

# CECIL COUNTY PLANNING COMMISSION

## Meeting Minutes

March 16, 2009

**Present:** Bill Mortimer, Chairman; Pat Doordan, Vice Chair, Joe Janusz; Wyatt Wallace; H. Clay McDowell; Tim Whittie; Mark Woodhull; Clara Campbell; Fred von Staden; Rebecca Demmler; Tony Di Giacomo; Eric Sennstrom; Jennifer Bakeoven; Paula Eliopoulos, Court Reporter.

**Absent:** Guy Edwards, Ken Wiggins.

**Call to Order:** Chairman Mortimer called the meeting to order at 12:00 p.m.

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

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

Parley Hess, McBride & Zeigler and Andrea Finerosky, Pettinaro Enterprises, 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<sup>1</sup>

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

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

- 1) A Traffic Impact Study being complete prior to the TAC review of the Preliminary Plat;
- 2) The Traffic Impact Study's scope of work including a needs assessment of, and possible feasibility study for, an alternative additional point of access;
- 3) A Jurisdictional Determination being done prior to the Planning Commission's review of the Preliminary Plat;
- 4) The internal road names being approved by the County's 911 Emergency Management Agency prior to the Planning Commission's review of the Preliminary Plat;
- 5) The open space sensitive area acreages being provided prior to the TAC review of the Preliminary Plat; and

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<sup>1</sup> The RM zone permits a maximum density of 12/1 for townhouses and 16/1 for apartments or condos, with community facilities.

- 6) Waiver of the stream buffer expansion in the Development District contingent upon satisfactory quantitative demonstration of water protection equivalent to the requirements of the Zoning Ordinance.

A revised W. Creek Village Apts. Concept Plat was approved on 1/22/04, conditioned on:

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

The Preliminary Plat was approved on 6/21/04, conditioned on:

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

A revised Preliminary Plat<sup>2</sup> was approved on 30/20/06, conditioned on:

- 1) Health Department requirements being met;
- 2) DPW requirements being met;
- 3) Determination that water quality improvement associated with the previous approval of the waiver of the stream buffer expansion in the Development District remains valid;
- 4) Sidewalks being installed on both sides of all internal roads and along Fletchwood Road;
- 5) The requested §'s 29.4.d, 29.4.h, and 29.4.j design modifications being granted;

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<sup>2</sup> It proposed a total of 904 dwelling units (**234 already existing**) on 83.82 acres, consistent with the Concept and Preliminary Plats, proposing 714 (**234 already existing**) apartments, at a density of **13/1**; and 190 were townhouse units, at a proposed density of **6.5/1**.

- 6) Verification of water and sewer allocation being received for each phase and/or section prior to the Planning Commission's review its respective Final Plat;
- 7) The Final Plat(s) for Section II being drawn precisely to scale and including detailed area tables; and
- 8) Applicant meet with staff to provide additional active recreation amenities such as basketball courts and walking trails.

Final Plats/ revised Record Plats were subsequently signed on 4/16/07 and on 6/4/08.<sup>3</sup> The approval of this Revised Preliminary Plat would extend Preliminary approval to 3/16/11.

The revised Preliminary Plat's Section II was the townhouse section. This again-revised Preliminary Plat is again predicated on Section I's being the apartment section.

Section I of the revised Preliminary Plat resulted in differences from the W. Creek Village Apartments Record Plat signed on 2/23/95 and revised on 6/4/96 and 12/13/00, as well as the Concept Plat approved on 1/22/04, and the Preliminary Plat approved on 6/21/04,<sup>4</sup> including:

- Buildings 14a and 14B were shifted from Phase III to Phase II.
- 14A-1 and 14B-1 were new.
- 10-C was new.
- 11 shifted from Phase III to Phase II.
- 11A was new.
- 18A and 18B were split into 2 buildings, labeled 17A and 17B.
- 15 was enlarged.
- 16's location shifted to where garages were proposed.
- Those proposed garages are now located where 17 was proposed.
- 17 was replaced by 17A and 17B, now proposed to be located to where 18A and 18B were proposed.
- 19 was relabeled 18, in the same proposed location.
- And 20 was relabeled as 19, also in the same proposed location.

This again-revised 904-dwelling unit Preliminary Plat is consistent with the approved Preliminary Plat, except for some very slight design changes and that the location of the demarcation line between the old 'Sections' 1 and 2 have changed slightly between 'Parcels' 1 and 2. In addition, 'Parcels' 3, 4, 5, 6, 7 and 8 are labeled, but their lines of demarcation are not clear.

Any recommendation of approval will be conditioned upon a clearly-delineated Parcel boundary follow-up plat being submitted to OPZ for the project file.

What is the conceptual or other purpose of proposing 'Parcels?'

All previous Preliminary Plat comments stand.

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

A JD has been done.

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<sup>3</sup> 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 (§4.1.17). Thus, the revised Preliminary Plat upon which this again-Revised Preliminary Plat is predicated is valid until 6/4/10.

