new connections may be made until system capacity is expanded.

The DPW can allocate 234 additional of the remaining 240 ELU allocated to and prepaid by West Creek Village Apartments. This allocation expires in 2006. An assumed 6 ELU will be withheld until flow measurements have verified maximum flows. We anticipate beginning a design-build project for the Meadowview WWTF in January/February 2004 with completion scheduled 18 months later at which point sufficient capacity would be available. It will be our recommendation to the Planning Commission that Concept Plat approval be granted on the expectation of service in approximately 2 years, but Preliminary Plat approval should only be granted for 234 new units until that time.

An Inspection and Maintenance Agreement will be required for the SWM facilities. A PWA will be required for internal streets, storm drains, and sanitary sewer and water.

No one appeared either in favor of or in opposition to the proposal.

8. Sunnybrook Estates, Section 4, Lots 75 85, West William Road, Final Plat, Northern Bay Land Planning Engineering & Surveying Corp., Second Election District

WITHDRAWN

PLANNING COMMISSION MINUTES 2004

9. Faron Pyles presented *Montgomery Cecil Limited Partnership, Marley Road, Concept Plat, Northern Bay Land Planning Engineering & Surveying Corp., Fifth Election District*

The applicant was duly sworn according to law and testimony followed. Mr. Pyles advised that the developer would like to move forward with the project but has been delayed because of issues with the public sewer to the project extending along Rte 40 to the North East interceptor. Therefore, he has requested an extension of the Concept Plat Approval. The project is proposed to develop 148 units served by public sewer and individual wells. There will be additional comments forthcoming relative to the new road codes.

Mr. Moore read the Health Department notes, a copy attached for reference.

Mr. DiGiacomo stated zoning is DR. The DR zone permits a maximum base density of one dwelling unit per one acre. With community facilities, a density of 4/1 is permitted.

The Concept Plat was approved by the Planning Commission on 3/18/02, conditioned on:

- 1) A Traffic Impact Study, including a signal warrant analysis for the Marley Road/ US 40 intersection, being complete prior to TAC review of the Preliminary Plat;
- 2) Road names being approved by the County's 911 Emergency Center prior to Planning Commission review of the Preliminary Plat;
- 3) Intermittent and perennial stream labeling and buffers being made consistent with the USGS Quad maps, and all intermittent streams being shown;
- 4) The JD being completed prior to Planning Commission review of the Preliminary Plat; and
- 5) Verification being received from MDE that the SuperFund site on the east side of Marley Road will not have adverse impacts on the proposed wells.

The approved Concept Plat proposes 148 lots on 148.89 acres, for a proposed density of 1/1.01.

At issue today is solely the question of granting an extension of the Preliminary Plat approval.

PLANNING COMMISSION MINUTES 2004

§4.0.9 of the Cecil County Subdivision Regulations provides that Concept Plats shall be valid for two years from date of approval. Thus, the Concept Plat approval granted on 3/18/02 is set to expire on 3/18/04.

Should the Planning Commission grant an extension, it will be valid for one year. At that time, if necessary, the applicant may again request a subsequent one-year extension of Concept Plat approval.

§4.0.10 of the Subdivision Regulations stipulates, The Planning Commission may, at their regular monthly meeting, grant an extension of the density approval of a Concept Plat for one (1) year upon application of the developer. In connection with such request, the Commission shall consider the following:

- a) Change in the zoning classification of the property.
- b) Change in the Zoning Ordinance.
- c) Change in the Subdivision Regulations.
- d) Change in the Comprehensive Plan.
- e) Change in the Critical Area designation of the property.
- f) Change in the Critical Area Program.
- g) Change in the Forest Conservation Regulations.

Critical Area changes are moot, and there have been no such changes as described.

Mr. Woodhull stated that a SWM Plan, Road and Storm Drain Plan, Sanitary Sewer Plan and, Mass and Final Grading Plan must be approved by the CCDPW prior to submittal for Final Plat Approval. The Final Plat must include the standard note recognizing the applicability of the Lot Grading Plans. (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.).

The downstream conveyance of storm water must be analyzed in accordance with Section 251-9 A. (5) of the county s SWM Ordinance.

.

Sight distance measurements must be provided to the DPW to establish compliance with the Cecil County Road Code. These have been submitted by the applicant and are under review. Vegetative clearing will likely be necessary at both entrances. A knoll exists approximately 200 north of the southern entrance; this will likely have to be removed by the developer. Similarly, there is a knoll some half mile south of the southern

PLANNING COMMISSION MINUTES 2004

entrance that will become increasingly of concern with the significant added traffic on Marley Road and the Applicant's Engineer must address it with a recommended solution.

The addition of 148 homes to Marley Road (95% of which will likely access the Route 40 intersection) will add an estimated 1480 daily trip ends to Marley Road. As such, improvements to Marley Road may be necessary and will be evaluated as the project continues to develop

Entrance geometry should be coordinated with DPW prior to significant engineering efforts. Accel/decel lanes will be necessary. Easements on adjacent lots may be necessary to affect entrance requirements.

The loop design presented in TAC for the northeastern corner of the development was considerably better from a perpetual maintenance perspective for the Department. The Department strongly prefers the previous layout.

All lots with access to a cul-de-sac street must be denied access to the main street; these include Lots 11, 21, 25, 41, 33, 77, and 93. Deny access to Lot 148 except for the northern 30' of frontage. Deny lot 72 on curved portion of frontage. Deny Lot 17 for Meadow Hall Road.

-

Regardless of phasing, the Department will not accept the internal roads until 80% of all the lots are complete, unless the Developer includes a separate, dedicated construction entrance beyond the first phase of construction. All driveways must be paved at least to the right of way.

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

A school bus turnaround must be provided during the first phase of development.

The stream crossing should be required during the first phase of development to ensure that the connectivity will be achieved.

If sidewalks are required by the Planning Commission, the Final Plats should include a note indicating that sidewalks maintenance will be required of the adjacent property owner, as required by the Cecil County Road Code.

PLANNING COMMISSION MINUTES 2004

In TAC, the Department required that the loop road connecting the two proposed entrances continue as a Minor Collector Standard throughout. Upon further evaluation, it may be permissible to transition from a 60 ROW to a 50 ROW at the western limit of Lot 93 and the western limit of Lot 21, with a 50 transition in pavement width. The applicant must address this in a substantiated Road Code Variance request.

A road code variance must be requested to resolve the inconsistency with the Road Code in that minor collector roads are not intended to serve the primary function of providing access to abutting properties.

-

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 with Mechanics Valley, LLC but has not yet been executed via an agreement with the Board of County Commissioners. As such, the timing is uncertain.

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

A PWA will be required for internal streets, stormdrains, sanitary sewers, and any private utility improvements.

No one appeared either in favor of or in opposition to the proposal.

10. Michael Pugh and Michael Burchum presented The Chesapeake Club Fairway Links, Area H-1, Lots 128 187, MD Rte 272, Final Plat, McCrone Inc., Fifth Election District

The applicants were duly sworn according to law and testimony followed. Mr. Pugh advised that they been before the Planning Commission last month (December 2003). The discussion last month included the town commitment to supply water. They are returning this month with a new letter. They are seeking approval for the variety of sidewalk that is connected to the roadway so that they have the combined walking/biking trail. Mr. Burchum discussed the details of the walking/biking trail (Exhibit B) with the committee. He noted that there would be a 6 wide path on the smaller minor roads and 7 wide on the major collector roads. It will have a striped white line to segregate it from the travel lane. Per DPW the remainder of the sidewalk that goes through the existing Chesapeake Development along Chesapeake Club Drive is on the opposite side of the road. They have indicated that they can put a painted cross walk marking at the intersection for people to cross back and forth to get on to the other side.

PLANNING COMMISSION MINUTES 2004

Mr. Pugh replied that they were trying to make it more pedestrian and bicycle friendly than the standard sidewalk. The thought was that this would be better than having pedestrians, bicycles and golf carts in the normal street traffic.

Mr. Pugh added that DPW had suggested at last month's meeting that they formally rescind their request for five sewer connections in Section G, the five lot subdivision on Ridge Road, which they have done.

Mr. Moore read the Health Department notes, a copy attached for reference.

Mr. Pugh asked for clarification on the HD notes. He stated that he believed that on this section they did not need to have the pump station engineering upgrade plans resolved. This section is in context of the existing pump station. Mr. Carter stated that Mr. Pugh was correct.

Mr. DiGiacomo stated zoning is RM. The original Concept Plat was approved 5/19/87 for 1440 units on 411 acres, for a density of 3.5/1. The RM zone allows for a density of 6/1 with community facilities.

A revised Concept Plat was approved 12/20/93, a subsequent revised Concept Plat was approved 6/20/94 (with no conditions), and the most recent revised Concept Plat was approved on 3/16/98. These revised Concept Plats have all adhered to the originally-approved density of 3.5/1, and they have reflected changes in only design, layout and structure types.

An Area H Preliminary Plat for proposed lots 110 -216 was approved on 5/20/02. A revised Concept Plat was approved on 9/16/02.

A revised Area H -1 Preliminary Plat for proposed lots 128 -186 and a portion of Area H was approved on 9/16/02, conditioned on:

- 1) Health Department requirements being met;
- 2) DPW requirements being met;
- 3) The final Forest Conservation Plan (FCP) and landscape plan being approved prior to Planning Commission review of the Final Plat;

PLANNING COMMISSION MINUTES 2004

- 4) Water allocation being confirmed by the Town of North East prior to Final Plat review by the Planning Commission;
- 5) Sewer allocation being confirmed by the Department of Public Works prior to final approval; and
- 6) A variance for any private roads being obtained from the Board of Appeals prior to the Planning Commission's review of the Final Plat, or Chesapeake Club Drive being accepted by the County prior to Planning Commission review of the Final Plat.

This Final Plat is generally consistent with the approved revised Concept and Preliminary Plats.

One difference is that the revised Preliminary Plat proposed 59 lots, roadway, and common open space on 35.14 acres for a proposed density of 1.73/1. This Final Plat now proposes 60 lots, roadway, and common open space on 36.360 acres, for a proposed density of 1.65/1. within the maximum allowable density, as well as that of the approved revised Concept Plat.

Part of the increase in acreage is attributable to the fact that the area consisting of proposed lots 152 -154 was part of the Area H Preliminary Plat approval on 5/20/02.

The Preliminary Plat showed a golf cart path along the 15th fairway on some of the proposed lots on the north side of the proposed Bay Club Parkway. Those areas are now shown generally as forest conservation areas.

The road names Bay Club Parkway and Crescent Links Drive has been approved. Chesapeake Club Drive was accepted by the County in July, 2003.

Permits are required from the (US Army) Corps of Engineers and MDE for all non-tidal wetland impacts prior to recordation. This proposal satisfies the general open space provisions of the RM zone. 10.297 acres, or 28.32%, is being proposed.

Sidewalks or walkways are recommended, in keeping with the designs of completed sections. Bufferyard Standard C is required, outside the right-of-way, along the road frontages of MD 272 and Shady Beach road. The Forest Stand Delineation (FSD) and Preliminary Forest Conservation Plan (PFCP) were approved on 9/11/02.

PLANNING COMMISSION MINUTES 2004

The area consisting of proposed lots 152 -154 was part of the Area H Preliminary Plat approval on 5/20/02. The Area H FSD and PFCP were approved on 5/15/02. The Area H PFCP was revised and approved on 9/11/02.

The final Forest Conservation Plan (FCP) and landscape plan were approved on 12/9/03. In areas with community facilities, no street trees shall be planted within 20 feet of sewer laterals and cleanouts. A Landscape Agreement must be executed prior to recordation.

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

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

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

Water allocation is confirmed by the Town of North East. Sewer allocation is confirmed by the Department of Public Works.

Mr. Woodhull stated that The SWM Plan and Road & Storm Drain Plan and Sewer Plan are technically complete. However administrative items remain outstanding; PWA for the storm drains and sanitary sewer and I&M Agreement for SWM.

The denied access for Lots 128 and 180 must be extended to the first 75' of Bay Club Parkway.

Sewer Allocation was granted on 1/14/04. .

Sidewalks were proposed for one side of the street and the pedestrian/bike provision of the Road Code has been proposed to meet the requirement of the Planning Commission. The pedestrian/bike path involves the paving of at least six feet of the shoulder adjacent to the travel way, together with striping and lettering. While the Applicant has proposed this substitution, the plans submitted for review do not reflect their use.

PLANNING COMMISSION MINUTES 2004

A PWA will be required for internal streets, storm drains, and sanitary sewer. An Inspection and Maintenance Agreement will be required for the SWM facilities.

No one appeared either in favor of or in opposition to the proposal.

11. Mike Pugh, Mike Burchum, David Meiskin and legal council Mike Lee presented Village of North East, Lots 1-709, Shady Beach Road, Preliminary Plat, McCrone Inc., Fifth Election District

The applicants were duly sworn according to law and testimony followed. Mike Pugh advised that they are presenting a continuation of a project that had received Concept Plat approval in September 2002 for a 709 units, single family clusters age restricted community. The process that has been followed is under the cluster provision of the Cecil County Subdivision Regulations. The property being zoned SR yields a certain density per acre and the developers are clustering that number to maximize the amount of open space. The number of units is consistent with the SR base density would allow. David Meiskin, Principle of Windsor Management, and the developer of the property. Mr. Meiskin has very extensive experience in age constricted communities. Mr. Meiskin passed out a brochure (Exhibit C) on the Village of North East. The community is age targeted. The recreation center, pool, activities and trails are all designed for a certain age. These people walk together as opposed to in a line. Over 50% of this site will remain in its natural state (open space). These buyers are not looking for large sites. There will be a gatehouse (no guard) at the entrance to give that sense of security. Mr. Pugh noted that they are working with the members of the Elk Neck Trail Association in order continue through the property. The trail will be failed prior to coming back for final approval. The sewer is slated to be town. The developers are currently meeting with the Town of North East and at the same time they have applied for Ground Appropriation Permit in the event that water supply is private on site. Traffic studies have been performed on Shady Beach Road and meet with both DPW and Planning Zoning on the road issues.

Mr. Mortimer asked it they would try to work with Shady Beach Road as the traffic patterns change. Mr. Pugh replied yes. By final plat we will return with bench marks set up so that before traffic deteriorates from an acceptable level, corrections will be made at the developer s expense.

Discussion followed concerning the pedestrian/bicycle

Mr. Burchum stated that the elevated water storage would hold 300,000 gallons of water with a standard five-leg elevated storage tank similar to the ones that you see around the town of Elkton. It will be approximately 140 tall.

PLANNING COMMISSION MINUTES 2004

Mr. Moore read the Health Department notes, a copy attached for reference.

Mr. DiGiacomo stated zoning is SR and NAR. In the SR portion, this Preliminary Plat proposes 707 lots on 354.77 SR zoned acres, for a proposed density of 1.99/1. The SR zone permits a maximum base density of one dwelling unit per one acre. With community facilities, a density of 2/1 is permitted.

