

CECIL COUNTY PLANNING COMMISSION

Meeting Minutes

January 21, 2009

Present: B. Patrick Doordan; Joe Janusz; Ken Wiggins; H. Clay McDowell; Tim Whittie; Mark Woodhull; Clara Campbell; Fred von Staden; Rebecca Demmler; Tony Di Giacomo; Jennifer Bakeoven; Trisha Rarick, Court Reporter.

Absent: Bill Mortimer, Guy Edwards, Wyatt Wallace and Eric Sennstrom.

Call to Order: Vice Chair Doordan called the meeting to order at 12:00 p.m.

Approval of the Minutes: Mr. Janusz made a motion for approval. The motion was seconded by Mr. McDowell. All approve. Motion carried.

1. The Villages at North East, Shady Beach Road, Preliminary Plat Extension, Taylor Wiseman Taylor, Fifth Election District.

Michael Pugh, Corridor Land Services and Ed Carroll, Windsor Company, appeared and presented an overview of the project.

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

This proposal is in compliance with §3.8 & §3.9.1 regarding public notification.

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

Zoning: SR & NAR

Density: The original 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.

§4.0.9 of the Cecil County Subdivision Regulations then provided that Concept Plats shall be valid for two years from date of approval. The 9/16/02 Concept Plat approval expired on 9/16/04, but was re-approved on 4/17/06.

The Preliminary Plat, proposing 707 lots on 354.77 SR-zoned acres¹, for a proposed density of 1.99/1² was approved on 1/22/04, conditioned on:

- 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;
- 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 hence forward be the Villages at North East; and
- 16) All issues being resolved and questions answered relative to the greenway and Elk Neck Trail prior to Final Plat review.

The Preliminary Plat approved on 1/22/04 expired on 1/22/06³, but was also re-approved on 4/17/06, conditioned on:

¹ The completed **boundary line survey** resulted 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 709), and the discovery that a portion of the property was located on the west side of Shady Beach Road.

² The **SR** zone permits a maximum base density of 1 du/ 1 acre. With community facilities, a density of 2/1 is permitted.

³ Per §4.1.17.

- 1) All previous conditions of the 1/22/04 Preliminary Plat approval remaining in effect, as appropriate; and
- 2) All previous agreements among the developer, SHA and the County regarding road improvements and their phased implementation continuing to be binding.

§4.1.17 provides that Preliminary Plats shall be valid for two years from date of approval. Therefore, the 4/17/06 Preliminary re-approval was extended on 2/20/08. It, in turn, will expire on 5/21/09 unless the Final Plat⁴ approved on 5/21/07 is recorded – or the requested extension is granted in the interim. If granted, this extension will expire on 1/21/10.

§4.1.18 of the Subdivision Regulations stipulates, “The Planning Commission may, at their regular monthly meeting, grant an extension of the Preliminary approval for one (1) year upon application of the developer. If granted, said extension shall run for one (1) year from the date said extension is granted. In connection with such request, the Commission shall consider the following:

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

There were no such relevant changes.

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

The Department has no objection to extending the preliminary plat. All outstanding comments made at the April 17, 2006 Planning Commission meeting still apply. Those comments will be made part of the minutes but not be read at its time.

1. Sanitary Sewer allocation was previously 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 allocation expired w/ the expiration of the concept plat and must be renewed.
2. Applicant may update their request for public sanitary sewer allocation upon Preliminary Plat approval by the Planning Commission.

⁴ The Phase One, Two, Three and Pump Station Final Plat was approved on 5/21/07, conditioned on:

- 1) Health Department requirements being met;
- 2) Department of Public Works requirements being met;
- 3) All previous agreements among the developer, SHA and the County regarding road improvements and their phased implementation continuing to be binding;
- 4) Future phases/sections providing an additional 166.2 acres of common open space;
- 5) **Deed restrictions** for the long-term protection of the Forest Retention/ Afforestation Areas (**FRA**s) **for the site plan** being recorded prior to recordation of the **Phase 1, 2, & 3** Record Plat;
- 6) **Deed restrictions** for the long-term protection of the Forest Retention/ Afforestation Areas (**FRA**s) **for Phases 1, 2, & 3** 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) The **Landscape Agreement** for the Site Plan being executed prior to the recordation of the **Phase 1, 2, & 3** Record Plat;
- 8) The **Phase 1, 2, & 3 Landscape Agreement** being executed prior to the recordation of the Record Plat;
- 9) A **Homeowners' Association** for maintenance of common open space, the clubhouse, common parking, landscape islands, and recreational facilities being established prior to recordation, including \$50 per recorded lot being placed in escrow for improvements to the common open space and landscape islands prior to recordation;
- 10) Active recreation improvements being included in the Public Works Agreement;
- 11) The **§186** street trees with 10' planting easements, outside the right-of-way, along both sides of all internal roads being depicted and noted on the Record Plat;
- 12) **All references to proposed lots numbered higher than 709 being deleted and replaced by other nomenclature on the Record Plat;**
- 13) **Conditions 11 & 12 of Preliminary Plat approval being fully satisfied prior to recordation;**
- 14) **The Elk Neck Trail greenway connecting with the adjacent Rhodes Mountain Estates in future phases/sections' Final and Record Plats;**
- 15) **Any remaining issues being resolved and questions answered relative to the greenway and Elk Neck Trail prior to future phases/section's Final Plat reviews;**
- 16) **The details of the sidewalks and walking/bike paths, as well as walking and biking space on all roads being included in the construction drawings; and**
- 17) **The adjacent Rhodes Mountain Estates subdivision being identified on the Record Plat and on future phases/section's Final and Record Plats.**