<sup>4</sup> This submission is different from the revised Preliminary Plat submitted for the 8/3/05 TAC review, but it is similar to the revised Preliminary Plat submitted for the 2/1/006 TAC review.

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

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

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

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

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

25% landscaping of the development envelope is required in the RM zone.

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

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

The Phase I area was considered exempt under §3.2M, as noted in Prelim. Plat’s Note #15.<sup>5</sup>

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

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

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

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

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

There remains confusion between the design plan titling [phasing Phase I (West Creek Village Drive), Phase II (Townhouses) & Phase III (Apartments)] and the construction phase titling on the plat. The parcel boundaries are poorly identified on this plat and need to be clearer. With that said the Department has no objection to the revision.

Mr. Doordan read the comments of the Health Department:

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<sup>5</sup> The Phase II areas that deviated from the West Creek Village Apartments’ Record Plat were subject to the Forest Conservation Regulations, as is Phase III. If there are no deviations, then Phase II could be included in Note #15, covering the §3.2M exemption.

Submit written documentation of water and sewer allocations prior to final plat approval of each phase. A permit to construct the pumping station must be issued by Maryland Department of the Environment prior to record plat approval.

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

Public water and sewerage will be available to all lots offered for sale (by owner's signature block). Use of public water and sewerage is in conformance with the Cecil County Master Water and Sewer Plan (by Health Department signature block).

Chairman Mortimer 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) All previous conditions of Preliminary Plat approval remaining in effect;
- 2) The expired FSD being reapproved; and
- 3) Submittal to OPZ of another plat that clearly show the lines of demarcation of the various, proposed Parcels from one another.

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

The motion was seconded by Mr. Wallace.

All approve. Motion carried.

## **2. Bayhead Shore Estates, Lots 1-74, Carpenters Point Road, Preliminary Plat Extension, Morris & Ritchie Associates, Inc., Fifth Election District.**

Megan Matheo, Morris & Ritchie Associates, Inc., 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: MH, MB, SR & LDA

Density: The MH zone permits a maximum density of up to 4/1 with community facilities.

The Concept Plat, proposing 91 lots, was approved on 7/19/04, conditioned on:

- 1) A JD being completed prior to Preliminary Plat review by the Planning Commission;
- 2) A boundary line survey being completed in conjunction with the Preliminary Plat for density calculation purposes;
- 3) The respective zoning acreages being resolved prior to the TAC's review of the Preliminary Plat;
- 4) A TIS being completed prior to the TAC's review of the Preliminary Plat;
- 5) The TIS including an assessment of the safety advisability of having lots directly accessing Carpenter Point Road;

- 6) The TIS including an assessment of the safety advisability of having the northern section of Carpenter's point Loop, from the intersection with the proposed Riverside Lane east to Carpenter's Point Road, function as a one-way street;
- 7) Having Carpenter Point Loop connecting with Carpenter Point Road;
- 8) Variances being obtained for any lots proposed on any private roads;<sup>6</sup> and
- 9) All legal arrangements for connecting the private roads to County roads being outlined at the Preliminary Plat's presentation to the TAC and Planning Commission.

Preliminary Plats were reviewed by the TAC on 9/1/04 and again on 11/3/04.<sup>7</sup> The Preliminary Plat, consistent with that reviewed on 11/3/04, proposing 74 dwelling units on 32.22 MH-zoned acres, for a proposed density of 2.3/1, was approved on 4/18/05,<sup>8</sup> conditioned on:

- 1) Health Department requirements being met;
- 2) DPW requirements being met;
- 3) Proposed Lot 75's acreages being included on the Final Plat;
- 4) The FCP and Landscape Plan being approved prior to Final Plat review by the Planning Commission;
- 5) The Final and Record Plats' containing a statement signed by the Health Department, approving authority, to the effect that use of the community water supply and community sewerage system is in conformance with the Master Water and Sewer Plan;
- 6) The Final and Record Plats' containing a statement, signed by the owner, to the effect that such facilities will be available to all lots/houses offered for sale;
- 7) Written verification of water allocation and sewer capacity being received by OPZ prior to the Planning Commission's review of the Final Plat;
- 8) Documentation of all approvals for the water system and the operator required by the MDE and the Public Service Commission being received by OPZ submitted prior to Final Plat review;
- 9) 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 Final and Record Plats; and
- 10) The reforestation areas must be shown on the Final and Record Plats.

§4.1.17 provides that Preliminary Plats shall be valid for two years from date of approval. Therefore, per §4.1.18, one (1) year extensions were granted on 3/19/07 and 3/17/08. That extension is set to expire on 3/17/09, unless either a Final Plat is approved and recorded or, as requested, the Preliminary Plat's validity is extended today.

If another one-year extension is granted, then the Preliminary Plat approval will be extended until 3/16/10.

§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 for one (1) year upon application of the developer. If granted, said extension shall run for (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.

<sup>6</sup> In order for lots to be created on a private road, a Variance must first be obtained from the Board of Appeals. Since Carpenter Point Loop is a private road, proposed Lots 62-76 were affected.