The Concept Plat was approved at a density of 2/1 on 9/16/02, conditioned on:

- 1) The potential roadway connection being shown as an actual connection on the Preliminary Plat submitted for TAC review;
- 2) A boundary line survey being completed in the preparation of the Preliminary Plat for density calculation purposes;
- 3) Roadway names being approved prior to the Planning Commission's review of the Preliminary Plat;
- 4) The Preliminary Plat including the details of the proposed recreation center, parking, and recreational facilities as required in §291 and Appendix A of the Zoning Ordinance;
- 5) The Preliminary Plat including proper identification of the adjacent Old York Estates;
- 6) A variance for the private roads being obtained from the Board of Appeals prior to the Planning Commission's review of the Preliminary Plat;
- 7) The Elk Neck Trail being identified clearly on the plat as to what it is and its location;
- 8) A stub being shown to the 33 acres in the NAR portion;
- 9) Shady Beach Road being designed and upgraded, by and at the cost of the developer, from their southern boundary to MD Rte. 272; and
- 10) A Traffic Impact Study being completed prior to Technical Advisory Committee review of the Preliminary Plat.

This proposal invokes the provisions of §6.1 of the Cecil County Subdivision Regulations regarding residential cluster development. As currently proposed for the SR portion, the project cannot be realized without community facilities.

The use of community facilities would require amendments to the Master Water and Sewer Plans prior to Final Plat review. The proposed water service area map will need to be amended. The proposed sewer service area map includes this parcel. The Final Plat must include the full details of one water system or the

PLANNING COMMISSION MINUTES 2004

other.

If the water source is the Town of North East, then verification of water allocation must be received from the Town, and the water service area agreement between the County and the Town must be amended to include this parcel, prior to Final Plat review.

If the water source is an on-site private system, then verification that the proposed water system is capable of serving these proposed lots and recreation center must be received from MDE prior to Final Plat review. Documentation of all approvals for the system and the operator required by the Public Service Commission must be submitted prior to Final Plat review.

Well locations are required to be shown on Preliminary Plats. If the water source is an on-site private system, then they must be reviewed by DPW and the Health Department prior to Final Plat review. They must be shown on the Final Plat.

Verification of sewer allocation must be received from the Department of Public Works prior to Final Plat review.

Water supply and sewer service notes, consistent with Sections 4.2.13 (t) & (u) of the Subdivision Regulations must appear on the Final and Record Plats stating that such services shall be made available to all lots.

The proposed lots and recreation center must be served by water & sewer systems approved by the Health Department.

A boundary line survey was done, resulting in a reduction of acreage (396 to 354 SR acres, and 33 to 35.6 NAR acres), a concomitant reduction in the number of lots (792 to 707), and the discovery that a portion of the property is located on the west side of Shady Beach Road.

Mr. DiGiacomo referred to a question from Mr. Walbeck concerning the boundary line. Mr. Burchum stated that he had resolved that question.

In the NAR portion, this Preliminary Plat proposes an area reserved for future development on 35.6 acres. The proposed S. Monet Avenue is shown connecting to it. S. Monet Avenue must be of sufficient width to

PLANNING COMMISSION MINUTES 2004

accommodate whatever traffic volumes are generated by the future development on the NAR zoned portion of the property.

A Traffic Impact Study (TIS) was prepared and showed that one intersection would operate at level of service (LOS) F at full build-out. Staff recommends that the developer, prior to Final Plat review, work with DPW and SHA to determine 1) at what point of the build-out would traffic volumes trigger the unacceptable LOS (E or F), and 2) what specific improvements need to be implemented to bring the intersection to LOS D or higher (at full-build-out), as is consistent with the Comprehensive Plan.

With those determinations having been made and agreed to by the developer, DPW, and SHA, a Final Plat would then be submitted for review and approval by the Planning Commission. Staff will then recommend, as a condition of Final Plat approval, that no additional building permits be issued (beyond the number that would trigger the unacceptable LOS) until the completion of the determined and agreed-to intersection improvements.

With respect to Shady Beach Road improvements, staff recommends that the developer and DPW, prior to Final Plat review, determine and agree on 1) what specific improvements need to be implemented, and 2) when (in terms of the number of building permits) those improvements need to be implemented.

Then, as a condition of Final Plat approval, staff will recommend that no additional building permits be issued (beyond the established number) until the completion of the determined and agreed-to Shady Beach Road improvements.

Preliminary Plat information shows that proposed lot sizes range from 5,720 to 13,801 ft². Slopes greater than 25% have been shown.

A 25' buffer is required around all non-tidal wetlands and intermittent streams present. A number of stream/wetland impacts resulting from roadway construction are depicted on the plat. Documentation of the JD has been received.

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

Fifteen percent common open space is required. 56.5% common open space is proposed, based on the 354 SR acres. The common open space sensitive areas thresholds are acceptable.

PLANNING COMMISSION MINUTES 2004

The Elk Neck Trail greenway has been depicted on the plat. It should connect with the proposed Rhodes Mountain Estates.

Twenty percent landscaping of the development envelope is required in the SR zone. Bufferyard Standard C is required, outside the right-of-way, along the road frontage of Shady Beach Road, as shown on sheets 2 and 4.

Street trees are required on lots, outside the right-of-way, along both sides of all internal roads. In areas with community facilities, no street trees shall be planted within 20 feet of sewer laterals and cleanouts.

Where feasible, the natural vegetative equivalent may be used to satisfy the bufferyard and street tree requirements. The FSD was approved on 9/11/02 and revised on 5/20/03. There are no habitats of rare, threatened, and endangered species on the property, but there is FIDS habitat.

The Preliminary Forest Conservation Plan (PFCP) was approved on 1/13/04. The final Forest Conservation Plan (FCP) and Landscape Plan must be approved prior to Planning Commission review of the Final Plat (§6.3.B(1)(a), Forest Conservation Regs.). A landscape agreement must be executed prior to recordation.

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

A Variance application for private roads was denied by the Board of Appeals. Since a stub road (S. Monet Drive) has been shown to the NAR portion of the property, why isn't there connectivity to the proposed Rhodes Mountain Estate also zoned NAR? Mr. Pugh stated that they do plan to connect the area reserved for future development into this community. This is the develop corridor of the Comprehensive Plan. When you get to Rhodes Mountain you move into the agriculture area. Provisions have already been provided for connectivity to Chesapeake Bay Club along Chesapeake Bay Club Parkway, which is consistent with the interconnect of the development corridor and would not be necessary for Rhodes Mountain. It is a topographic it is difficult to make the connection with Rhodes Mountain.

All public road names have been approved.

This proposal, in keeping with the creative and innovative designs encouraged for cluster development, includes adequate sidewalks and walking/bike paths, as well as walking and biking space on all roads. Staff

PLANNING COMMISSION MINUTES 2004

recommends that the walking/bike path along Vermeer Boulevard be changed to the west (or left) side of the road because of the high number of right turns anticipated at the intersection with Dali Avenue.

The adjacent Old York Estates has been identified on this submission.

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

A Homeowners Association for maintenance of common open space, the clubhouse, common parking, landscape islands, and recreational facilities must be established prior to recordation. \$50 per recorded lot must be placed in escrow for improvements to the common open space and landscape islands prior to recordation.

The recreation center, parking and recreational facilities are accessory uses to the proposed subdivision. A condition of Concept Plat approval was that the Preliminary Plat include the details of the proposed recreation center, parking and recreational facilities as required in §291 and Appendix A of the Zoning Ordinance. Therefore, a major site plan submittal was not required.

The particulars of those improvements have been included in this Preliminary Plat, but not in the detail required. For example, no lighting and landscaping has been depicted. Such additional site plan details must be included on the Final Plat. The issuance of a building permit for the recreation center will be contingent upon recordation.

Active recreation improvements should be included in the Public Works Agreement.

The North East Volunteer Fire Company has recommended a 10" water main; hydrant locations are acceptable. The details of the water tower have been given.

It must be noted that §6.1.5 (a) (b) & (c) of the Subdivision Regulations require strict compliance, as follows:

- a) Resubdivision shall not be permitted in cluster development so as to reduce lot areas below those permitted in the originally recorded Final Plat.
- b) The development of land within the cluster is permitted only in accordance with the approved site development plan on file at the Office of Planning and Zoning.

PLANNING COMMISSION MINUTES 2004

c) The agreements concerning the ownership and maintenance of open space land shall be recorded simultaneously with the Final Plat.

Mr. Woodhull stated that the following submittals, at a minimum, must be approved by the Department of Public Works prior to submittal for Final Plat Approval: a Storm Water Management Plan, a Street and Storm Drain Plan, and a Sanitary Sewer Plan. The Sanitary Sewer Plan must also reflect the proposed water line locations and all proposed fire hydrant locations; it should be noted for the record that the CCDPW strongly recommends that the Project be served public water from the Town of North East.

If an on-site private system is proposed we recommend as a condition of approval that the system be designed in accordance with CC Water & Sewer Standards, and that it provide for future connection to the North East system. These connection points should be at both entrances and at the emergency access to Bay Club Parkway. The engineer must demonstrate that adequate fire flow and pressure is available throughout the system.

-

DPW requires hydrants at each intersection (including Shady Beach Road) and along the internal streets at separation distances of no more than 600 feet.

The SWM ponds proximity to recreation areas may need to be fenced depending on the slopes designed for the ponds.

-

Discharge from the SWM ponds will be of concern relative to concentration and redirection of run-off.

If any of the existing ponds are intended to be used for SWM control they must be surveyed and their hazard classification must be established.

-

Sanitary Sewer allocation has been granted conditioned on several factors (i.e. size of the Recreation Facility, the ability of the developer to convey sewage to Mauldin Avenue sewer line etc.) The DelaPlaine Pump Station does not have excess capacity and will require upgrade or replacement at the Developers expense in total or in combination with other users. Set the manhole located on South Monet Avenue at the turnaround and provide a capped stub for service to the future development in the NAR Zone.

The sanitary sewer line beginning at Lots 296 & 297 on Sheet 3 and continuing through streams and wetlands is likely an unacceptable route. A feasibility Study must be done to determine that the proposed routing is in the best interest of the County. All sewer lines routed through common open space must be provided with a 12' wide stone access road along its entire length.

PLANNING COMMISSION MINUTES 2004

The Department is concerned by the proximity of houses on Lots 76 & 77 to the sewer line and we may have special requirements for that area. The engineer must demonstrate that conveyance is not feasible without the pump station proposed to serve 72 lots.

-

The Carpenters Point, Green Bank Pump Station may serve as a design standard for the 72-unit pump station proposed for Phase IX. The pump station serving the entire site must be sized to accommodate the future development in the NAR portion of the site.

Sight distance measurements must be provided to the DPW to establish compliance with the Cecil County Road Code. DPW recently measured traffic loads on Shady Beach Road and found an estimated 1,424 Trip Ends. The 709 proposed units would add in the order of 7,000 Trip Ends on average to the road. Shady Beach Road will not likely support the addition of some 709 additional homes without upgrade to Major Collector cross section. The Department recommends that the Planning Commission require upgrade of Shady Beach Road from State Route 272 as a condition of approval. It is recommended that the applicant complete deed research as soon as possible along Shady Beach Road to determine what fee simple right of way and/or road widening and utility easements already exist. At Final Plat Review, the Department will recommend that Shady Beach Road improvements be completed prior to issuance of Building Permits in excess of between 200 & 300 houses, but more research is needed to complete this recommendation.

All internal roadways that support more than 300 homes must be Major Collectors; all internal roadways that support between 50 and 300 homes must be Minor Collectors; only internal roads serving less than 50 homes may be Minor Roads. The Department strongly recommends that the ROW for South Monet Avenue be increased to Collector Road Standard (60') to accommodate the full potential of the Area for Future Development if it should be rezoned SR. This increased ROW would allow South Monet Avenue be built to the Minor Collector Standard required by the number of dwellings possible. Major Collector Standard R-8 must be included on Sheet 5.

-

The Bike /walking paths proposed are provided for in Section 4.05 of the Road Code. However, this substitution is allowed at the discretion of the Planning Commission. If accepted by the Planning Commission, all paths must be striped and denoted with appropriate lettering.

-

The proposed Emergency Access leading to the Bay Club Parkway needs to be defined in terms of access on to the road, roadbed structure, gate, and entry (keyed, pad lock, etc.). This Access must be identified on Sheet 1 of 7.

-

A PWA will be required for internal streets, storm drains, sanitary sewers, and the water if it is a private system. An Inspection and Maintenance Agreement will be required for the SWM facilities. All construction

PLANNING COMMISSION MINUTES 2004

facilities onsite and off shall be completed at the sole cost of the developer.

No one appeared in favor of the proposal.

John Bolinsky, 986 Irishtown Road of North East, appeared in opposition of the proposal. He was duly sworn according to law and voiced the following questions:

- 1) Does it state in the Village of North East bylaws that three years down the road this community change its age restriction to an open community which would require more schools and school buses?
- 2) What does the annexation process mean to farmers?
- 3) If annexed could the zoning be changed on this land therefore allowing more houses to be built on the property?
- 4) If the property was annexed under the jurisdiction of the Town of North East would the farmers loose their right to farm under the county law?
- 5) How much run off will come off of the property onto the nearby farms?
- 6) Will the tree clearing come right up to Mr. Bolinsky s property line? What will the setback going to be? Possibly 40' ?
- 7) Who will have jurisdiction of the Elk Neck Trails? County or will the county turn it over to the Elk Neck Trail Association?
- 8) There is a business on Shady Beach Road that uses horses on the trail. Who can be contacted in order to find out if horses will continue to be used? The business owner s livelihood depends on putting horses on that trail.
- 9) If wells are drilled, they are looking at pulling approximately 150,000 gallons of water a day from the ground. That creates quite a cavity in the earth; how will this effective nearby residents?
- 10) If the water is drawn from there and put into a pipeline and send it up will that create a salt migration process from both sides of the peninsula.
- 11) Have any core or water samples been completed for halogenated organic carbons? Are there any organics, hazardous waste in the ground that we need to be concerned about?
- 12) The residents have white light noise shinning from the AT&T tower and another 368' tower that was recently constructed on Irishtown Road. Will still additional white light be installed on the water tower?

A discussion among the Planning Commission members, representatives of Chesapeake Club and legal representation followed concerning questions and concerns voiced by Mr. Bolinsky.

12. Colora Springs, Lots 2-10, Colora Road, Concept Plat, McCrone Inc., Sixth Election District

WITHDRAWN

13. Mike Pugh and Mike Burchum presented Rhodes Mountain Estates, Lots 1-60, Irishtown Road, Concept Plat, McCrone, Fifth Election District

The applicants were duly sworn according to law and testimony followed. Mr. Pugh advised that this is the land of George Spence. The principal access location is off of Irishtown Road. This property is continued from the Village of North East. This property is zoned NAR and is where we cross into the agriculture zone on the County's Comprehensive Plan. We are presenting 60 units that we are clustering and asking bonus density consideration for. There is a border of common open space which buffers between the current property owners and the project. A considerable amount of open area has been reserved.

Mr. Moore read the Health Department notes, a copy attached for reference.

Mr. DiGiacomo stated Zoning is NAR & RR. The NAR and RR zones permit a maximum base density of one dwelling unit per five acres. Bonus density eligibility carries with it a permitted density of 1/3. This Concept Plat proposes 60 lots on 180.79 acres, for a proposed density of 1/3.01.

Reference should be made to Minor Subdivision # 2724.

How will the adjacent Wells parcel be accessed? Could they be accessed through proposed Lot 1? Mr. Burcham responded that currently those two properties access the existing driveway, which is labeled Jessie Lane by a drive road sign off of Irishtown Road. With the proposal and the contingency area of Lot 1 coming all the way down to Irishtown Road they could provide access easement into the public street for access into those two properties. Mr. Pugh added that he did not know if you could require them to use it because it is owned by separate owners. Mr. DiGiacomo stated that there needed to be an easement on Lot 1, the large lot, which is technically considered open space (not common open space). If the amount of roadway could be limited the amount of roadway through the open space would be beneficial. This would provide a safety improvement by having them access the Rhodes Mountain Drive.