3. This property is subject to the Mauldin Avenue Sewer Benefit Assessment of \$1,275.00/ELU in addition to connection fees.
4. 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 submittal; a street and storm drain submittal; a water system submittal, a water distribution submittal, and a sanitary sewer submittal. The sanitary sewer submittal must also reflect the proposed water line locations and all proposed fire hydrant locations. Stub connection points for water line must be at both entrances. The engineer must demonstrate that adequate fire flow and pressure is available throughout the system.
5. DPW requires hydrants at each intersection (including entrances at Shady Beach Road) and along the internal streets at separation distances of no more than 600 feet
6. The SWM ponds proximity to recreation areas may need to be fenced depending on the slopes designed for the ponds.
7. 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.
The Dela Plaine 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.
8. 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.
9. A timeline and schedule for the required offsite road improvements to Shady Beach Road and the MD Rte 272/Shady Beach Road/Hance Point Road intersection was established by the Department of Public Works on August 25, 2005.
10. Note 10 says private water supply, but the plan is for the county to accept the system; why hasn't the note been updated? What is the plan? If the water system is to be a privately maintained water system, the design of the same must be submitted to the Department of Public Works and must be approvable to the Department of Public Works in accordance with the Cecil County Standard Specifications and Details for Water Mains and Sewer Mains. Additionally, departmental approval of the private water system design must be indicated by the owner by note on the final plat submitted for approval in accordance with Section 4.2.13(U) of the Cecil County Subdivision Regulations.
11. The following standard notes and requirements apply to this plat and project: The details of these notes and requirements will be identified in the record but will not be read at this time:
 - 11.1 *The Final Plat Lot Grading, Sidewalk Maintenance, and Lot Grading Plan Construction Limits Notes.*
 - 11.2 *Compliance with Sections 251-9.A(5), 251-13, and 251-15.D. of the Cecil County Stormwater Management Ordinance.*
 - 11.3 *Compliance with Section 3.07.15 of the Cecil County Road Code.*
 - 11.4 *Requirements for Utility relocations.*
 - 11.5 *Requirements for Public Works Agreements.*
 - 11.6 *Requirements for Stormwater Inspection and Maintenance Agreements.*
 - 11.7 *Requirements for County Roads .*
 - 11.8 *Requirements for Driveways.*
 - 11.9 *Requirements for Final Plat - Public Water and Sewer Allocation.*
 - 11.10 *Requirements for Sewer Service Cleanouts – Location.*

Notes and requirements identified for record:

1. *The Final Plat must include the Lot Grading Plan standard note and a note indicating that sidewalk maintenance will be required of the adjacent property owner (if sidewalks are required). The Lot Grading Plan must include the standard construction limits note.*
 - a. *Final Plat: "A lot grading plan has been approved by the CCDPW for the construction shown hereon. A site construction as built shall be submitted to the CCDPW prior to use and/or occupancy of any of the sites shown hereon. Any change to the Forest Retention, Forestation, and/or Reforestation will require a consistency review, of the SWM approval, with CCDPW."*

- b. *Final Plat: "Sidewalk maintenance will be required of the adjacent property owner, as required by the Cecil County Road Code."*
 - c. *Grading Plan: "No clearing or grading is permitted beyond the limits of disturbance show hereon. Any expanded clearing and/or grading in the absence of an approved revised lot grading plan may be considered non-compliance with Chapter 251 of the Cecil County Code and either or both the developer and/or Builder may be subject to the enforcement of the penalty provisions therein."*
2. *The downstream conveyance of storm water must be analyzed in accordance with Section 251-9 A. (5) of the county's SWM Ordinance. If stormwater discharge is directed off of the site on to adjacent property it is the responsibility of the Developer to obtain appropriate easements from the affected property owners per Sections 251-13 and 251-15.D of the Cecil County SWM Ordinance.*
 3. *Section 3.07.15 of the Road Code requires that Shady Beach Road be upgraded to a Collector Road, Cecil County Road Code Standard R-7 for 100' either side of the proposed entrance. The design engineer must address the requirement for minimum acceleration, deceleration, and bypass lanes. Any right-of-way acquisition necessary shall be performed by the applicant and at the applicant's expense.*
 4. *Where determined necessary by the utility companies, the owner, the designer, or DPW, utility poles must be relocated at the Developer's expense.*
 5. *A Public Works Agreement is required for the streets & storm drainage, private water and public sewer system constructions.*
 6. *An Inspection & Maintenance Agreement is required for the private SWM facilities.*
 7. *The street R.O.W. entrance tapers must be offset 25' from the R.O.W. point of intersection and be straight lines, per 7.2.12.E.3 of the Subdivision Regulations. The internal street grade leaving Shady Beach Road may not exceed 5% within the limits of the intersection right-of-way.*
 8. *All driveways must be paved at least to the right of way. The driveway paving must be complete for all lots at the time when the surface course for the internal roads is installed. This requirement includes any vacant but platted lots. Any driveway exceeding 5% up-gradient-slope from the roadway must be paved to the crest. If the development is phased these requirements will apply to each phase when 80% of the lots are built-out. All of these requirements must be reflected on the Lot Grading Plan.*
 9. *Developer must request and obtain a public sewer allocation from the Department of Public Works before submitting a final plat to the Cecil County Planning Commission for approval.*
 10. *All sewer service cleanouts must be designed to be outside of all paved or concrete areas on each lot and this must be shown on the utility plans.*