PLANNING COMMISSION MINUTES 2004

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

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

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

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

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 and stream impacts prior to recordation. A Jurisdictional Determination (JD) must be done prior to preliminary plat review by the Planning Commission.

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

This proposal satisfies the general bonus density eligibility requirements of the NAR & RR zones. The large lot and the common open space together comprise 60.66% of the total acreage. Are the landscaped islands acreages in the cul-de-sacs included? Mr. Burcham answered yes they are.

No landscaping of the development envelope is required in the NAR & RR zones. Bufferyard Standard C is required, outside the right-of-way, along the Irishtown Road frontage.

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.

Rows of street trees 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.

PLANNING COMMISSION MINUTES 2004

Any tree removal within a public right-of-way requires approval from the Maryland Department of Natural Resources. The Forest Stand Delineation (FSD) has been approved.

The Preliminary Forest Conservation Plan (PFCP) must be approved prior to Planning Commission review of the Preliminary Plat. The final Forest Conservation Plan (FCP) and Landscape Plan must be approved prior to Planning Commission review of the Final Plat. A Landscape Agreement must be executed prior to recordation.

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

All road names have been approved except Marilyn Court. It must approved by the County 911 Emergency Center prior to Planning Commission review of the Preliminary Plat.

Connectivity to the adjacent Villages at North East should be considered.

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

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

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

The existing pathway shown on the proposed common open space at the western edge of the property should be linked with the Elk Neck Trail greenway or other greenways if, feasible.

Mr. DiGiacomo asked Mr. Burcham if he had mentioned the question, from Mr. Walbeck, on the boundary. Mr. Burcham replied no and went on to state that he had received an email from Mr. Walbeck, via Mr. DiGiacomo, in reference to the property line on the open space on the adjoining Old York Estates which has

PLANNING COMMISSION MINUTES 2004

been clarified.

Mr. Pugh added in reference to Mr. DiGiacomo's comment, as to the interconnect between Rhodes Mountain and Village of North East, the Village of North East is a self contained age restricted private community that is not in the same development corridor. It is not in the agriculture area and a subdivision that is total unrelated to the character of the Rhodes Mountain property. They continue to request that they not be required to make an interconnect between Rhodes Mountain and Village of North East.

Mr. Woodhull stated that A SWM plan, Road and Storm Drain plan, Sanitary Sewer Plan and a Mass and Final Grading plan must be approved by the CCDPW prior to submittal for Final Plat Approval. The Final Plat must include the standard note recognizing the applicability of the Lot Grading Plans. (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.).

The downstream conveyance of storm water must be analyzed in accordance with Section 251-9 A. (5) of the county's SWM Ordinance.

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

Section 3.07.15 of the Road Code directs that Irishtown Road must be upgraded to a Minor Collector Standard for a minimum distance of 100' either side of the point of intersection between Irishtown Road and the proposed entrance.

Sight distance measurements must be provided to the DPW to establish compliance with the Cecil County Road Code. The centerline of the proposed entrance and driveways must be marked in the field.

The Department conducted a traffic count/speed study of Irishtown Road in 2001. The results indicate an existing ADT of 1,458 with nearly 35% of the vehicles exceeding the 40 mph speed limit.

The Department looked at Irishtown Road to carefully evaluate the road's ability to accommodate an additional 600 trips per day.

PLANNING COMMISSION MINUTES 2004

The Developer must evaluate edge control on the north side of Irishtown Road approximately 300' west of the proposed entrance and propose a remedy.

The Department assumes that the two dwellings located on Jesse Lane will continue to use this access point to Irishtown Road. If that is the case, adequate drainage must be provided under Jesse Lane in line with the existing roadside ditch. This new drainpipe must be connected to the existing down gradient driveway pipe and provide for drainage from the Lands of Eldreth.

The Department strongly recommends that the Developer provide these dwellings with access to Rhodes Mountain Drive. With this single entrance the Department foresees no additional road upgrades to Irishtown Road to what has already been stated. However, if the Developer wants to keep the Jesse Lane entrance they must re-grade Irishtown Road from Jesse Lane to approximately the location of the proposed entrance. This is required to improve safe egress from the Lane by reducing the over-vertical (crest) that exists at the site of the proposed entrance.

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

-

Some portion of Rhodes Mountain Drive, from Irishtown Road in, must meet Minor Collector Road Standards. Any applicable Road Code Variances must be requested prior to submittal for Preliminary Plat approval.

Regardless of phasing, the Department will not accept the internal roads until 80% of all the lots are complete, unless the Developer includes a separate, dedicated construction entrance beyond the first phase of construction. The dedication note on the Final Plat must read, 30' wide strip to be dedicated in fee simple to the Board of County Commissioners of Cecil County. For the 30' wide ROW indicated on Irishtown Road.

Lot Grading Plans for Lots 14, 19, 21, 28, 29, & 36 will need to give special consideration to stormwater impacts on down-gradient lots.

There appears to be a well-established swale or drainage way running down the backs of Lots 21-23 and proceeding through the likely building envelope for Lot 20. Special care must be taken to address this issue during design and construction.

-

PLANNING COMMISSION MINUTES 2004

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

A PWA will be required for the streets and storm drains.

Mr. Mortimer asked if the gravel road behind the western lots use for emergency response vehicle. Mr. Pugh responded that it was the horse trail that Mr. Bolinsky was referring to. It was previously used for sand and gravel. It was not an easement. Mr. Burchum added that the gravel road was included in the open space perimeter to allow pedestrian access around the property. The common open space on the northern board will also be able to add to the meandering of the Elk Neck Trail.

Mr. Mortimer noted that an investigation should be made to make sure that Mason Dixon Sand and Gravel does not have a deed for this trail. Mr. Pugh stated that he remembered that Mason Dixon was allowed access specifically for the transport of sand and gravel, not for general purposes.

Mr. Pugh verified that the Lynch and Wells property, if connected to Rhodes Mountain, would not necessitate the improvement for regarding the Jesse Lane to the approximate location of the proposed entrance.

No one appeared in favor of the proposal.

John Bolinsky, 986 Irishtown Road of North East, appeared in opposition of the proposal. He was duly sworn according to law and stated that he owns 38 acres of a horse farm and border right up to the property. He and several of his neighbors have several concerns:

- 1) The water tables. Two years there was a drought. They are concerned with the proposed wells in addition to the potential of 150,000 gallons a day being used for the Village of North East. This will be draining their wells.
- 2) Sewage. At one septic system per house per 1.2 acres, that is a lot of sewage in an area that has had a lot of problems with perc. He concerned about getting sewage from the new development, which property slopes down into his property and an adjoining property.
- 3) Setback. He does not know what the set back is going to be in relation to how close to his property line. People need to be aware that he spreads manure. Are the houses going to 40 , 60 ? Are all of the trees going to be taken out along the property line?
- 4) Traffic. Interested in seeing if the road will be widened. If the road will be widened will they loose property? Will the speed limit be reduced?
- 5) The trail crossing crosses at Mr. Bolinsky s mail box. His farm is part of the Elk Neck Trail. Take into consideration some signs Trail Crossings .

PLANNING COMMISSION MINUTES 2004

- 6) Access lane question.
- 7) Who will have jurisdiction of the Elk Neck Trails? County or will the county turn it over to the Elk Neck Trail Association?
- 8) There is a business on Shady Beach Road that uses horses on the trail. Who can be contacted in order to find out if horses will continue to be used? The business owner's livelihood depends on putting horses on that trail.
- 9) Are there plans for annexation for Rhodes Mountain in addition to the Village of North East?
- 10) If this is annexed will he lose his right to farm? Will he be unable to increase his herd?

Mr. Burcham spoke on the tree issue, via the plat.

A discussion among the Planning Commission members, representatives of Rhodes Mountain and legal representation followed concerning questions and concerns voiced by Mr. Bolinsky.

PLANNING COMMISSION MINUTES 2004

ITEM B DECISIONS

1. Pines at Cherry Hill, Section 1; Lots 1-9, 31 38, 47 -54, 69 70 and 84 -90, Cherry Hill Road, Final Plat, Site Resources, Third Election District

Motion made by Farrell, seconded by Prickett

Granting of a One-Year Extension of Preliminary Plat Approval

2. Wyndale Farm, Childs Road, Concept Plat, Frederick Ward Associates, Third Election District

Motion made by Prickett to table, seconded by Farrell

Motion made by Prickett to withdraw table, seconded by Mortimer

Motion made by Mortimer, seconded by Prickett and unanimously carried to approve with conditions.

- 1) A boundary line survey being completed prior to completion of the Preliminary Plat for density calculation purposes;
- 2) A JD being completed prior to the Planning Commission's review of the Preliminary Plat;
- 3) Minor subdivision # 2609 being referenced;
- 4) A traffic impact study being completed prior to TAC review of the preliminary plat
- 5) The developer will meet with the school, prior to the Planning Commission review of the Preliminary Plat The results of the conversations will be recorded prior to the review of Preliminary Plat by the Planning Commission.

3. Francis H. Otenasek et ux (Lands of), Cassidy Wharf Road, Concept Plat, Michael Scott, Inc., First Election District

Motion made by Prickett, seconded by Mortimer and unanimously carried to approve with conditions:

- 1) A boundary line survey being completed prior to completion of the Preliminary Plat for density calculation purposes;
- 2) A JD being completed prior to the Planning Commission's review of the Preliminary Plat;

4. Village of Cecil Woods, Preliminary Plat, Trilogy Investments, Request for a six month extension of the Preliminary Plat Approval, Fifth Election District

Motion made by Farrell, seconded by Mortimer and unanimously carried to approve with conditions.

APPROVAL of the request for a one-year extension of the Preliminary Plat.

5. Country Manor Estates, Principio Road, Preliminary Plat, American Engineering and Surveying, Inc., Fifth Election District

Motion made by Mortimer, seconded by Farrell and unanimously carried to approve with conditions.

- 1) Health Department requirements being met;
- 2) DPW requirements being met;
- 3) Deed restrictions for the long-term protection of the Forest Retention/Afforestation Areas (FRAs) being recorded and noted on the plat prior to recordation. The metes and bounds description of the FRA must be shown on the record plat;
- 4) The standard bufferyard/street tree non-disturbance note appearing on the record plat;
- 5) The standard Forest Retention/Afforestation Area non-disturbance note appearing on the record plat;
- 6) All Forest Retention/Afforestation Areas being clearly labeled on the record plat;
- 7) The mislabeling of parcel 379 being corrected on sheet 1 of the record plat;

PLANNING COMMISSION MINUTES 2004

- 8) A Mini-road Maintenance Association being established prior to recordation with all lot owners becoming members.
- 9) A Landscape Agreement must be executed prior to recordation.
- 10) The contiguous operating farm notice, specifically mentioning Article I, § 4, appearing on the record plat;
- 11) Documentation of the JD being received by the Office of Planning and Zoning prior to Recordation.

6. Northwoods, Section 4, Lots 96 162, Razor Strap Road, Final Plat, Will Whiteman Land Surveying, Inc., Fifth Election District

Motion made by Farrell, seconded by Prickett and unanimously carried to approve with conditions.

- 1) Health Department requirements being met,
- 2) Department of Public Works requirements being met,
- 3) \$266.⁰⁰ per lot being paid to the Board of County Commissioners per the agreement executed on September 24, 1996 for Razor Strap Road improvements prior to recordation of the plat,
- 4) The owners of these lots becoming members of the Northwoods Homeowners Association with \$50.⁰⁰ per recorded lot being placed in escrow for improvements prior to recordation,
- 5) A Landscape Agreement, which must include surety for off-site afforestation, being executed prior to recordation,
- 6) Sidewalks being provided on both sides of the internal roads,
- 7) Street trees being provided on both sides of the internal roads,
- 8) The surveyor's name and license number being deleted from the owner's signature block on all sheets of the record plat; and
- 9) The wide margin being on the left-hand side of the record plat.
- 10) The AT&T easement being labeled as common open space.

7. West Creek Village, Fletchwood Road, Revised Concept Plat, Morris & Ritchie Associates, Inc., Fourth Election District

Motion made by Farrell, seconded by Mortimer and unanimously carried to approve with conditions.

PLANNING COMMISSION MINUTES 2004

- 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 being approved upon determination of improvement of water quality specified in the ordinance;
- 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; and
- 9) All proposed Phase III structures being labeled or numbered on the preliminary Plat, for easier reference.
- 10) If not done already the elevation from the west branch road study being included on the Preliminary Plat

8. Sunnybrook Estates, Section 4, Lots 75 - 85, West William Road, Final Plat, Northern Bay Land Planning Engineering & Surveying Corp., Second

Election District

WITHDRAWN

9. Montgomery Cecil Limited Partnership, Marley Road, Concept Plat, Northern Bay Land Planning Engineering & Surveying Corp., Fifth Election District

Motion made by Farrell, seconded by Mortimer and unanimously carried to approve with conditions.

Granting of a One-Year Extension of Preliminary Plat Approval

PLANNING COMMISSION MINUTES 2004

10. The Chesapeake Club Fairway Links, Area H-1, Lots 128 187, MD Rte 272, Final Plat, McCrone Inc., Fifth Election District

Motion made by Farrell, seconded by Mortimer and unanimously carried to approve with conditions.

- 1) Health Department requirements being met;
- 2) DPW requirements being met;
- 3) A Landscape Agreement being executed prior to recordation;
- 4) Deed restrictions for the long-term protection of the Forest Retention/Afforestation Areas (FRAs) being recorded and noted on the plat prior to recordation. The metes and bounds description of the FRA must be shown on the record plat;
- 5) The owners of these lots becoming members of the Homeowners Association with \$50 per recorded lot placed in escrow for improvements prior to recordation OR A Homeowners Association for maintenance of common open space being established with \$50 per recorded lot placed in escrow for improvements prior to recordation;
- 6) — Sidewalks or walkways, in keeping with the items that were submitted today being included.

11. Village of North East, Lots 1-709, Shady Beach Road, Preliminary Plat, McCrone Inc., Fifth Election District

Motion made by Mortimer, seconded by Prickett and unanimously carried to approve with conditions.

- 1) Health Department requirements being met;
- 2) Department of Public works requirements being met;
- 3) The walking/bike path along Vermeer Boulevard being changed to the west (or left) side of the road because of the high number of right turns anticipated at the intersection with Dali Avenue;
- 4) The final Forest Conservation Plan (FCP) and Landscape Plan being approved prior to Final Plat review;
- 5) The Final Plat including the remaining details of the proposed recreation center, parking, and recreational facilities as required in §291 and Appendix A of the Zoning Ordinance;
- 6) The developer, DPW, and SHA, prior to Final Plat review, determining 1) at what point of the build-out would traffic volumes trigger the unacceptable LOS (E or F), and 2) what specific improvements need to be implemented to bring the intersection to LOS D or higher (at full-build-out), as is consistent with the Comprehensive Plan;

PLANNING COMMISSION MINUTES 2004

- 7) The developer and DPW, prior to Final Plat review, determining and agreeing on 1) what specific Shady Beach Road improvements need to be implemented, and
- 2) when (in terms of the number of building permits) those improvements need to be implemented;
- 8) If the water source is the Town of North East, then verification of water allocation being received from the Town, and the water service area agreement between the County and the Town must be amended to include this parcel, prior to Final Plat review.
- 9) If the water source is an on-site private system, then verification that the proposed water system is capable of serving these proposed lots and recreation center being received from MDE and documentation of all approvals for the system and the operator required by the Public Service Commission must be submitted prior to Final Plat review;
- 10) If the water source is an on-site private system, then it s being reviewed by DPW and the Health Department prior to Final Plat review. The details of any on-site private water system must be shown on the Final Plat;
- 11) The required amendments to the Master Water and Sewer Plans being complete prior to Final Plat review;
- 12) Verification of sewer allocation being received from the Department of Public Works prior to Final Plat review;
- 13) S. Monet Avenue being of sufficient width to accommodate whatever traffic volumes are generated by the future development on the NAR-zoned portion of the property;
- 14) The Elk Neck Trail greenway connecting with the adjacent, proposed Rhodes Mountain Estates;
- 15) The name will be hence forward The Villages at North East
- 16) All issues being resolved and questions answered relative to the greenway and Elk Neck Trail prior to Final Plat review.

-

12. Colora Springs, Lots 2-10, Colora Road, Concept Plat, McCrone Inc., Sixth Election District

WITHDRAWN

13. Rhodes Mountain Estates, Lots 1-60, Irishtown Road, Concept Plat, McCrone, Fifth Election District

Motion made by Mortimer, seconded by Prickett and unanimously carried to approve with conditions.

PLANNING COMMISSION MINUTES 2004

- 1) A boundary line survey being completed prior to completion of the Preliminary Plat for density calculation purposes;
- 2) A JD being completed prior to the Planning Commission's review of the Preliminary Plat;
- 3) Minor subdivision # 2724 being referenced;
- 4) The zoning being corrected on the Lands of Wells;

There were no further comments.

Meeting adjourned at 5:00 p.m.

NEXT MEETING: February 17, 2004 at 12:00 p.m. in the County Administration Building

February 17, 2004, 12:00 p.m.

**PLANNING COMMISSION MINUTES
(Subdivisions)**

PRESENT: Brown, Baynes for (Campbell), Carter, DiGiacomo, Kilby, Moore, Mortimer, Murray, Sennstrom, Walbeck, Williams, Woodhull, and Jones

ABSENT: Campbell, Farrell and Prickett

MINUTES: Motion made by Mortimer, seconded by Brown, and unanimously carried to approve the January 22, 2004, minutes as mailed, with a correction noting that the January 2004, 1:00 p.m., Planning Commission meeting was chaired by Vice-Chairman Brown, in the absence of Chairman Walbeck.

1. Pines at Cherry Hill, Section 1, 2 & 3, Molitor Road and Cherry Hill Road, Final Plat, Site Resources Inc., Third Election District

WITHDRAWN

2. Mike Pugh and Mike Estes presented Racine Estates at the Villages at Elk Neck, Section 2, Lots 7-12, 14-17 and 19-21, Racine School Road, Final Plat, Northern Bay Land Planning Engineering & Surveying Corp., Fifth Election District

The applicants were duly sworn according to law and testimony followed. Mr. Pugh advised the Planning Commission that they were seeking final plat approval for the third section of Racine Estates. Racine consists of approximately 500 acres, housing a variety of single family dwellings. The construction of the Village of Elk Neck began in the early 90 s. All issues have been addressed.

PLANNING COMMISSION MINUTES 2004

Mr. Brown read the Health Department notes, a copy attached for reference.

Mr. DiGiacomo stated that the zoning was NAR. The NAR zone permits a maximum base density of 1 dwelling unit per 5 acres. Bonus density eligibility carries with it a permitted density of 1/3.

The current Concept Plat for the Villages of Elk Neck, which proposed 12 lots on 84 acres in the NAR zoned portion of the project (approved density of 1/7) and 182 lots on 316 acres (with 80.5 acres of common open space) in the SR-zoned portion (approved density of 1/1.7), was approved on 11/15/99, conditioned on:

- 1) That a Traffic Impact Study (TIS) be reviewed prior to Preliminary Plat review by the Technical Advisory Committee
- 2) That at least one stub road be extended to Forest Knoll (If a second stub is extended to Forest Knoll beyond what was required in Forest Knoll's conditional approval, then that should be coordinated
- 3) That a looped road for common access to Racine School Road, from lots 8-19 be added
- 4) That a jurisdictional determination be done by the Corps of Engineers prior to Preliminary Plat review by the Planning Commission

The Preliminary Plat, which proposed 15 lots on 87.22 acres, for a proposed density of 1/5.8, was approved on 1/21/03, conditioned on:

- 1) Health Department requirements being met
- 2) DPW requirements being met
- 3) The FCP and Landscape Plan being approved prior to the Planning Commission's review of the Final Plat
- 4) The adjacent agricultural use note being added to the plat, and the ag buffer and setback being depicted on the Final Plat
- 5) The FRAs on the FCP and Final Plat matching up

This Final Plat proposes 13 lots and 2 areas reserved by owner corresponding to previously proposed Lots 13 and 18. The Data Column erroneously states that only 12 lots are proposed for this section. That must be corrected on the Record Plat. Otherwise, this Final Plat is generally consistent with the approved Concept and Preliminary Plats.

PLANNING COMMISSION MINUTES 2004

All proposed lots, other than lot 7, must be denied direct access onto Racine School Road. The area reserved by owner that was previously proposed as Lot 13, should it subsequently be submitted as a Final Plat, shall also be denied direct access onto Racine School Road.

Per the approved Concept Plat, the common open space provisions of the NAR zone will be satisfied in the SR portion of the project. All common open space in the SR zone will be subject to the sensitive areas thresholds, per § s 176.2.c and 176.2.d of the Cecil County Zoning Ordinance.

No landscaping of the development envelope is required in the NAR zone. Rows of street trees are required along both sides of all internal roads.

Bufferyard Standard C is required along the Racine School Road road frontages. The Bufferyard Standard A issue is now moot. The adjacent Holt farm is under review for subdivision, the forest retention areas would exceed the natural vegetative equivalent of a Bufferyard A, and all of the proposed dwelling locations are set back 100 or more from the pertinent property lines.

Where feasible, the natural vegetative equivalent may also be used to satisfy the bufferyard and street tree requirements, but field verification will need to take place. The wetlands must not be disturbed.

The Forest Stand Delineation (FSD) was approved on 7/24/94, and extended for five years on 10/4/99. The site contains FIDS habitat. The Preliminary Forest Conservation Plan (PFCP) was approved 1/15/03. The final Forest Conservation Plan (FCP) and Landscape Plan have not been approved. A Landscape Agreement must be executed prior to recordation.

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

The owners of these lots must become members of the Homeowners Association for maintenance of common open space, with \$50 per recorded lot placed in escrow for improvements prior to recordation.

Separate mini-road maintenance associations must be created with the owners of all lots and areas reserved by owner accessing the respective mini-roads becoming members. The roads must be labeled as mini-roads on the record plat.

PLANNING COMMISSION MINUTES 2004

Mr. Woodhull stated that the plans for this project had been technically approved with only administrative items and minor changes outstanding.

The Forest Retention boundary line shown on Sheet 4 must be modified to reflect the drainage swale on Lots 7 and 8.

The lot grading note must be modified to include the following: Any change to the Forest Retention, Aforestation, Reforestation areas will require a consistency review, of the SWM approval, with CCDPW. The Lot Grading Plan must include a note saying, 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.

No one appeared either in favor of or in opposition to the proposal.

Mr. Walbeck expressed a concern with the condition of Racine School Road when the project was introduced five years ago. Mr. Woodhull stated that he was familiar with more recent discussions. He went on to explain that currently there is 100' on either side prior to the mini-road entrance. DPW and the developer are presently in conversation on what will be done for entirety of Racine School Road. Mr. Woodhull also noted that there was no reason to hold up the plans at this time for this issue.

3. Donnie Sutton presented Susquehanna River View, Lots 1 - 39, Liberty Grove Road, McCrone, Inc., Final Plat, Seventh Election District

The applicant was duly sworn according to law and testimony followed. Mr. Sutton stated that the final plat before the committee was a continuation of the Susquehanna subdivision that had already been approved and recorded. Susquehanna River is an extension of Woodrow Land and McCormick Drive. The different names are the result of a change in ownership of the property. The subdivision contains two cul-de-sac roads and one private mini road for access of the various lots along Zachary Joseph Court. This is a continuation of the approved concept plat from which bonus density approval was given by the Planning Commission. Some adjustments have been made based on the engineering design of the lay out.

Mr. Brown read the Health Department notes, a copy attached for reference.

PLANNING COMMISSION MINUTES 2004

Mr. DiGiacomo stated that the zoning is NAR. The NAR zone permits a maximum base density of 1 dwelling unit per 5 acres, or bonus density of 1/3.

The Concept Plat was approved on 12/17/01 with a bonus density of 1/3, conditioned on:

- 1) The sensitive species survey being completed prior to Planning Commission review of the Preliminary Plat and
- 2) The relocation of Lot #32 occurring and being placed next to the then-current Lot #30.

The Preliminary Plat for proposed Lots 1-22 & 24-39 was approved on 5/20/02, conditioned on:

- 1) Health Department requirements being met
- 2) Department of Public Works requirements being met;
- 3) A Homeowners Association being established for maintenance of common open space and turn-around and cul-de-sac islands with \$50 per recorded lot placed in escrow for improvements prior to recordation
- 4) A Maintenance Association for the lots accessing the mini-road being established and those lots becoming members of that association
- 5) Deed restrictions for long-term protection of the forest retention areas being recorded prior to recordation of the plat. The metes and bounds description of the FRA must be shown on the record plat
- 6) The Forest Conservation Plan being approved prior to Final Plat review
- 7) The Landscaping Plan being approved prior to Final Plat review
- 8) A Landscape Agreement being executed prior to recordation
- 9) Covenants prohibiting the subdivision of the large lot being recorded and noted on the plat prior to recordation
- 10) All tree lines on the FSD, the FCP, and the Final Plat matching; and
- 11) The Susquehanna 2 record plat being signed prior to final plat approval of Susquehanna Riverview

The Preliminary Plat for proposed Lot 23 was approved on 5/19/03, conditioned on:

- 1) Health Department requirements being met
- 2) Department of Public Works requirements being met

PLANNING COMMISSION MINUTES 2004

- 3) The Forest Conservation Plan being approved prior to Final Plat review
- 4) Any Landscaping Plan being approved prior to Final Plat review
- 5) Any Landscape Agreement being executed prior to recordation

This Final Plat is generally consistent with the approved Concept and Preliminary Plats.

The open space requirements have been satisfied.

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

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

The Forest Stand Delineation (FSD) and PFCP have been approved. The final Forest Conservation Plan (FCP) and possible Landscape Plan have been approved.

The Landscape Agreement must be executed prior to recordation.

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

A Homeowners Association must be established for maintenance of common open space and turn-around and cul-de-sac islands, with \$50 per recorded lot placed in escrow for improvements prior to recordation. All lot owners must become members.

A mini-road maintenance association must be created prior to recordation with the owners of all lots accessing Zachary Joseph Court becoming members.

PLANNING COMMISSION MINUTES 2004

A GAP for 39 lots has been issued.

Because this proposed subdivision will be accessed through Susquehanna, the Susquehanna Section II record plat must be signed (because of the Public Works Agreement) prior to this subdivision's Final Plat approval.

As noted, there can be no further subdivision of proposed Lot 39.

Mr. Woodhull stated that all required submittals are currently under review with only minor issues and administrative items outstanding.

Lots 6 and 11 must be denied access to Woodrow Lane and so indicated on the plats.

No one appeared either in favor of or in opposition to the proposal.

Mr. Walbeck commented that there was a need to make provisions for access to the heavily wooded common open space located at Woodrow Lane and the boundary line at Susquehanna development. Mr. Sutton replied that this area is not included in the forest retention and therefore they will have the availability to cut a path through that area. Mr. Walbeck noted that the path would need to extend through the end of the trees. Mr. Walbeck also questioned the width of the path in the event that emergency vehicles would need to gain access.

4. Mike Burcham and Barry Montgomery presented Montgomery Oaks, Section 1, Phase 2, Lots 10-22 and 45-48, Bailiff Road, Final Plat, McCrone Inc., Fifth Election District

The applicants were duly sworn according to law and testimony followed. Mr. Burcham stated that he was representing the Barry Montgomery Company. The plat before the Planning Commission reflects the remainder of Section 1, Phase 2 of the Montgomery Oak subdivision. This subdivision is located on the north side of Bailiff Road just south of the Bayview area. This plat is for the remaining 17 lots on Pine Cone Drive. The original Preliminary Plat was approved in October of 1992. Several final and record plats have been generated over the years. Water allocation has become available from the Town of North East. Final approval was awarded for Lot 45 in November of 2003 from the Planning Commission. Given that the water allocations has been received for all of the lots on the plan the applicant would like to record all lots at one time including Lot 45. This will allow the applicant to record all the lots in Section 1, Phase 2

PLANNING COMMISSION MINUTES 2004

simultaneously.

Mr. Brown read the Health Department notes, a copy attached for reference.

Mr. DiGiacomo stated that the zoning is DR. Since Preliminary Plat approval in 1992, a new Cecil County Zoning Ordinance has been adopted. This property, formerly known as Piney Ridge Estates, was zoned R2 in 1992, which permitted a density of 1 dwelling unit per one acre, or 4 to 1 in locations with community facilities, which is consistent the current DR zoning. This proposed lot has water allocation from the Town of North East.

The Concept Plat was approved 9/21/92. The Preliminary Plat was approved 10/19/92.

This Final Plat proposal is generally consistent with the approved Concept and Preliminary Plats for Montgomery Oaks, Section 1, Lots 1-61. The Final Plat approval for Lots 1-9, 31-44, and 55-61 was approved on 9/20/93. Those 30 lots were recorded in November 1994. The Final Plat for Lot 30 was approved 6/17/96. Lot 30 was recorded in August 1996.

Each time a Final Plat is recorded off an approved Preliminary Plat, it extends the Preliminary Plat approval for 2 years from the date of recordation. Therefore, the Preliminary Plat was set to expire in August 1998. However, the Planning Commission extended the Preliminary Plat approval on 7/20/98 for one year.

The Planning Commission again extended approval of the Preliminary Plat for one year on 6/21/99 (set to expire July 1999), conditioned on:

- 1) Health Department requirements being met, and
- 2) Department of Public Works requirements being met. Specifically, as built drawings of existing conditions relative to stormwater management being submitted to the Department of Public Works, and the Department of Public Works approving those as built drawings and the necessary site improvements being accomplished prior to any further extensions of Preliminary Plat approval being granted or any Final Plat being approved.

The Final Plat for Section 1, Phase II, Lot 54 was approved on 5/15/00. It was signed on 10/4/00. That kept the Preliminary Plat valid until 10/4/02. The Final Plats for Section 1, Phase II, Lots 23-28, 49-50, and 51-53 were signed on 3/21/02. Therefore, the 6/21/99 Preliminary Plat extension with conditions is still valid until 3/21/04.

PLANNING COMMISSION MINUTES 2004

The Final Plat for Lot 45 was approved on 11/17/03. It was not recorded. Rather, proposed Lot 45 has been included in this Final Plat. Preliminary Plat validity will expire unless it is recorded prior to 3/20/04.

This proposal satisfies open space provisions of the DR zone because it is part of an approved Preliminary Plat that provides for 43% open space.

A Landscape Plan including street trees was previously approved. In areas with community facilities, no street trees shall be planted within 20 feet of sewer laterals and cleanouts. A Landscape Agreement for street trees must be executed prior to recordation. Sidewalks are required.