Mr. Wiggins read the comments of the Health Department:

The Health Department has no objection to Preliminary Plat extension.

Vice Chair Doordan asked if anyone would like to speak in favor or in opposition of this project.

Tina Schnell, 12 Old York Court, North East, MD 21901, spoke in opposition.

Mr. Di Giacomo read the recommendation of the staff:

The **GRANTING** of a 1-year extension, to expire on 1/21/10.

A motion for the granting of a one year extension was made by Mr. Wiggins.

The motion was seconded by Mr. Janusz.

All approve. Motion carried.

2. Baldwin Mill, Lots 1-256, Elk Mills Road, Concept Plat Extension, McCrone, Inc., Third Election District.

Mike Burcham, McCrone, Inc., Michael Pugh, Corridor Land Services and Ronald Myers, owner, appeared and presented an overview of the project.

Discussion ensued regarding the possibility of an additional access point.

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

This proposal is in compliance with §3.8 & §3.9.1 regarding public notification.

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

Zoning: SR

Density: The Concept Plat, proposing 256 lots on 243.4 acres, for a proposed density of 1.05/1, was approved on 2/20/07, conditioned on:

- 1) The boundary line survey being completed prior to the TAC's review of the Preliminary Plat;
- 2) Documentation of the completed JD being submitted prior to the Planning Commission's review of the Preliminary Plat;
- 3) The PFCP's being approved prior to the Planning Commission's review of the Preliminary Plat;
- 4) The completion of a TIS prior to the TAC's review of any Preliminary Plat;
- 5) The exact limits of the floodplain being established on the plat prior to the TAC's review of any Preliminary Plat; and
- 6) The applicant consulting with the CSX Railroad to inform them of the intention of the use of the emergency access and provide documentation thereof to all departments involved as well as the Planning Commission with the easement information prior to the Planning Commission's review of the Preliminary Plat.

At that time, per §4.0.9, Concept Plat approvals remained valid for two years. Therefore, the Concept Plat's validity will expire on 2/20/09, unless an extension is granted or a Preliminary Plat is approved in the interim.

§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. If granted, said extension shall run for one (1) year from the anniversary of the original date of approval. 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."

Staff notes that there have been no such changes.

If granted, the requested extension would expire on 2/20/10.

'06 School information:	Elementary Kenmore	Middle Cherry Hill	High School Elkton
FTE	276.5	571	1097
Capacity	275	754	944
% Utilization	101%	76%	116%

School information:	Elementary Kenmore	Middle Cherry Hill	High School Elkton
FTE	315	494	1112
Capacity	306	775	944
% Utilization	103%	64%	118

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

The Department has no objection to extending the preliminary plat. The current Road Code (adopted on August 19, 2008) will apply to this development. All outstanding comments made at the February 20, 2007 Planning Commission meeting still apply. Those comments will be made part of the minutes but not be read at its time.

1. A SWM plan, Public Water Distribution and Sewer Collection System plan, Road & Storm Drain plan, and a Mass and Final Grading plan must be approved by the CCDPW prior to submittal for Final Plat Approval.
2. This parcel is not located within a Cecil County Master Water& Sewer Plan (MWSP) Public Water & Sewer Service Districts. The Developer must obtain an amendment to the Cecil County MWSP before submitting any final plat for planning commission approval.
3. There is no county sanitary sewer service in the immediate area. Connection to the Meadowview WWTP will be the Developer's responsibility including obtaining all required easements and the installation of the sewer main between the site and the nearest existing manhole. The applicant is also responsible for all costs in doing so.
4. The Developer must also analyze the existing sanitary sewer main from the proposed point of connection to the WWTP to determine if adequate capacity exists in the line. This analysis must be submitted prior to the sanitary sewer plan submittal.
5. The ability of the existing water distribution system, together with the proposed service extensions, to provide adequate fire flow and pressure must be demonstrated through an update to the Engineering Report of Meadow View – Highlands Water System Analysis prepared by George, Miles, & Buhr, LLC and dated October 2004. The Developer must engage a Maryland licensed professional engineer, at the Developer's cost, to upgrade the water system model.
6. Has any consideration been given to the providing all or some portion of the potable water needs for this development on site (i.e. Aston Pointe or Villages at North East)?
7. The Developer is responsible to submit an engineer's preliminary layout for the subdivision public water & sewer, including any pumping or booster stations, to the Department of Public Works at least thirty (30) days prior to TAC review of a preliminary plat.
8. The water distribution system proposed should provide for possible future connection capability to the lands west of this development.
9. The Developer is responsible to have the serving fire company review fire hydrant spacing and locations prior to final engineering drawings submittal.
10. An SHA access permit is required for the MD Rte 277 entrance.
11. Any Road Code Variances sought must be requested prior to submittal for Preliminary Plat approval.
12. Lots 1 & 48 are denied direct access to Mill Pond Lane.
13. All lots must access the less major road frontage and be denied direct access to the more major road.
14. All proposed minor roads must be closed section with a minimum 30' pavement width and all proposed minor collector roads must be closed section with a minimum 32' pavement width.
15. The Department has concern that the proposed Mill Pond Lane provides sufficient queuing potential for the number of AM/PM peak hour traffic loading generated by this development. Applicant's engineer must provide a queuing analysis demonstrating the ability of Mill Pond Lane and Weave Mill Way to handle this loading prior to submitting the preliminary plat for TAC review.
16. Pre-design geotechnical evaluation and borings along the proposed road stream and wetlands crossings is required, along with specific remedial recommendations for subsurface drainage and street sub grade placement.
17. The structure on Baldwin Mill Way crossing over the unnamed perennial stream must be approved as part of the road plan approval passing the 100 year storm without overtopping. A