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

The owner(s) of these lots must become a member of the Homeowners Association which was established for maintenance of common open space, with \$50 for this lot placed in escrow prior to recordation, for improvements.

The Town of North East has verified the Water Allocation.

Mr. Woodhull stated that all technical requirements of the Department of Public Works have been met.

The PWA for the roads and storm drains included acceptance before Recordation of Final Plat in lieu of bonding for the surety required. As such the CCDPW will not sign the Final Plat until the required work has been accepted as complete by our Inspection Staff.

Sewer Allocation for these lots has been granted.

Mr. Walbeck reminded the applicant that the Preliminary Plat approval would expire next month, March 2004.

PLANNING COMMISSION MINUTES 2004

Mr. Mortimer asked Mr. Woodhull for clarification on his comment about signing off on the Final Plat. Mr. Woodhull explained that there were two methods of providing surety for PWA. One is bonding and the other is not signing off on the Final Plat until all work is completed and accepted by the DPW. Signing off was the original choice used for this project, however at any point in time you could change to a bond.

Discussion followed concerning the roads.

No one appeared either in favor of or in opposition to the proposal.

5. Faron Pyles and Randy Hutton presented Sunnybrook Estates, Section 4, Lots 75 - 85, Williams Road, Final Plat, Northern Bay Land Planning Engineering & Surveying Corp., Second Election District

The applicants were duly sworn according to law and testimony followed. Mr. Pyles advised the committee that Mr. Hutton was the property owner of the remaining land on the plat. The final plat before the committee was very much in conformance with the prior Preliminary Plat submitted. The applicants were requesting Final Plat approval with consideration of the following conditions. One condition involves 1.407 acres of open space located just west of the pond, at the rear of Lots 75 - 77. When the original plat was prepared some type of stormwater structure had been anticipated. As they moved into the design they were able to meet the requirements of the stormwater design manual by other means and the facility was not necessary. Mr. Hutton had agreed to provide the needed open space with the assumption that it could be used for a stormwater facility. That not being the case now, Mr. Hutton would like to see the open space not included as part of this plan. Mr. Hutton was not aware of this situation prior to this plan being submitted for Planning Commission. The applicants would like the 20' access strip that runs between Lots 75 and 76 included in the acreage of Lot 75 and the common open space that adjoins the pond eliminated. Even with the elimination of the 1.407 area of open space, the net acreage of open space shown on the approved Concept Plat was exceeded by 1.5 acres.

Mr. Hutton is concerned with current safety issues in relation to trespassers and the pond. Mr. Pyles noted that a 44' strip would need to be added to the rear of the houses on Lots 76 and 77 in order to maintain a 100' agriculture setback. In his opinion changes in the existing landscape plan could be reviewed administratively by the Planning Office if the Planning Commission were to permit conditional approval based on the revision.

PLANNING COMMISSION MINUTES 2004

The second issue was to request that Note #9, which states that future subdivisions were prohibited on the remaining Lands of Hutton, be removed. The Concept Plat for this property was approved on March 21, 1989, which was prior to the current zoning ordinance going into effect. This makes the approval of this concept plat valid since 1989. Mr. Hutton was at no time aware that his remaining lands would be restricted from further development. A Preliminary Plat was submitted prior to this meeting with the intent of showing the current configuration of the 11 lots. The configuration is a little different due to perc testing, etc. This area is zoned RR. Had it been developed under today's zoning ordinance there would be a stipulation that the large track of remaining land in that bonus density be restricted from further development. As concept approval was under a prior regulation the applicants would like to request that the note be removed.

Mr. Brown read the Health Department notes, a copy attached for reference.

Mr. DiGiacomo stated that the current zoning is RR. The Sunnybrook Estates Concept Plat, which remains valid, was approved 3/21/89 for 85 lots and 19.16 acres of common open space on 299.68 acres, at a density of 1 to 3.5.

The Sunnybrook Estates Section 1, Lots 1-29 Preliminary Plat was approved 7/18/89, and the Final Plat was approved 1/16/90. The 29-lot plat was signed 3/15/91.

The Sunnybrook Estates Section 2, Lots 30-62, plus 19.16 acres of common open space, Preliminary Plat was approved 8/19/91, and the Final Plat was approved 4/17/95. The plat for all lots except lots 35, 38, 54, & 62 was signed 10/20/95.

A Preliminary-Final Plat for lots 35, 38, 54, & 62 was approved 6/17/96, and the plat for those lots was signed 3/13/97.

The Section 3 Final Plat was approved 5/15/00. The plat was signed 7/21/00, and its 12 lots on brought to 74 the total number of lots recorded out of the 85 approved thus leaving 11 lots remaining.

The revised Concept Plat for the final 11 proposed lots in Section 4 was approved on 2/19/02, conditioned on:

- 1) The road code waiver being obtained from the Department of Public Works
- 2) Bufferyard Standard A being required along the rear/side lot lines of lots 75-79 to buffer adjacent agricultural uses, provided that any Bufferyard A on Lot 75 is located outside the drainage easement

PLANNING COMMISSION MINUTES 2004

The Section 4 Preliminary Plat was approved on 4/21/03, conditioned on:

- 1) Health Department requirements being met
- 2) Department of Public Works requirements being met
- 3) The off-site FRA s acreage and metes and bounds being shown on the Final and Record Plats
- 4) Bufferyard Standard A requirement being modified along the rear/side lot lines for proposed Lots 76, 77, and a portion of 75
- 5) Bufferyard Standard A being required For 78, 79 and the balance of 75
- 6) A note being placed on the Final and Record Plats prohibiting any further subdivision of the remaining lands
- 7) Note # 8 being modified to reflect that well and septic is being proposed

This Final Plat is generally consistent with the approved revised Concept and the Preliminary Plat. If approved, it would exhaust the established density.

The original common open space requirements were satisfied with the recordation of Section 2. Therefore, the proposed removal of previously-proposed common open between and behind lots 75 & 76 would not preclude Final Plat approval.

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

Bufferyard Standard A is required along the rear/side lot lines of lots 75-79 to buffer adjacent agricultural uses. The record plat must reflect this, resulting from the changes proposed today.

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.

Rows of street trees 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.

PLANNING COMMISSION MINUTES 2004

The Forest Stand Delineation (FSD) and PFCP were revised and again approved on 3/20/03.

The FCP and Landscape Plan were approved on 1/13/04. 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. The metes and bounds description of the FRA, on-site and off, must be shown on the record plat.

As 85 lots would exhaust the established density, the remaining lands cannot be further subdivided, as noted on the plat.

The owners of these lots must become members of the Sunnybrook Estate's Homeowners Association for maintenance of common open space and the landscaped island with \$50 per recorded lot placed in escrow for improvements prior to recordation.

Mr. Woodhull stated that a SWM Plan, Street and Storm Drain Plan; and a Mass and Final Grading Plan had been reviewed by the department and were technically complete. Only minor comments and administrative items remain outstanding.

The conveyance easement between Lots 77 and 78 must be widened to 30' along its entire length.

Mr. Williams asked the applicants why they hadn't asked for the changes earlier. Mr. Hutton responded that they had originally request one house per acre, back in 1989, based on what was applicable at that time. At that time they had no way of knowing what the future would bring, therefore they hadn't requested the maximum density. They had focused on keeping the subdivision close to Brantwood Golf Course. Mr. Hutton's present concern is future changes in the density allowance and keeping options open 10 years down the road should there be changes.

Mr. Brown asked Mr. DiGiacomo, what was the amount of total allowable acreage? Mr. DiGiacomo replied 299.68 acres. Mr. DiGiacomo noted that per the minutes from the 3/2/89 TAC meeting, the applicants requested a total of 85 lots. In addition Mr. Chris Rodgers asked, if the remaining 183 acres would continue to be used for farming, and Mr. Whiteman replied in the affirmative. From the previous zoning ordinance the area in question was zoned AR. It had a density of one dwelling unit per acre. The ordinance read

However it is recognized that all areas in the AR zone may not be suitable for development at the maximum

PLANNING COMMISSION MINUTES 2004

density. In the Planning Commission meeting of March 21, 1989 Chris Rogers stated, The density shown at one unit per 3.5 acres is consistent with the Planning Commission policy in this area. Mr. DiGiacomo went on to note that as Mr. Hutton had earlier stated they did raise the issue at the meeting of 1989 when Mr. Whiteman questioned if the density was a controlling factor when he asked if it was necessary to put the note on the plat. He was concerned about the situation years from now and the possibility of a higher permitted density. Mr. Rogers then informed developers that considering the Planning Commission policy, comprehensive plan and density would preclude further subdivision. If they wanted a higher density they would have to submit a revised Concept Plat, which was not done. Mr. Hutton stated that they would like to have the option of requesting a higher density now. Mr. Walbeck responded that they had the option of requesting a higher density back in 1989.

Mr. Walbeck stated that it appeared that the critical issue revolves around what Chris Rogers, former Principal Plans Reviewer, stated in the minutes. The density shown at 1 unit per 3.5 acres is consistent with Planning Commission policy in this area. Tony has read from the zoning regulations, although it is one unit per acre it may not be suitable for development at the maximum density because it is in the AR suggests apparently that the developer was satisfied with the 1989 TAC comments. Mr. Hutton stated the issue had not come up until work had begun on Section 4 at which time they decided to proceed with what was already allowed on the Concept Plat with the intent of submitting a revised Concept Plat later. He also stated that he did not know anything about the note that would preclude them. Mr. Walbeck responded that one year ago, April 21st, the note on the Preliminary Plat stated a note being placed on the final record plats prohibiting any further subdivisions on the remaining lands. Mr. Hutton stated that the 1 house per 3.5 acres is consistent with the plan but 1 house per 5 acres would also be consistent with the plan and subdivide, but were also not aware it could not be done. Mr. Walbeck stated that one year ago they were told of the approval of the Preliminary Plat.

Mr. Mortimer asked the applicant if he wanted to go back to 1/1 or 1/3 density. Mr. Pyles stated that he was asking in the event that Mr. Hutton chose to revise the concept plat at a later date, because the note on the plan precludes them from any further subdivision. Mr. Walbeck stated that there is a procedural issue that has to be considered. If this final plat is approved today, all of the authorized lots will be used up.

Mr. Brown asked had the applicants wanted to bring a new concept plat before the Planning Commission prior to the final, would it be procedurally correct to table the final plat thereby giving the applicants the opportunity to present a revised plat, even though the preliminary had passed. Mr. Sennstrom noted that there were several issues involved. One being the original concept plat approved in March of 1989 remaining valid indefinitely. The two year sunset provision for the Concept Plat was not established by the county until July of 1989 when the subdivision regulations were amended. Therefore a Concept Plat approved by the Planning Commission and the density set with the same Concept Plat were approved at one unit per 3.5 acres encumbering all the acreage on the original farm; 299.68 that yielded 85 lots. There will be no more lots created than originally approved back in 1989. The approval plat will allow the same amount of lots as originally envisioned on the 85 lot Concept Plat. Mr. Sennstrom went on to say that if he understood correctly the applicants' objection was to the no future subdivision note being placed on the plat of the remaining lands, thereby leaving the option open to come back at a later date before the Planning Commission seeking a bonus density concept plat allowing them to further subdivide the acreage that had been encumbered by the 85 lots before the Planning Commission today. There was a Concept Plat approved in 1989 that established the density on the entire acreage of this subdivision. No appeal was filed at that time to challenge an incorrect

PLANNING COMMISSION MINUTES 2004

setting of density or that the applicants want a higher density, therefore the Concept Plat remains valid with the changes that were done for cul-de-sac, showing the lot as originally part of the street system.

Mr. Brown asked if the applicant were to come before the Planning Commission with a revised Concept Plat prior to Final Plat approval would it be held at today's standards as opposed to the AR zone in 1989. Mr. Sennstrom stated that anything reviewed today would have to be reviewed under the present regulations, and if this plat was approved and recorded, no additional lots could be created to the 85 lots, under the existing Concept Plat. Mr. Hutton asked if the Concept Plat could be revised after approval. Mr. Pyles stated that if the plan were approved today the applicants would still have the option of coming back prior to recordation. After the lots are recorded the lots have been legally created. Mr. Hutton then asked if at that point he could ask for a readjustment of the Concept Plat. Mr. Pyles responded once you have recorded this plat, no. Mr. Sennstrom was asked if this was correct and he interpreted stating, the acreage has been encumbered, therefore the plans before the Planning Commission today could be created out the parcel, regardless of whether a revised parcel was submitted or not. The concept is for 85 lots on 299.68 acres. Mr. Hutton asked if it was being encumbered because of Note 9. Mr. Sennstrom said that Note 9 is the result of what the Planning Commission did in March of 1989 and has carried forth on various sections of the final plat. If Note 9 was not on the plat it would still reflect that the entire acreage had been encumbered. Therefore, whether or not the Planning Commission would grant approval with Note #9 on the plat, has no bearing on the concept plat that was approved in 1989 setting a density of 1/3.5 yielding 85 lots, which has been exhausted. The note is recorded in both the minutes and files. Therefore, the note being on the plat only makes the reference more explicit in the future. Mr. Pyles asked if once the plat was recorded, regardless of any comprehensive rezoning subsequence, would it have any bearing on the development potential of the remaining acreage. Mr. Sennstrom replied the entire property had been encumbered by the density set to create the 85 lots. Based on the existing concept plat no more lots could be created on this property. Mr. Pyles then asked, should there be a subsequent change in zoning, what would be an allowable time frame for submitting a revised Concept Plat for consideration by the Planning Commission? Mr. Sennstrom replied that the Concept Plat would be valid indefinitely because there was no sunset provision on that plat as there is today.

Mr. Walbeck asked if there were conditions with the revised concept plat approval that created the section before the PC today. Mr. DiGiacomo replied that none had been addressed. The issue of the revised Concept Plat was simply for density and layout. The density was established and there was no proposal to revise it. The proposal was to revise the layout to accommodate the final 11 lots, not to modify the original concept plat's approved density, upon which the Planning Commission made consequent decisions and upon which people had made decisions to purchase homes in Sunnybrook Estates.

In an attempt to clarify the facts Mr. Mortimer asked if the applicants had concept approval in 1989. Before he executes what was approved can he modify the plat? Mr. Sennstrom stated that if the applicant wanted to come back with a revised concept plat based on a 1/3 density on the 299.68 acres, he could submit it to the Planning Commission for review. Planning & Zoning would recommend disapproval of the plat but it would be up to the Planning Commission to decide if they wanted to grant a revised density on the fact that this entire acreage had been encumbered on a previous Concept Plat. Planning & Zoning would recommend disapproval because the entire farm acreage was encumbered by the original concept plat and did not withhold a certain amount of acreage.

PLANNING COMMISSION MINUTES 2004

Discussion followed concerning the concept plat.

No one appeared either in favor of or in opposition to the proposal.

GENERAL DISCUSSION

Mr. Walbeck stated that he needed to schedule the public hearings for recommendations to the Board of County Commissioners on the Comprehensive Plan. Mr. Sennstrom stated that the meeting dates would follow the 60 day review process, which would exhaust itself on Friday, February 27th. Once Mr. Sennstrom had advertised the meeting in the Cecil Whig, the Planning Commission could hold a public hearing any time thereafter. The Planning Commission members agreed to a tentative meeting date of March 22, 2004 at 7:00p.m., to be held at the Administration Building. Mr. Sennstrom will confirm the meeting place.

Mr. Sennstrom stated that the Planning Commission will have everything that they have voted on up to this point in report prior to the meeting. They will want to look it over before the meeting and be prepared to say yes or revise. After which it will be put into a final form and sent to the commissioner as the Planning Commissions report.

ITEM B DECISIONS

1. Pines at Cherry Hill, Section 1, 2 & 3, Molitor Road and Cherry Hill Road, Final Plat, Site Resources Inc., Third Election District

WITHDRAWN

2. Racine Estates at the Villages at Elk Neck, Section 2, Lots 7-12, 14-17 and 19-21, Racine School Road, Final Plat, Northern Bay Land Planning Engineering & Surveying Corp., Fifth Election District.

Motion made by Mortimer, seconded by Murray and unanimously carried to approve with conditions:

- 1) Health Department requirements being met;
- 2) DPW requirements being met;
- 3) The Landscape Agreement being executed prior to Recordation;
- 4) The owners of these lots becoming members of the Homeowners Association for maintenance of common open space, with \$50 per recorded lot placed in escrow for improvements prior to recordation;
- 5) Separate mini-road maintenance associations being created with the owners of all lots and areas reserved by owner accessing the respective mini-roads becoming members;
- 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 matching up with those on the approved FCP;
- 7) The Data Column correctly citing 13 lots in this section;
- 8) The roads being labeled as mini-roads on the Record Plat

3. Susquehanna River View, Lots 1 - 39, Liberty Grove Road, McCrone, Inc., Final Plat, Seventh Election District.

PLANNING COMMISSION MINUTES 2004

Motion made by Brown seconded by Mortimer and unanimously carried to amendment to include that adequate clearing take place for access for maintenance of the common open space, be provided.

Motion made by Mortimer, seconded by Murray and unanimously carried to approve with conditions:

- 1) Health Department requirements being met;
- 2) Department of Public Works requirements being met;
- 3) The Landscape Agreement being executed prior to recordation;
- 4) A Homeowners Association being established for maintenance of common open space, with \$50 per recorded lot placed in escrow for improvements prior to recordation;
- 5) A mini-road maintenance association being created prior to recordation with the owners of all lots accessing Zachary Joseph Court becoming members;
- 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;
- 7) Adequate clearing taking place for access to a maintenance of the common open space, along side proposed Lots 1 and 2.

4. Montgomery Oaks, Section 1, Phase 2, Lots 10-22 and 45-48, Bailiff Road, Final Plat, McCrone Inc., Fifth Election District

Motion made by Brown, seconded by Williams and unanimously carried to approve with conditions:

- 1) Health Department requirements being met;
- 2) DPW requirements being met;
- 3) The owner(s) of this lot becoming a member of the Homeowners Association which was established for maintenance of common open space, with \$50 for this lot placed in escrow prior to recordation, for improvements;
- 4) A Landscape Agreement for street trees be executed prior to recordation;
- 5) Deed restrictions for the long term protection of the Forest Retention/ Afforestation Areas (FRAs) being recorded and noted on the plat prior to recordation and the metes and bounds being shown on the record plat

PLANNING COMMISSION MINUTES 2004

5. Sunnybrook Estates, Section 4, Lots 75 - 85, Williams Road, Final Plat, Northern Bay Land Planning Engineering & Surveying Corp., Second Election District

Motion made by Williams, seconded by Brown and unanimously carried to approve with conditions:

- 1) Health Department requirements being met;
- 2) Department of Public Works requirements being met;
- 3) The off-site FRA s acreage and metes and bounds being shown on the Record Plat;
- 4) A note being placed on the Record Plat prohibiting any further subdivision of the remaining lands;
- 5) Deed restrictions for the long-term protection of the Forest Retention/Afforestation Areas (FRAs) being recorded and noted on the plat prior to recordation. The metes and bounds description of the FRA, on-site and off, must be shown on the record plat;
- 6) The owners of these lots becoming members of the Sunnybrook Estates Homeowners Association for maintenance of common open space and the landscaped island with \$50 per recorded lot placed in escrow for improvements prior to recordation;
- 7) A revised Landscape Plan being approved and a Landscape Agreement being executed prior to recordation;
- 8) The record plat reflecting the changes proposed today that would increase lots 75-77 size due to a 100' setback. The common open space, being 1.407 acres, would be expunged on the record plat as it was explained to you verbally this afternoon.

There were no further comments.

Meeting adjourned at 1:52 p.m.

NEXT MEETING: March 15, 2004 at 12:00 p.m. in the County Administration Building

March 15, 2004, 12:00 p.m.

**PLANNING COMMISSION MINUTES
(Subdivisions)**

PRESENT: Brown, Campbell, Carter, DiGiacomo, Farrell, Manlove for (Kilby), Moore, Murray, Sennstrom, Walbeck, Williams, Woodhull, and Jones

ABSENT: Kilby, Mortimer and Prickett

MINUTES: Motion made by Brown, seconded by Williams, and unanimously carried to approve the February 17, 2004 minutes as mailed.

1. Charles Garcia presented Wal-Mart Store #5450-00, North East Maryland, Freeland and Kauffman, Inc., Razor Strap Road and Rte 272, Fifth Election District.

The applicant was duly sworn according to law and testimony followed. Mr. Garcia stated that he was with the engineering firm that prepared the plans and were requesting a variance to the parking lot requirements.

Mr. Walbeck stated that normally the Planning Commission does not review site plans for commercial and industrial developments, but Wal-Mart was requesting a variation to the requirements and therefore it was before the Planning Commission.

Mr. Brown read the Health Department comments, a copy attached for reference.

Mr. DiGiacomo stated that the Site Plans were not reviewed and approved by the Planning Commission.

PLANNING COMMISSION MINUTES 2004

However, §275 of the Cecil County Zoning Ordinance provides that only the Planning Commission may modify parking requirements, and the applicant was seeking to have the parking requirement reduced from 5.5 spaces per 1,000 sq. ft. of GFA required for shopping centers to 4.85. For that reason alone, this item has been included on the agenda.

Staff found that the Planning Commission approved a similar modification request for the North East Plaza on 8/18/98. The approval was conditioned on no sales activity taking place on the parking spaces, themselves.

§277 of the Zoning Ordinance requires 4 spaces/1,000 ft² GFA plus one (1) space per employee on maximum shift for department stores.

In its analysis of Cecil County codes and ordinances, the Center for Watershed Protection cited (Table 1, page 1) a 4.0 – 6.5 spaces/1,000 ft² GFA range of spaces typically being required by other jurisdictions, with the actual average parking demand being 3.97 spaces/1,000 ft² GFA.

This request is consistent with three (3) separate recommended development principles for Cecil County by the Site Planning Round Table, facilitated by the Center for Watershed Protection.

One of the Site Planning Round Table's recommendations included the utilization of downsized, compact car parking spaces to reduce total parking areas.

Does Wal-Mart have any experience with the use of compact car parking spaces at any of its other sites? Mr. Garcia replied that they had done the same in the past on other sites.

The request letter mentions the need for space for future expansion as a reason for limiting the area devoted to parking. If and when such expansion takes place, unless more parking spaces is found, then the site would be at an even greater variance from the required number of parking spaces.

Mr. Woodhull stated The Cecil County Department of Public Works has no reason to disallow this request. Regardless of parking ratio, the CCDPW will require a signage plan for Razor Strap Road and the Razor Strap entrance road be submitted for review by the department. Applicable Law Enforcement Agencies must attest to the enforceability of the signage that will call for immediate towing of illegally parked vehicles.

PLANNING COMMISSION MINUTES 2004

Richard Snyder of 55 South Edgewood Drive, Elkton, Maryland was duly sworn according to law and testimony followed. Mr. Snyder stated that he loved Wal-Mart but one thing that he had found in the past was that they never had enough parking for the disabled. He was not sure who was responsible for this concern but he noted that he was disabled with Multiple Sclerosis and the extra walking that he must do if unable to get a disabled parking space leaves a lot to be desired.

Lisa Ann Wehner of 239 Razor Strap Road (and owner of the property on 233 Razor Strap Road) was duly sworn in according to law and testimony followed. Ms. Wehner stated that it was incredibly important that a traffic light be installed at the intersection of Razor Strap Road and Rte 40. She went on to say that I just want everybody to know that there is a bad blind spot everyday at 4:00. The sun is right here you can't see anything and especially if you are going from Elkton to the FoodLion to Happy Harry and which would be the same route that someone leaving the Razor Strap entrance from Wal-Mart would be. You can see down that hill the cars and trucks just come up out of there and I think that really has to be addressed. She does not have anything against Wal-Mart but there has been one fatality and she would not like to see anyone else get hurt.

George Whitmyer of 24 Locharron Drive, Elkton, MD was duly sworn in accordingly to law and testimony followed. Mr. Whitmyre stated that his interest is in the size of the parking spaces. While it is admirable that Wal-Mart is considering small compact parking, in reality if you look at the increase of SUV's and truck it is an unwise move. If you do have compact parking space they should be limited to one section of the parking lot. He went on to state please consider that most of us are driving larger vehicles today and that is the reality.

Mr. Garcia added that it was a recommendation by the Planning Office to look at the size of the parking spaces. They do not have compact spaces at this time but that is why they have asked for the variance.

2. Paul Muddiman, Tim Whittie and Bill Stritzinger presented Aston Pointe, Jackson Hall School Road and Rte 273, Concept Plat, Morris & Ritchie Associates, Inc., Fourth Election District

The applicants were duly sworn according to law and testimony followed.

Mr. Walbeck informed everyone that a member of the Planning Commission, Ethel Murray was involved with the lands of this development. She had recuse herself from any participation in the project and therefore would not participate in the discussion or decision making.

PLANNING COMMISSION MINUTES 2004

Mr. Muddiman stated that Aston Pointe is located at the southeast corner of Route 273 and Appleton Road. After the previous plan went before TAC there were some changes made which included the addition of a golf course. There are a total of 420 acres of land of which 30 acres are zoned BG which is a Business Zone. The plan for the BG is to rezone it to SR in order to match the remaining 390 acres of SR, which are made up of 18 different parcels of land. Under the SR they are permitted a density of two units per acre or 840 units. They were proposing 370 single family lots, a separate lot for the golf course and a separate lot to be retained by Mr. Dudkewitz on the lot along Jackson Hall School Road.

Mr. Walbeck stated that the density numbers that were mentioned are not straight SR zoning densities. Are you proposing public facilities? Mr. Muddiman replied yes they were proposing public facilities and he would get to that in a minute.

The proposed density, assuming that they are granted the SR zone, would result in 370 single family lots and 18 hole championship golf course. The golf course will include a club house, pool, tennis courts and other associated amenities. The golf course will be on 169 acres of the 420 acres. The main entrance will be off Rte 273 with buffer, berms and landscaping along Rte 273. The main road, Country Club Drive, will lead north south from Rte 273 to Jackson Hall School Road. Lot 371 size will total 6½ acres, which will be retained by the Dudkewitz family. Lots have been designed around the existing gas mains, therefore no lots will encumber the gas main. There is an existing gas main that runs north south on the property from Telegraph Road through the site to Jackson Hall School Road and across to the Wohner property. The south portion of the property also has two connections one on Jackson Hall School Road and a second on the Cat Swamp Road with a road connection to the Warner property boundary line. Other amenities include soccer fields around the existing pond at the entrance of Jackson Hall School Road and Country Club. There are an additional 86 acres of open space on the plan in addition to the 109 acres of golf course, bringing the total of open space to 265 acres or 60% of the site. Sixty-three acres are required for this site. The mix of uses and the mix of lots include 15,000 ft² lots, 12,000 ft² lots and 8000 ft² lots. There a couple different alternatives for water which include water being bought in from the Pennsylvania line along Appleton Road to the site. A recent discussion and more likely alternative would be to bring the water from the east, and route from the south north through the property, from the Delaware side. Public sewer will be extended from the site by gravity across the Wohner property, removal of the Highlands Waste Water Treatment plant to gravity flow sewer down to the Meadow View Waste Water Treatment Plant.

Mr. Brown read the Health Department notes, a copy attached for reference.

Mr. DiGiacomo stated that the zoning was SR & BG. The SR zone permits a maximum base density of one (1) dwelling unit per one (1) acre, or two (2) dwelling units per one (1) acre with community facilities. This Concept Plat proposes 372 lots on 420.10 acres, for a proposed density of 0.88 to 1.

30.06 of those acres are zoned BG. Per Note # 20, the BG acreage must be rezoned to SR. Unless that rezoning is successful, this design cannot be achieved. It is to the advantage of the applicant to submit the rezoning application as soon as possible. Final Plat approval will not be possible without the rezoning.

PLANNING COMMISSION MINUTES 2004

A golf course is proposed as Lot 372. Public golf courses may be permitted in the SR zone as a Special Exception. The Special Exception must be obtained prior to Final Plat review. Private golf courses are permitted in the SR zone. By precedent, a public golf course is defined as one that can be utilized by anyone for a fee, and a private golf course is one that can be utilized only by members of the country/golf club.

The golf course proposed on this Concept Plat can be approved as part of the proposed subdivision only if it is a private golf course. Will this be a private golf course? Mr. Muddiman replied yes.

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

The title block indicates that this is a residential cluster development. Also, inasmuch as 74 lots are proposed consisting of only 8,125 ft², and since the minimum lot size in the SR zone is 12,000 ft², it appears that the intent is to invoke the provisions of §6.1 of the Subdivision Regulations.

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

It must be noted that §6.1.5 (a) (b) & (c) of the Subdivision Regulations require strict compliance, as follows:

- a) Resubdivision shall not be permitted in cluster development so as to reduce lot areas below those permitted in the originally recorded Final Plat.
- b) The development of land within the cluster is permitted only in accordance with the approved site development plan on file at the Office of Planning and Zoning.
- c) The agreements concerning the ownership and maintenance of open space land shall be recorded simultaneously with the Final Plat.

The lower typical lot layout graphic is confusing because of its reference to the BG zone. Since Note # 20 states the intent to seek a rezoning of the BG portion of the site to SR, and since §69 and the Table of Permissible Uses of the Zoning Ordinance, permit a dwelling only for the business owner on a BG parcel, as stated at TAC review, reference to BG must be deleted.

§6.1.1 (e) of the Subdivision Regulations requires that Concept Plats invoking cluster development provisions must show estimated staging of construction. That has not been shown.

PLANNING COMMISSION MINUTES 2004

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

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

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

A 25' buffer is required around all non-tidal wetlands and intermittent streams present. Permits are required from the (US Army) Corps of Engineers and MDE for all non-tidal wetland and stream impacts prior to recordation. A Jurisdictional Determination (JD) must be done prior to preliminary plat review by the Planning Commission.

The habitats of rare, threatened, and endangered species must be avoided. The Natural Heritage Service indicates the midland sedge, a rare plant species, is known to occur within the vicinity of the project site. Therefore, a species survey is required prior to Preliminary Plat approval.

This proposal includes 85.93 (was 85.38) acres of common open space, in addition to the proposed 169-acre golf course. Sixty-Three (63) acres (15%) are required in the SR zone, based on 420 acres.

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. Those calculations must be included on the Preliminary Plat submitted for TAC review.

Twenty percent (20%) landscaping of the development envelope is required in the SR zone.

Sidewalks are recommended on at least one side of all internal roads in the SR zone. This proposal, in keeping with the creative and innovative designs encouraged for cluster development, must include adequate sidewalks and walking/bike paths, as well as any possible greenway linkages.