re-mapping of the 100-year flood plain onsite and a hydraulic analysis of the new stream crossing must be submitted by the applicant's engineer as part of the crossing design.

18. Likewise the structures crossing the intermittent stream on Baldwin Mill Way, Hoagland Lane, and Elk Mills Way East must be approved as part of the road plan approval passing the 25 year storm without overtopping.
19. What is envisioned for the proposed 25' wide emergency access? The HOA must maintain this area.
20. Show any private stormwater management and stormwater management outfall easements across common open space on preliminary and final plats.
21. What is the proposed disposition of the structures and driveway on Lots 231 & 232?
22. The following standard notes and requirements apply to this plat and project: The details of these notes and requirements will be identified in the record but will not be read at this time:
 - 22.1 The Final Plat Lot Grading, Sidewalk Maintenance, and Lot Grading Plan Construction Limits Notes.
 - 22.2 Compliance with Sections 251-9.A (5), 251-13, and 251-15.D. of the Cecil County Stormwater Management Ordinance.
 - 22.3 Requirements for Utility relocations.
 - 22.4 Requirements for Public Works Agreements.
 - 22.5 Requirements for Stormwater Inspection and Maintenance Agreements.
 - 22.6 Requirements for County Roads.
 - 22.7 Requirements for Driveways.
 - 22.8 Requirements for Sewer Service Cleanouts – Location.

Notes and requirements identified for record:

1. The Final Plat must include the Lot Grading Plan standard note and a note indicating that sidewalk maintenance will be required of the adjacent property owner (if sidewalks are required). The Lot Grading Plan must include the standard construction limits note.
 - a. *Final Plat: "A lot grading plan has been approved by the CCDPW for the construction shown hereon. A site construction as built shall be submitted to the CCDPW prior to use and/or occupancy of any of the sites shown hereon. Any change to the Forest Retention, Forestation, and/or Reforestation will require a consistency review, of the SWM approval, with CCDPW."*
 - b. *Final Plat: "Sidewalk maintenance will be required of the adjacent property owner, as required by the Cecil County Road Code."*
 - c. *Grading Plan: "No clearing or grading is permitted beyond the limits of disturbance show hereon. Any expanded clearing and/or grading in the absence of an approved revised lot grading plan may be considered non-compliance with Chapter 251 of the Cecil County Code and either or both the developer and/or Builder may be subject to the enforcement of the penalty provisions therein."*
2. The downstream conveyance of storm water must be analyzed in accordance with Section 251-9 A. (5) of the county's SWM Ordinance. If stormwater discharge is directed off of the site on to adjacent property it is the responsibility of the Developer to obtain appropriate easements from the affected property owners per Sections 251-13 and 251-15.D of the Cecil County SWM Ordinance.
3. Where determined necessary by the utility companies, the owner, the designer, or DPW, utility poles must be relocated at the Developer's expense.
4. A Public Works Agreement is required for the streets & storm drainage and public water & sewer system constructions.
5. An Inspection & Maintenance Agreement is required for the private SWM facilities.
6. The street R.O.W. entrance tapers must be offset 25' from the R.O.W. point of intersection and be straight lines, per 7.2.12.E.3 of the Subdivision Regulations. The internal street grade leaving Elk Mills Road may not exceed 5% within the limits of the intersection right-of-way.
7. All driveways must be paved at least to the right of way. The driveway paving must be complete for all lots at the time when the surface course for the internal roads is installed. This requirement includes any vacant but platted lots. Any driveway exceeding 5% up-gradient-slope from the roadway must be paved to the crest. If the development is phased these requirements will apply to each phase when 80% of the lots are built-out. All of these requirements must be reflected on the Lot Grading Plan.
8. All sewer service cleanouts must be designed to be outside of all paved or concrete areas on each lot and this must be shown on the utility plans.

Mr. Wiggins read the comments of the Health Department:

The Health Department has no objection to Concept Plat extension.

Vice Chair Doordan asked if anyone would like to speak in favor or in opposition of this project. No one spoke.