PLANNING COMMISSION MINUTES 2004

Bufferyard Standard C is required, outside the right-of-way, along the road frontages of Appleton, Cat Swamp, Jackson Hall School, and Telegraph Roads. A Bufferyard Standard C is also required to buffer the golf course from adjacent residential uses (§100.3 & §106.6) and to buffer the parking area (§100.4 & §106.5). A structure on proposed Lot 371 must be removed unless the Planning Commission grants a bufferyard and setback modification.

If the golf course is private, then it would be considered an accessory use. As such:

- a) A determination must be made as to ownership (All condominium owners must become members of the condominium association(s) for maintenance of the buildings, parking areas, private roads, landscaping, clubhouse, and common elements. The CONDO INSTRUMENTS for these condominiums must be accepted by the Maryland Secretary of State prior to recordation).
- b) The details of the golf course development must be approved as part of the regular subdivision process, provided that the Preliminary Plat includes details consistent with §291 and Appendix A of the Zoning Ordinance.

If the golf course is a public course, then it would not be considered an accessory use. Therefore, a Special Exception would be required, but you have indicated that it will be private.

Per §100.4 & 106.7 of the Zoning Ordinance, off-street parking and loading areas, golf tees, and maintenance facilities must be screened by a Bufferyard Standard B.

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. If there are any of the contiguous properties in agricultural operation, then a Bufferyard A with a 100' setback would need to be shown on the Preliminary Plat.

Street trees are required on lots, outside the right-of-way, along both sides of all internal roads. In areas with community facilities, no street trees shall be planted within 20 feet of sewer laterals and cleanouts. 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.

PLANNING COMMISSION MINUTES 2004

The Forest Stand Delineation (FSD) has been approved.

The Preliminary Forest Conservation Plan (PFCP) must be approved prior to Planning Commission review of the Preliminary Plat. The final Forest Conservation Plan (FCP) and Landscape Plan must be approved prior to Planning Commission review of the Final Plat. An FCP for the gas line easement is already on file (#297).

A Landscape Agreement must be executed prior to recordation.

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

The identity of the gas line owner has now been provided.

All required documents from the gas line company granting permission or agreeing to easement impacts must be received prior to Final Plat review. All documents requiring recordation must be recorded prior to the recordation of the Record Plat.

The internal road names must be approved by the County 911 Emergency Center prior to Planning Commission's review of the Preliminary Plat. Road names were not provided on the Concept Plat submitted for TAC review.

The Concept Plat submitted for TAC review included a stub road to connect with Locharron Drive. That design was consistent with in the Comprehensive Plan, the Subdivision Regulations, best planning practices regarding street connectivity, and the final approved design of Locharron Drive in the Highlands. Only four (4) proposed access points for 370 new lots warrants adherence to the original plan of having Locharron Drive connected to this development.

At TAC review, the applicant indicated that 113 age-targeted units were proposed. They must be identified.

Confirmation must be received from the gas company that all proposed roads, intersections, and the parking lot at the golf course will not have any adverse impacts on the gas line within the easement.

PLANNING COMMISSION MINUTES 2004

The provision of food and refreshments may be allowed in connection with a public golf course, provided the availability of such services is not reasonably expected to draw an excessive amount of traffic through local residential streets.

Staff recommends that a Traffic Impact Study (TIS) be completed prior to the TAC's review of the Preliminary Plat. As one of the nearest intersections is in Delaware, DelDOT has been invited and will be invited to any additional scoping meetings and to review and comment on the completed TIS.

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

A Homeowners' Association for maintenance of common open space, any landscaped islands, and common parking areas must be established with \$50 per recorded lot placed in escrow for improvements prior to recordation. All lot owners must become members of the Homeowners' Association.

Active recreational amenities shown in common open space must be included in the public works agreement. All amenities noted such as the tot lot need to be shown on the plat.

The Record Plats shall contain a statement, signed by the owner, to the effect that water and sewer facilities will be available to all lots/houses offered for sale.

Verification of water and sewer allocation must be received 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. The name of the water company providing the water must also be included on the Final and Record Plats.

Note #14 indicates that this project is to be served by public water. One to one is permitted, but this plan is actually lower than that, 370 new lots on 420 acres. Why is it necessary to obtain public water, and from where will the water be obtained? Mr. Muddiman replied that they still had 370 lots off of Aquifer could be their problem so they would like to see public water extended to the area. Mr. DiGiacomo asked and you've already indicated that it may come from Delaware instead of Pennsylvania. Mr. Muddiman replied yes through the Artesian Water Company. All approvals must be received for any intra- or inter-basin water transfers prior to Final Plat approval. Any Public Service Commission approvals, if necessary, to extend a water line to this property must be received prior to Final Plat approval.

The Master Water and Sewer Plan must be amended prior to Final Plat review.

PLANNING COMMISSION MINUTES 2004

What impact(s) will the sanitary sewer lines, water lines, and any required stormwater conveyance devices have on the gas line easement? Will there be any? Mr. Muddiman replied that there would be some necessary crossing as well as gas main crossings.

Fire hydrant 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 dry hydrants at the stormwater management ponds.

As they are attractive hazards, serious consideration should be given to protective fencing around the stormwater management facilities.

Dudkewitz is spelled incorrectly in Note # 1.

Mr. Woodhull stated that a SWM Plan; Street and Storm Drain Plan; Sanitary Sewer and Water Plans, and a Mass and Final Grading Plan must be approved by the Cecil County Department of Public Works prior to submittal for Final Plat approval. The Final Plat must include the standard note recognizing the applicability of the Lot Grading Plans. (A lot grading plan has been approved by the CCDPW for the construction shown hereon. A site construction as built shall be submitted to the CCDPW prior to use and/or occupancy of any of the sites shown hereon. Any change to the Forest Retention, Forestation, Reforestation will require a consistency review, of the SWM approval, with CCDPW.).

The Lot Grading Plan must include a note saying: 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.

The downstream conveyance of storm water must be analyzed in accordance with Section 251-9 A. (5) of the county s SWM Ordinance. This analysis must pay special attention to the adequacy of existing conveyance systems along and across Jackson Hall School Road Cat Swamp Road and Barksdale Road to handle all discharges from the SWM Facilities.

If storm water discharge is directed off of the site on to adjacent properties it is the responsibility of the Developer to obtain appropriate easements from the owners of the affected properties per Section 251-13 of the Cecil County Stormwater Management Ordinance.

PLANNING COMMISSION MINUTES 2004

A Dam Breach Analysis must be submitted to DPW for all existing ponds and as built will be required for the two existing ponds proposed as SWM Facilities.

Section 3.07.15 of the Road Code directs that Jackson Hall School Road and Cat Swamp Road must be upgraded to a Minor Collector Standard for a minimum distance of 100' either side of the point of intersection between these roads and the proposed entrances.

In light of the departments' concerns regarding the adequacy of Appleton Road, Jackson Hall School Road and Barksdale Road to handle an approximate additional 4500 average daily trip ends generated by this development, at this time, the minimum requirements of the Road Code will not likely be sufficient and the applicant should anticipate additional off-site improvements to some or all of these roads (links). This would also entail improvements to intersections (nodes) of these roads as well as those on Cat Swamp Road. (4,500 Trip Ends based on 3700 generated by 370 lots 800 Trip Ends generated by the Golf Course).

These roads exhibit areas of base and surface failure, inadequate width and shoulders, and poor roadside drainage. With regards to intersections, the Jackson Hall School Road / Appleton Road intersection is suspected to be severely impacted by the proximity of existing dwellings and will prove very challenging for the Developer's required improvements there. The solutions to the problems of these links and nodes will be addressed further after the Traffic Impact Study has been analyzed. Sight distance measurements must be provided to the DPW to establish compliance with the Cecil County Road Code. Where determined necessary by the utility companies, the owner, the designer, or DPW, utilities poles must be relocated at the Owner's expense.

The Department strongly recommends the use of a construction entrance for the project, separate from the final entrances. The proposed entrance should be shown on the Preliminary Plat.

Access from any lot to Appleton Road, Jackson Hall School Road, Cat Swamp Road, and Barksdale Road is denied except for the proposed entrances and the existing driveway for Lot 371.

Lots 256 and 370 must be denied access to Lochland Drive except for the southernmost 20' of lots. In fact the department recommends that consideration be given removing Lot 256 all together because of the potential its residents will likely engage in unsafe traffic movements around the proposed landscape island.

Lots 344 and 345 must be denied access to Lochland Drive except for the easternmost 20' of lots. The Department recommends consideration of connection with Locharron Drive via Medinah Drive.

PLANNING COMMISSION MINUTES 2004

All lots must access the least major road frontage where possible. Those that cannot, as on Country Club Drive & Lochland Drive, must have driveways of sufficient design to allow turnaround capability to improve access safety for each lot. Where driveway turnarounds are the recommended solution, the final lot-grading plan must show them as mandatory.

Adequate internal off-street parking must be provided at the soccer fields on Country Club Drive. Parking along Country Club Drive is prohibited and must be indicated with signs.

The cul-de-sacs do not conform to the Road Code Standard R-14.

Consideration must be given to Augusta Court geometry in regard to the angular nature of the proposed loop. This configuration presents additional paved surface, requiring maintenance and an added degree of difficulty for snow removal operations, while providing no benefit to the County. (i.e. better traffic flow and/or traffic safety.)

Any applicable Road Code Variances must be requested prior to submittal for Preliminary Plat approval.

Currently the parcels proposed for development are not within the Master Water and Sewer Plan Service Districts.

Therefore, the Cecil County Board of County Commissioners would have to amend the Master Water and Sewer Plan to include this development in the coverage areas.

Currently neither the Highlands nor the Meadow View plants have excess water or sewer capacity to service this development. Facility upgrades and/or expansion will be necessary to provide water and sewer capacity to service this Development and said work will be the responsibility of the Developer.

Water and sewer connection fees will be required plus a likely Benefit Assessment fee for the upgrade of the Meadow View WWTP.

If the Planning Commission approves the concept plat, the department will require seeing a concept master sanitary sewer and water plan for the entire development prior to Preliminary Plat submittal for any section of the development.

PLANNING COMMISSION MINUTES 2004

If the request for rezoning of the BG portion of this site is denied, the Applicant must provide a sewer easement connecting the BG zoned property to the main sewer system in the development.

Adequate fire flow and pressure must be designed into the water service system for this development.

The water line for this development must be connected to the existing water line at Locharron Drive and be extended and capped at the required road stub to The Lands of Wohner.

All cleanouts and water meter vaults must be designed to be outside of all paved or concrete areas on each lot.

Careful consideration must be given to safety concerns with the close proximity of the gas transmission line to dwellings.

The gas line is routed across county roads. Therefore, the Applicant must inform the Owner of the line that they must obtain a maintenance easement to be allowed to work in the County's ROW.

If the Planning Commission requires sidewalks, the Final Plats should include a note indicating that sidewalks maintenance will be required of the adjacent property owner, as required by the Cecil County Road Code.

The department will require a review of the Fairway and Tee-Box layouts for holes adjacent to County Roads addressing potential in impact on vehicle traffic safety and any tot lots that are included in this development will be required to be shown on the designs and be part of the DPW Agreements.

PWAs agreements will be required for the proposed roads and storm drains, water lines, and sewer lines.

An Inspection and Maintenance Agreement is required for SWM facilities.

Mr. Williams asked what schools would be servicing this development and their capacity? Mr. DiGiacomo replied that Cecil Manor Elementary is currently at 105%. Cherry Hill Middle is at 78% and Elkton High

PLANNING COMMISSION MINUTES 2004

School is at 111%. Mr. Williams noted that there were two schools over 100% capacity.

Mr. Walbeck stated that Elkton was slated for new high school. Mr. DiGiacomo noted that Elkton High School would be receiving renovations.

Mr. Walbeck asked Public Works if the Meadow View WWTP was upgraded would the discharge go to Delaware? Mr. Carter stated that it would go to the west branch of the Christina River. Mr. Walbeck asked if that would present a problem with the State of Delaware with having an increase flow in the stream. Mr. Carter stated that the total maximum daily loads, TMDL, for the Christiana River were passed a couple of years ago and therefore CCDPW is aware of what the numbers are. The limiting factor is total nitrogen. DPW has the nitrogen numbers and would be able to design the Meadow View facility to as much as two million gallons a day without having to reach the limits of technology for nitrogen.

Mr. Walbeck asked if the comments from TAC concerning the roadways being substandard present any concerns. Mr. Maddiman replied they were aware of the need to increase the size of the cul-de-sac. There was a comment about not having a connection at Lochharron Drive. The developer elected not to show the connection after discussion with the community and their opposition of having the connection. The Augusta Court layout is a rectangular shape road network which the developer feels is important in the plan as far as having the green space between the two roads so that the lots front green open space.

Mr. Woodhull stated that they had no trouble with the loop if the angular shape of the loop. DPW would like to see the loop rounded. Mr. Maddiman stated that they could do that as long as they stayed with the concept. Mr. Woodhull noted that DPW wanted to make sure that there was no specific reason why it was driving the angular shape. DPW added that they like the green space in the front. Mr. Maddiman also added that the tot lot is related to the clubhouse. There is no tot lot associated with the community.

Mr. Walbeck questioned if the developer had decided not to extend Locharron Drive down to the Highlands. Mr. Muddiman answered yes. On the plat a connection is shown to the south, not to Locharron. Mr. Walbeck went on to state that his main concern was Jackson School Hall Road. DPW stated that it would require a considerable amount of upgrading. Are you prepared to review and work with DPW. Mr. Muddiman replied yes. He noted that the traffic study was well underway and they would contact both P&Z and DPW to discuss the details of the traffic study results.

Mr. Farrell asked if the developers wished to rezone the BG. Mr. Muddiman replied yes. Mr. Farrell asked if the work concerning the rezoning had already started. Mr. Muddiman replied no it had not. They wanted to get thought concept approval first before addressing the rezoning.

PLANNING COMMISSION MINUTES 2004

No one appeared in favor of the proposal.

Mr. Walbeck reminded everyone opposing the project of the five minute time limit per person to speak. He also asked that if anyone agreed with what someone had already said simply say that you agree with them rather than taking five minutes of everyone's valuable time.

Mr. Walbeck asked everyone that planned to speak in opposition to come forward. They were duly sworn in according to law and testimonies followed

Mr. Walbeck noted that the Appleton Regional Community Alliance had a series of speakers that were to make a presentations.