Mr. Di Giacomo read the recommendation of the staff:
The **GRANTING** of a one-year extension, to expire on 2/20/10.

A motion for the granting of a one year extension was made by Mr. McDowell.
The motion was seconded by Mr. Wiggins.

All approve. Motion carried.

3. Cherrington, 380 Units, Blue Ball and Dogwood Roads, Concept Plat, Van Cleef Engineering Associates, Third Election District.

Scott Lobdell, Van Cleef Engineering, appeared and presented an overview of the project.

Mr. Di Giacomo, P&Z, read the comments of the department:
This proposal is in compliance with §3.8 & §3.9.1 regarding public notification.

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

Zoning: RM

Density: Proposed are 380 dwelling units on 65.39 acres, for a proposed density of 5.81/1. The RM zone permits a townhouse density of 12/1 and 16/1 for apartments (as a structure type).

The Election District information has been added to the title block.

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

Parcel 1135 has now been included in a table of adjacent properties' data, on Sheet 1 of 4.

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.⁵

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'. The depicted floodplain appears tied to the FEMA map rather than actual topographic information.

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. In this case, given the proposed wetland impacts, it must be obtained

⁵ The Cecil County Subdivision Regulations define steep slopes as "15 percent or greater incline." The Cecil County Zoning Ordinance defines steep slopes as consisting of a grade of 25% or more covering a contiguous area of 10,000 ft² or more. The Cecil County Forest Conservation Regulations define steep slopes as "areas with slopes greater than 25 percent slope."

prior to Final Forest Conservation Plan approval.⁶ JD's are required in conjunction with permitting. If no permits are required, and if the proposed project meets the policy standards established on 3/20/95 and revised on 1/16/96, or if the FSD/Conceptual Environmental Assessment finds that there are to be no impacts to field-delineated wetlands or stream impacts, or if the FSD/Conceptual Environmental Assessment finds that there are no wetlands or streams and that finding is consistent with the details of County wetlands maps and USGS quad maps, then no JD is required. If required, then a JD is recommended to be done prior to Final Plat review by the Planning Commission, but required to be completed prior to recordation.

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

20% open space is required in the RM zone; 68.14% is proposed.

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

Per §29.5.a (1), a minimum of 25% of the development envelope shall be landscaped.

Sidewalks have been shown. In the interest of safety, the proposed "active open space" areas, especially if tot lots, should be kept as far away from vehicular traffic as possible. Striped bike lanes and back racks should be considered.

Per §29.5.a (1), a 25' Bufferyard standard C is required around the perimeter of the development tract.

Bufferyard Standard C is required, outside the right-of-way, along the road frontages of Blue Ball and Dogwood Roads.

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

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

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

Per §187.2, the Planning Commission may require bufferyards to separate different zoning districts from one another. A Bufferyard Standard A will be required adjacent to any adjoining property on which an agricultural operation is occurring.

⁶ Upon FCP approval, a grading permit can be issued. However, grading cannot be permitted in a wetland area unless an MDE/Corps permit to do so has been issued.

Where feasible, the natural vegetative equivalent may be used to satisfy the bufferyard 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 DNR.

The FSD was approved on 10/15/08.

The PFCP must be approved prior to the Planning Commission's review of the Preliminary Plat (§6.2.B(1), Cecil County Forest Conservation Regulations).

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

A Landscape Agreement must be executed prior to recordation.

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

Road names have been proposed, but the names Cherrington & Hawthorn Courts, Howard Drive, & Palmetto Court were not approved by the 911 Emergency Center. All internal road names must be approved prior to Planning Commission review of the Preliminary Plat.

A Traffic Impact Study (TIS) will be required prior to the TAC's Preliminary Plat review.

The number and ratio of off-street parking spaces to dwelling units has been provided and indicates that all units are proposed to be 2-bedroom units. The Preliminary Plat's details must show that there are at least 760 parking spaces.

This design is consistent with the SHA's comments with regard to the proposed apartments. A new street is shown, providing access to Parcels 221, 222 & 294.

A number of existing structures are depicted; what will be their disposition?

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

The Master Water and Sewer Plan classifies this site as W2 and S2.

The Record Plats shall also contain a statement, signed by the owner, to the effect that such facilities will be available to all apartments offered for lease.

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

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

For subdivisions proposed on property contiguous to operating farms, notice shall be provided on the plat that an agricultural operation is being conducted on a contiguous property and said agricultural

operation is protected from nuisance claims provided the conditions of Article I, § 4 are being complied with.

For apartments with a proposed townhouse structure type, the “lot” regulation information contained in Subdivision Data Note # 13 does not pertain.

School information:	Elementary	Middle	High School
	Gilpin Manor	Elkton	Elkton
FTE	380	626	1112
Capacity	416	712	944
% Utilization	91%	88%	118%

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

1. A SWM plan, Road & Storm Drain plan, Sanitary Sewer plan, Water Distribution plan, and a Mass & Final Grading plan must be approved by the CCDPW prior to submittal for Final Plat Approval. The fees for design review of this project must be provided at the time of first design submittals.
2. The water system must accommodate fire flow requirements. Identify fire hydrant locations on the preliminary plat submitted to the Technical Advisory Committee (TAC) for review. Also submit the proposed fire hydrant locations to the serving fire company for their review & comment.
3. Easements for private water & sewer lines inside of County ROW must be provided and shown on the preliminary plat presented to the TAC for review.
4. Identify all SWM Access, Inspection & Maintenance, and drainage easements on the preliminary plat presented to for TAC review.
5. The Department has a concern about where the discharge from the SWM pond adjacent to Bldg. No. 40. It appears that it will cross an adjoining property prior to reaching Dogwood Run. As such, make sure that you comply with all necessary requirements of Section 251-13 D of the Cecil County Storm Water Management Ordinance.
6. The proposed 380 apartments with the approximately 2,500 average daily trip ends they generate will greatly increase the traffic loading on Dogwood Road. Therefore a Traffic Impact Study (TIS) is required for this proposal as is a traffic count identifying current loading of Dogwood Road.
7. With the current condition of Dogwood Road and the traffic loading generated by the 380 units proposed the Developer will be required to provide a Protocol 2 road condition survey & road improvements plan for the full extent of Dogwood Road. This survey and road improvement plan must be approved by the DPW prior to the TAC review of the preliminary plat. At this time the Developer needs to be aware that offsite road improvements to Dogwood Road will be required based upon the road improvement plan approved by the Department.
8. While the new layout proposed here provides for the two entrances onto Dogwood Road the Cherrington Road entrance does not appear to be achievable where located. The Developer does not own sufficient road frontage on Dogwood Road to accommodate the deceleration lane requirements identified in Section 3.07.6 of the Cecil County Road Code. The decel lane cannot cross the driveway accessing the parking lot on Parcel 144.
9. Remember that the length of the acceleration and deceleration lanes is measured from the point of curvature of the entrance curve not from the point of intersection of the road centerlines.
10. Have you analyzed the requirements of Section 3.07.8 ‘By-pass lane’ to determine if it is warranted for this development? Mr. Lobdell said based on the initial splits, it is borderline whether it will be needed or not. They will look into it with more detail when the traffic study is completed.
11. The Developer is responsible for obtaining any/all ROW required to accommodate the entrances.

12. The proposed entrances must be designed to accommodate the turning movement requirements identified in Section 3.07 of the Cecil County Road Code.
13. A sight distance submittal is required for all proposed Dogwood Road access points. The submittal must address intersection as well as stopping sight distances for both entrances and be approved prior to submitting the preliminary plat for TAC review. Mark the centerlines of the proposed entrances in the field.
14. All entrance design and offsite road improvement issues must be resolved to the Departments satisfaction prior to submitting the preliminary plat for TAC review. That plat must identify by note and plan all road improvements agreed to by the Department.
15. The internal streets will be privately owned and maintained by the apartment complex owner. While the County will not take ownership the internal streets must be designed to County standards.
16. There are concerns regarding the construction of buildings, streets and a SWM pond over designated wetlands. Any MDE permitting required for this SWM pond location must be obtained prior to the Department approving the SWM plan.
17. The following standard notes and requirements apply to this plat and project: The details of these notes and requirements will be identified in the record but will not be read at this time:

17.1 The Final Plat Lot Grading Note and the Lot Grading Plan Construction Limits Note.

17.2 Compliance with Sections 251-9.A (5), 251-13, and 251-15.D. of the Cecil County Stormwater Management Ordinance.

17.3 Requirements for Utility relocations.

17.4 Requirements for Stormwater Inspection and Maintenance Agreements

17.5 Requirements for Public Works Agreements.

Notes and requirements identified for record:

1. The Final Plat must include the Lot Grading Plan standard note and the Lot Grading Plan must include the standard construction limits note.
 - a. *Final Plat:* "A lot grading plan has been approved by the CCDPW for the construction shown hereon. A site construction as built shall be submitted to the CCDPW prior to use and/or occupancy of any of the sites shown hereon. Any change to the Forest Retention, Forestation, and/or Reforestation will require a consistency review, of the SWM approval, with CCDPW."
 - b. *Grading Plan:* "No clearing or grading is permitted beyond the limits of disturbance show hereon. Any expanded clearing and/or grading in the absence of an approved revised lot grading plan may be considered non-compliance with Chapter 251 of the Cecil County Code and either or both the developer and/or Builder may be subject to the enforcement of the penalty provisions therein."
2. The downstream conveyance of storm water must be analyzed in accordance with Section 251-9 A. (5) of the county's SWM Ordinance. If stormwater discharge is directed off of the site on to adjacent property it is the responsibility of the Developer to obtain appropriate easements from the affected property owners per Sections 251-13 and 251-15.D of the Cecil County SWM Ordinance.
3. Where determined necessary by the utility companies, the owner, the designer, or DPW, utility poles must be relocated at the Developer's expense.
4. An Inspection & Maintenance Agreement is required for the private SWM facilities.
5. A Public Works Agreement is required for the street & storm drainage construction.

Mr. Wiggins read the comments of the Health Department:

Show all existing structures and locate existing well (s) on preliminary plat. Locate existing septic systems on preliminary plat. All existing wells must be abandoned and sealed by a licensed well driller prior to record plat approval. Septic tanks, cesspools, or seepage pits must be pumped by a licensed septic hauler and filled with earth prior to record plat approval.