Mr. Richard Klein, President of Community and Environmental Defense Services located at 80100 Green Spring Valley Road, Owings Mills, MD 21117. Mr. Klein's firm was hired by the Appleton Regional Community Alliance to help them to take a look at how a reasonable amount of growth could be accommodated in the Appleton Fair Hill area without negatively impacting their rural way of life that they currently enjoyed. Of course the high quality of rural life style enjoyed is due in large part to the past decision made to by the Planning Commission and County Commissioners. Aston Pointe provides the most immediate opportunity to see how we can accommodate a reasonable amount of growth without sacrificing the specific things that the Comprehensive Plan and the Cecil County Zoning Ordinance identifies with in keeping with the current quality of life. When looking at the Zoning Ordinance requirements he found that the allowable maximum density is decided at the for Concept Plat level. The Comprehensive Plan and Zoning Ordinance provide guidance on the maximum density that should be considered. Both the Comprehensive Plan and Zoning Ordinance stated that SR sites, such as this one, have a maximum density of one house per acre if developed with well and septic. It also shows that it should not be served by water and sewer at this point and time, hence showing the need for a Master Water and Sewer Plan amendment. Therefore the maximum density is one unit per acre with current conditions. The Comprehensive Plan and Zoning Ordinance stated that SR should serve as a transition between urban density and rural density. The low end of the allowable density would be RC which allows a maximum of one unit per five acres. The range of density that you could consider would be between one unit per acre at the high end and slightly more than one unit per five acres at the low end. Mr. Klein's expertise is water quality. There is a portion of Cecil County law as do most other counties of the State set maximum limits on the amount of impervious area based on a study that he did back in 1979 when the Cecil County Zoning Ordinance was amended to incorporate a limit on maximum impervious area. At that time his study was the one that provided the scientific basis. The 17 policies in the Comprehensive Plan state that the goal of the Comprehensive Plan is to protect water quality, streams, wetlands and other resources. In Mr. Klein's 1979 study as well as research done since then shows that you first start seeing a significant adverse affect on water quality when 10% of the water shed is covered with impervious area. That is an average of every one house per every two acres. The Maryland Department of the Environment stated presently that the Cecil County part of Christian River Watershed is at a pretty high quality on a scale of 1-10 with 10 being the best quality possible the Christina River is at seven (7). At present the Cecil County portion of the Christina River Shed is 8.7% impervious. If Aston Pointe is developed as the applicant proposes it will go up to 9.7%. This is the threshold of degradation. That is when you start losing beneficial human uses such as swimming, fishing and all the other things that make a rural

PLANNING COMMISSION MINUTES 2004

area such a great place to live. You don't want to approach this threshold. You want to stay well below it. Aston Pointe will come dangerously close to this threshold. If Aston Pointe is developed as proposed you won't be able to have any other development in this 5000 acre area without crossing that threshold. One might argue that the new BMP's that are now required might allow you to have more development to go over the 10% threshold without adversely affecting water quality. The scientific research that is available now stated that while we can hope that the 2000 Maryland Storm Water Design Manual and other more effective measures would protect the quality of resources that is only speculation. Mr. Klein recommended no more than 100 houses on the site and a density of one house per four acres. He recommend this as a temporary limit until the research is done to show that the new measures are effective. A report entitled *An Assessment of the Impact of Aston Pointe to the Christina River in Cecil County* by Mr. Klein is attached to the original copy located in the P&Z Office which included all the information that he was unable to cover.

Kristen Magas, President of the Highland Civic Association, of 6 Ballantrae Court, Elkton expressed the concerns of the Highland residents. The Aston Pointe development as proposed will have a negative impact on their quality of life. Mrs. Magas stated that she was a Civil and Environmental Engineer and experienced in the area of designing water and waste water treatment plants. Her intent is to speak on the management of the water and waste water from Aston Pointe development. Topics for discussion included a brief look at the guidance documents the timing of providing sanitary sewers, the availability of water to Aston Pointe, the impact of septic systems and wells and some recommendations. The Comprehensive Plan has as a goal to limit high density developments to area served by existing or imminent collection and treatment centers. The water and sewer plans show no existing or imminent for water and sewer in the Appleton area and would require an amendment by the Commissioners for Aston Pointe to proceed as proposed. Next she asked if sanitary sewers were appropriate at this time. The suggestion is no. It is not the time for sanitary sewers. Bringing sewers to Aston Pointe would encourage rapid dense development throughout the entire Appleton area. The County has no plans to expand any of the needed public facilities such as water, sewer, road school, police, fire, etc. Many people have spent time preparing the guidance packages before you. Do not throw them aside at the whim of one developer. Bringing sanitary sewer to Aston Pointe will speed the degradation of the Christina River. It will allow a dramatic increase in impervious area. If the now Appleton area is developed at high density the amount of impervious area will go well above the 10% threshold that Mr. Klein discussed. It will also increase the pollution discharged by the Meadow View WWTP which had been previously discussed. Public sewer from this development will go to Meadow View. Aston Pointe with sanitary sewers has the potential to consume a large proportion of Meadow View's capacity. After reviewing the numbers it was Mrs. Magas opinion that, if the golf course goes away all of the open spaces are filled with houses at the maximum density allowed with sewer that will take over 15% of Meadow View capacity after it is expanded to 1.5 MGD. The current plan would take approximately 30% of Meadow View's capacity. Just for this one development.

It is entirely unclear if Pennsylvania water will be available for this development. Mrs. Magas had not investigated the possibility of obtaining water from Delaware since she had just heard it mentioned in the meeting. The Pennsylvania side water from Chester Water Authority is subject to the authority of the SRBC and water from the Artesian Wilkinson Well that had been mentioned is subject to the DRBC and will face determined citizen opposition. A plan will need to be proposed noting what waters will be available in the event of drought conditions. Assuming that sewer and water are not extended to Aston Pointe it would be developed with septic and wells. There are concerns with a dense development with septic and wells. In closing Mrs. Magas recommended that: (1) sewer not be extended to Aston Pointe. Require the developer and future developers to pay for all needed public facilities, water, sewer, roads, schools, police, and fire because the County has no plans to do this for this area; (2) require complete water and sewer plan before the

PLANNING COMMISSION MINUTES 2004

acceptance of a Concept Plat; and (3) limit the number of homes to 100.

Ron Hartman, 164 Little Egypt Road, where he has resided for 14 years. He was before the committee as both a private citizen and representing ARCA. His mother was born and raised on Appleton Road on the Mason farm. When his Uncle Bob stopped farming the Mason farm portions were sold to Milburn Orchard as well as other large tracks to individual owners. He understands that water is slated to be brought in from either New Castle or Chester Counties through the use of Artesian as a supplier. Assuming this is the case it will be necessary to obtain approval for transfer of this water from the Susquehanna River Basin Commission or the Delaware River Basin Commission. It is also understood that that the water would be supplied through Artesian Water and obtained from Chester Water Authority or from wells. An incident happened a year ago from a well in New Garden Township to supply a site in Delaware but the citizens of New Garden Township were successful in stopping this transfer and no permits were issued at that time by the Delaware River Basin Commission. It seems that there were concerns that drawing large quantities of water from the aquifer in New Garden Township would eventually have a significant effect on the quality of the surrounding streams and the project was defeated. It is assumed that the citizens of Chester County would have the same concerns about the water being shipped to Aston Pointe or be it New Castle County. A hypothetical assumption, that for some unknown reason the Aston Pointe project is approved with water and sewer one should consider what possibly could take place. Let's assume that the severe drought such as the one that took place a year or two ago occurs again and let's assume that the well in Chester County or New Castle County dry up and reservoirs go dangerously low in Chester County and that the decision is made that water can no longer be supplied to Aston Pointe. It is Mr. Hartman's opinion that the Aston Pointe development could be a can of worms. He would like to see the Aston Pointe land developed with wells and septic tanks like Glen Farms. Mr. Hartman said "I guess the only ones that have a real desire to develop this land with cluster homes and put money in their pockets is the developer and the three landowners. In their mind that might be an admirable goal but to the citizens of Cecil County it seems repugnant. It's just ludicrous why this land is not being proposed for development in the same mode in general as Glen Farms.

Laura Gleason of 60 Glen Brook Drive, Elkton, MD spoke on the impacts of Aston Pointe on the local area school capacities. The topics for discussion included current capacity, utilization and future projections of affected schools, additional enrollment and additional classrooms acquired as a result of Aston Pointe.

Cecil Manor is currently at 105% capacity which had been recently renovated, therefore will not qualify for any additions or renovations any time soon. Cherry Hill Middle School is approaching 100% capacity. Elkton High School is currently at 111% capacity with three trailers on site. It is expected to reach 121% capacity by 2007. Elkton is not getting a new high school it is getting an addition which could possibly be completed in the next four to five years. Based on the 2000 US Census Report the family was 3.12 people. A conservative assumption is 1.12 children per family. With a break down of 320 homes, minus the 50 age restricted homes, with 1.12 children the major impact will be in the elementary schools with a 26% impact in enrollment at a school that is already above 100% capacity. The middle and high schools will see a triple enrollment that they would see with a 100 home development. In addition six more classrooms will be needed at the elementary school that does not qualify for any more renovation funding. The middle school will need three more classrooms. The high school will need six more classrooms. The recommendation is to reduce the density at Aston Pointe to 100 homes to prevent the further overcrowding of the public school.

PLANNING COMMISSION MINUTES 2004

Darren Magas of 6 Ballantrae Court, Elkton spoke on the impact of the cost and operational cost for the public school systems, based on previous numbers it is obvious that additional classrooms will be required. Mr. Magas had calculated cost based on the current square foot cost to the county to build 15 new classrooms for a 320 homes versus five classrooms for 100 new homes. The total cost including state funds on 320 homes would be approximately 3.7 million. Cecil County's portion would be 30% of the cost in addition to 100% of the cost to manage and plan the project, site acquisition etc. is roughly 1.2 million. Mr. Magas also calculated the salaries and benefits for additional teachers and staff for both densities of housing assuming one teacher per classroom and four additional staff for 320 homes. The report in its entirety is attached to the original copy located in the P&Z Office, which includes in addition to prior mentioned items, transportation, building maintenance, costs to taxpayers, other impacts and recommendations.

Ed Cairns of Jackson Hall School House Road has an extensive background with traffic matters as he has worked with DelDOT and MDot and served seven years on the WILMAPO Council dealing with transportation issues. He is a knowledgeable non-professional who has been accepted as an expert witness by the Cecil County Board of Appeals. Mr. Cairns pointed out various locations on the map. The data that was presented came from two sources, Hose Counts by the Cecil County Department of Public Works and Traffic Counts by ARCA People at three intersections; Appleton Road and Rte 273, Appleton Road and Barksdale Road and Rte 273 and Jackson Hall School Road. The intersection at Jackson Hall School Road is of particular interest, which is in Delaware but used extensively by Cecil County residents. The site distance to the west is only 366'. The 85 percentile tile speed on the east bound traffic is 63.2 miles per hour. That gives slightly less than four seconds for Jackson Hall School Road traffic to clear the intersection. Mr. Cairns stated that because he lives just down from the intersection on Jackson Hall School Road he has frequently found when turning towards Newark it looks clear, he turns out and before he can get up to speed there is a car right behind him. So far they have managed to break in time. While attempting to conduct a traffic survey there was a motorcycle accident leaving the road closed for 90 minutes. Several intersections are in need of signal lane improvements including Appleton Road and Fletchwood Road. Aston Pointe will generate some 4500 trip ends with 370 houses and a golf course. The capacity will be overloaded at Jackson Hall School Road at the State line and down below Barksdale Road on Appleton Road. Mr. Cairns had exceeded his five minutes and was unable to complete his presentation. The presentation in its entirety is attached to the original copy located in the P&Z Office.

Owen Throne, 20 Hillwood Road stated that many of the areas being threatened by Aston Pointe have been farmed since the 1600's. Land that was once farmed by President Andrew Jackson's father and the remains of his house are believed to be right in the middle of this proposed high density development. The name sake Jackson Hall School built near by in the 1870's is also in the construction path. Historical homes and farms line the country road and cluster around the intersections where the proposed road upgrades would be required and threaten their very survival. Some of these buildings along with Indian archeological sites are believed to be hidden within the Aston Pointe proposed lands are listed on the National Register of Historical Places and are our responsibility to protect from harm. Agriculture has always been the chief business of Cecil County and unless we all stop eating there will remain a growing demand for agriculture products. In only the last 50 years the number of farms in the county has declined from nearly 1500 to around 400 today. Taxes have risen in recent years such as it is no longer possible for many farmers to make a living on their land forcing them to sell to these developers who want to bring their urban sprawl here from out of state. Many historical farms and stables will be destroyed to make room for Aston Pointe houses slated to be built on lot areas smaller than 1/5 of an acre and a country club for the exclusive use of Newark golfers. This is not in keeping with the County goals to preserve and protect existing farms and maintain open space and it would require violating the water and sewer plan as mentioned earlier. The Fair Hill National Resources area and the Fair Hill rural

PLANNING COMMISSION MINUTES 2004

legacy area right next door attract hundreds of thousands of visitors annually for recreational uses and the surrounding horse farms and related business provide a whole lot of jobs and tax dollars in this district. Stables, business and horse farms will be sold off and shut down if rural high density development is approved. Thousand of horse people and media from around the world come here to the Fair Hill events to share in our unquestioning heritage. Other recreational tours can expect to suffer without a greenway connecting Fair Hill trails with those of White Clay. Hikers and bicyclers are forced on to County roads and with the expected 50% increase. We will see these tourist dollars go elsewhere along with the hunters, fisherman, birders and other friends of nature. These natural and cultural attractions are what set the Fair Hill and Appleton area apart from the rest of the crowded northeast. Golf courses have to use tremendous amounts of water especially during start up, often drying up nearby wells. Run off of soils and pesticides and fertilizers often threaten nearby streams and aquifers. This private golf course will not benefit it s fenced out Cecil County neighbors, only the developers and wealthy Delaware membership. What if it fails as so many golf courses and clubs have recently. In conclusion a greenway connecting Delaware and Fair Hill trails should be an absolute requirement of the Commission s approval of any development on any scale. Second steps need to be taken immediately to develop and implement a supplemental Comprehensive Plan specific to the Fair Hill Appleton and Cowantown areas before the damage to our agriculture equestrian and tourism resources is irreversible. Third the current Concept Plan should be rejected as it is opposed by the vast majority of residents and in fact will only benefit the wealthy developers and those who properties are to be developed. Let s keep high density down near Rte 40 and 95 where infrastructure is already in place to support it. If you must allow these threats to our homes and the well being of future generations to proceed we propose that you approve no more than 100 homes on percable lots no smaller than an acre or so, no BG and all remaining land dedicated to permanent open space. Well and septic work fine for the rest of us and not until the new plan is in place should any approval be given to bring in out of state water and extend County sewer services to this area. Thank you very much. I believe that I represent many other citizens of the County in addition to the ARCA of which I am a member.

Tom Klenk of 112 Marlyn Drive located in the Appleton Acres Development at Rte 273 and Appleton Road. Mr. Klenk stated that he did not have a lot of facts and figures but as a resident who travels from Fair Hill area to Elkton everyday to work. The roads do not support the current traffic as already noted. He noted support of all other comments that had been made in respect to the schools, water which is a big concern. When Mr. Klenk first moved to Cecil County, about 13 years ago, he chose his present home because of the character. The Planning Commission holds that character in trust. Therefore, before violating that trust he asked that they listen to the community. Again the Comprehensive Plan was designed for development within certain areas, therefore pressure developers to consider the same before taking our space and turning it into high density housing.

Kevin Kohler of 7 Harvest Lane in Elkton thanked the coordinated effort going on by ARCA. Although he has no part in the organization he acknowledges that they have done a great job and he agrees with everything that had been said. It was his intention to speak both for his family, himself and on behalf of the residents of Glen Farms and the Appleton area in general on three points. Point one being large lots. The main reason that my family chose to move to this area was because they prefer rural surrounds, low traffic and relative quite. They like the proximity to Newark Delaware, yet had no desire to live within the over developed urban swale. The uncrowdedness of the area is what appealed to them first and foremost. Along with the large number of developed trees, minimum lot sizes within the Glen Farms and all the other developments contiguous to and surrounding the proposed Aston Pointe development. Conversely within the proposed Aston Pointe 74 lots are proposed at less than 1/5 of one acre (approximately 100 x 100) which is pretty small. Point number two was the comprehensive zoning and Water and Master Sewer Plan. I don t need to