This site is adjacent to an area of failing septic systems as listed in the Cecil County Master Water and Sewer Plan (Dogwood Road / Blue Ball Road). Every effort should be made during the design of this project to allow the extension of public sewage and public water to the area.

Identify the water supply and public sewer plant to be utilized for this project. Adequate water and sewer allocations are required prior to Final Plat approval.

Vice Chair Doordan asked if anyone would like to speak in favor or in opposition to this project. No one spoke.

Discussion ensued regarding how school capacity factors into the Planning Commission's decision making process.

Mr. Di Giacomo read the recommendation of the staff:

APPROVAL, conditioned on:

- 1) All road names being approved prior to Preliminary Plat review by the Planning Commission;
- 2) A Traffic Impact Study (TIS) being completed prior to Preliminary Plat review by the TAC;
- 3) The boundary line survey's being completed prior to Preliminary Plat review by the Planning Commission;
- 4) Fire hydrant locations being selected in consultation with the Department of Public Works and the Singerly Fire Company prior to the TAC's Preliminary Plat review; and
- 5) The open space sensitive areas thresholds being calculated for inclusion on the Preliminary Plat prior to TAC review.

A motion for approval with conditions was made by Mr. Janusz.

The motion was seconded by Mr. Wiggins.

All approve. Motion carried.

4. Wohner Property, Lots 1-66 and Common Open Space, Cat Swamp Road, Final Plat, Morris & Ritchie Associates, Inc., Fourth Election District.

James Keefer, Morris & Ritchie Associates, Inc., Bill Stritzinger, developer and Rick Bechtel, Esq., appeared and presented an overview of the project.

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

This project is in compliance with §3.8 & §3.9.1 regarding public notification.

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

Zoning: SR

Density: The Concept Plat, proposing 74 lots on 72.22 (now 74.6135) acres, at a density of 1.02/1,⁷ was approved on 3/20/06, conditioned on:

- 1) The JD being completed prior to the Planning Commission's review of the Preliminary Plat;
- 2) The boundary line survey being completed prior to the TAC's review of the Preliminary Plat;
- 3) "From the Department of Public Works, the timing of a filed plat submittal for the Wohner Concept shall not precede the approval an executed Public Works Agreement covering:
 - a. The extension of Country Club Drive to Cat Swamp Road;
 - b. The offsite road improvements for Cat Swamp and Barksdale Roads required for the Aston Pointe development;

⁷ The **SR** zone permits a density of **2/1** with community facilities, and this project is to be served by **public water and sewer** – consistent with an amendment to the Master Water and Sewer Plan to include this property in the planned water and sewer service areas.

with this condition remaining subject to any subsequent phasing change or modification of the conditions of approval to the Department of Public Works and the County Planning Commission;” and

- 4) A future stub road access to be lands of Ulrich being fully explored prior to the TAC’s review of any Preliminary Plat.

The Preliminary Plat, proposing only 66 lots, was approved on 6/18/07, conditioned on:

- 1) Health Department requirements being met;
- 2) DPW requirements being met;
- 3) All stream buffers being shown on the Final Plat;
- 4) The FCP/Landscape Plan has been approved;
- 5) The adjacent agricultural operations notice being placed on the Final and Record Plats;
- 6) Deed restrictions for the long-term protection of the Forest Retention/ Afforestation Areas (FRAs) and street trees being recorded and noted on the plat prior to recordation, with the metes and bounds description of the FRA being shown on the Final and Record Plats;
- 7) All required documents from the gas line company granting permission or agreeing to easement impacts being received prior to Final Plat review;⁸
- 8) Water and sewer allocation must be confirmed by DPW prior to the review of any Final Plat(s);
- 9) The Final and Record Plats containing a statement (to be) signed by the Health Department, approving authority, to the effect that use of the community water supply and community sewerage system is in conformance with the Master Water and Sewer Plan;
- 10) The Final and Record Plats containing a statement, (to be) signed by the owner, to the effect that such facilities will be available to all lots/homes offered for sale; and
- 11) The Aston Pointe Final Plat being approved prior to Final Plat approval (because of access issues).

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

A stub road continues to be shown to the adjacent lands of Ulrich.

Per §4.1.22 (b) the block information has been included (with the vicinity map).

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. Steep slopes were depicted on the approved 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. The Aston Pointe JD included this site.

A minimum of 15% common open space is required; 47.14% is proposed (was 47.44% and was 56.9 %). The sensitive areas thresholds were calculated and included on the Preliminary Plat.⁹ A

⁸ All documents requiring recordation must be recorded prior to the recordation of the Record Plat.

⁹ At a minimum, 15% of the required open space shall not consist of perennial or intermittent stream buffers, nontidal wetlands or buffers, steep slopes, or habitats of rare, threatened and endangered species. No more than 40% of the common open space required shall consist of those areas designated as nontidal or tidal wetlands.

minimum 20% landscaping of the development envelope is required in the SR zone. Bufferyard Standard C is required, outside the right-of-way, along the Cat Swamp Road frontages.

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

The FSD was approved on 6/1/05. A revised PFCP was approved on 5/2/07.

The FCP /Landscape Plan was approved on 12/18/08.

A Landscape Agreement must be executed prior to recordation.

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

All internal road names were previously approved. DelDOT, SHA and the Newark Planning Department were informed of this proposal, and no additional Traffic Impact Study (TIS) was requested. A TIS was performed for the adjacent Aston Pointe project, and various road improvements put forward by CCDPW, SHA, and DelDOT were agreed to by the developer.

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

Water and sewer allocation have been confirmed by Artesian Resources.

The Final and Record Plats shall contain a statement signed by the Health Department, approving authority, to the effect that the use of the community water supply and community sewerage system is in conformance with the "Master Water and Sewer Plan." The words "Master Plan" will not suffice, as comprehensive plans are sometimes called master plans.

The Final and Record Plats shall also contain a statement, signed by the owner, to the effect that such facilities will be available to all lots/homes offered for sale.

A Homeowners' Association for maintenance of common open space must be established with \$50 per recorded lot being placed in escrow for improvements prior to recordation. It was previously revealed at TAC review that these home owners would become members of the Aston Pointe HOA.¹⁰

Mr. Di Giacomo asked if the developer planned for the name of the subdivision to remain as "Wohner Property" or if it would be an extension of the "Aston Pointe" subdivision. Mr. Keefer said it would become an extension of Aston Pointe.

Documents were previously received from the gas line company agreeing to easement impacts. Any documents requiring recordation must be recorded prior to the recordation of the Record Plat.

For subdivisions proposed on property contiguous to operating farms, notice shall be provided on the plat that an agricultural operation is being conducted on a contiguous property and said agricultural

¹⁰ Based upon Subdivision Regulations, there is precedent for allowing a separate Concept Plat for the Wohnner property: Susquehanna and Susquehanna River View, the chronology being as follows:

01/18/00	Susquehanna	Concept Plat approval
07/17/00	Susquehanna	Preliminary Plat approval
12/17/01	Bell Property	Concept Plat approval
08/19/02	Susquehanna	Final Plat approval

operation is protected from nuisance claims provided the conditions of Article I, § 4 are being complied with.

School information:	Elementary	Middle	High School
	Cecil Manor	Cherry Hill	Elkton
FTE	434	494	1112
Capacity	523	775	944
% Utilization	83%	64%	118%

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

On August 19, 2008 the Cecil County Board of County Commissioners approved a franchise agreement between the County and Artesian Water Company. As part of this agreement the County will turn over operation and ownership of the Meadowview Waste Water Treatment Plant and the Meadowview Water Treatment Plant to Artesian Water Company. Therefore the Department of Public Works will not be involved in the water or sanitary sewer allocation process for this development.

With that said, the SWM plan, Water Distribution plan, Sewer Service plan and Road & Storm Drain plans are technically complete for the lots proposed. Only administrative issues remain outstanding. The Department will not sign the final plat until all these issues have been resolved to the Department's satisfaction. All easements identified on the design plans must be reflected on the record plat. Submit a record plat check print to the Department for continuity review prior to submitting the mylars for signature.

[Water & sewer service is available to all the lots proposed in this subdivision. (County sanitary sewer allocation for 300 equivalent living units (ELU) was granted on March 8, 2007. County water allocation for 61 ELU was granted December 19, 2007. In an October 15, 2008 letter Artesian Water Maryland, Inc. has identified their intent to provide water for the Aston Pointe subdivision.)]

Mr. Wiggins read the comments of the Health Department:

Water and sewer allocations have been granted. Final plat is satisfactory.

Vice Chair Doordan asked if anyone would like to speak in favor or in opposition of this project. No one spoke.

Mr. Di Giacomo read the recommendation of the staff:

APPROVAL, conditioned on:

- 1) Health Department requirements being met;
- 2) DPW requirements being met;
- 3) The adjacent agricultural operations notice being placed on the Record Plats;
- 4) All stream buffers being shown on the Record Plat;
- 5) Deed restrictions for the long-term protection of the street trees & 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 Plats;
- 6) Any documents from the gas line company granting permission or agreeing to easement impacts needing to be recorded being recorded prior to recordation of the Record Plat;
- 7) The Landscape Agreement being executed prior to recordation;
- 8) The Record Plat's containing a statement (to be) signed by the Health Department, approving authority, to the effect that the use of the community water supply and community sewerage system is in conformance with the "Master Water and Sewer Plan";

- 9) The Record Plat's containing a statement, (to be) signed by the owner, to the effect that such facilities will be available to all lots/homes offered for sale; and
- 10) All lot owners becoming members of the Aston Pointe Homeowners' Association, with \$50 per recorded lot being placed in escrow for improvements prior to recordation, and said HOA documents' specifically including "Wohner Property" lots in its by-laws.

A motion for approval with conditions was made by Mr. Janusz.
The motion was seconded by Mr. McDowell.

All approve. Motion carried.

General Discussion

- Discuss a date for the Planning Commission to have an additional meeting once per month or quarterly to discuss issues of interest.

Vice Chair Doordan announced that the above named general discussion issue would be moved to the February 2009 Planning Commission meeting.

The January Planning Commission meeting adjourned at 1:00 p.m.

Respectfully Submitted:

Jennifer Bakeoven