<sup>7</sup> The plat modifications made between the 9/1/04 and 11/3/04 reviews were as follows: 1) the number of proposed residential lots was reduced to 74 (was 90), 2) the number of proposed Critical Area lots was reduced to 41 (was 59), 3) the resubdivision of lots 115-120 in the Riverside Recreational Resort, Inc., was excluded, the connectivity of Carpenter Point Loop with Carpenter Point Road was eliminated in favor of Vista Lane's connecting to Carpenter Point Road from the proposed Riverside Lane, and 4) the proposed Riverside Loop was given a smaller footprint – with a reduction in impervious cover.

<sup>8</sup> That approval remains valid until 4/18/07, per §4.1.17.

c) Change in zoning or subdivision regulations.”

There have been no such pertinent changes.

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

The Department has no objection to the granting of an extension to the preliminary plat.

The final plat must have all easements shown and correctly noted per Section 4.1.22 (n) of the Subdivision Regulations. The final plat must also contain the final lot grading note.

Mr. Doordan read the comments of the Health Department:

The Health Department has no objection to preliminary plat extension. Applicant is reminded of previous Health Department comments which must be addressed.

Chairman Mortimer asked if anyone would like to speak in favor or in opposition of this project.

Tom Breskey, 1318 Carpenters Point Road, Perryville, MD 21903, asked what the pending Critical Area issues are that remain. Mr. Di Giacomo explained. No one spoke in opposition of this project.

Mr. Di Giacomo read the recommendation of the staff:

The **GRANTING** of another one year extension of Preliminary Plat approval, to expire on **3/16/10** conditioned on:

- Critical Area Commission concerns being satisfactorily addressed prior to Final Plat approval.

A motion for the granting of an extension was made by Mr. Doordan.

The motion was seconded by Mr. Wallace.

All approve. Motion carried.

### **3. The Mews at North East Creek, Lots 1-204, Mechanics Valley Road, Preliminary Plat Extension, McCrone, Inc., Fifth Election District.**

Don Sutton and Brad Fox, McCrone, Inc., 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 and §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

The Concept Plat, proposing 205 lots on 171.0 acres, for a proposed density of 1.2/1, was approved on 12/20/04, conditioned on:

- 1) A JD being completed prior to the Planning Commission’s review of the Preliminary Plat;
- 2) The Bufferyard C requirement on Mechanics Valley Road being modified to accommodate sight distance issues;
- 3) The TIS being updated prior to the TAC’s review of the Preliminary Plat;
- 4) The monumental boulevard entrance configuration being extended back to Valley Vista Drive;
- 5) The current four stream crossing permits for Phase 1 being submitted to DPW prior to Final Plat review; and

- 6) Protective fencing being constructed to prohibit pedestrian access to the railroad.

The Preliminary Plat<sup>9</sup>, proposing 204 lots on 170.66 acres, was approved on 7/18/05, conditioned on:

- 1) Health Department requirements being met;
- 2) DPW requirements being met;
- 3) Verification of sewer allocation being received from DPW prior to final plat review;
- 4) Verifications of water allocation being obtained the Town of North East prior to Final Plat review;
- 5) The easement re-alignment agreement with AT&T being executed prior to final plat review;
- 6) The easement for a future greenway in the common open space being shown on the final plat; and
- 7) The access road to Guiberson and tract 2 being relocated or joint access easement being established on the final plat.

§4.1.17 provides that Preliminary Plats shall be valid for two years from date of approval. Therefore, per §4.1.18, the Planning Commission granted 1-year extensions on 5/21/07 and 4/21/08, which will expire on 4/21/09 unless either this requested extension is granted or a Final Plat is approved and recorded in the interim.

If a one-year extension is granted, then the Preliminary Plat approval will be extended until 3/16/10.

§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 for one (1) year upon application of the developer. If granted, said extension shall run for (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 have been no such pertinent changes.

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

The completion of the new Route 40 sewerage pump station removes the capacity issue previously delaying this development. The Department of Public Works has no objection to the Planning Commission granting a one-year extension to the Preliminary Plat approval for this project conditioned on the correction of the inconsistencies between the construction plans and this plat. The phase lines and several road names differ between the two. The sanitary sewer design plans must be resubmitted for review. With that said, the previous comments from the March 5, 2008 Technical Advisory Committee meeting still apply and will be entered into the record but will not be read at this time.

1. The Department understands that the Town of North East will own the water distribution system in this development. The CCDPW recommends that the water distribution system including fire hydrant locations be designed to meet or exceed the County’s standards. We also recommend that the Town request that the serving fire company review fire hydrant spacing and locations. The water lines must be reflected on the sanitary sewer plans and as-builts. All easements for the water lines must be reflected on the final plat.

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<sup>9</sup> A revised Preliminary Plat, still proposing 204 lots with a slightly different layout, was reviewed by the TAC on 3/5/08. It currently has no standing. The approval of a revised Preliminary Plat would extend Preliminary Plat approval for another 2 years, per §4.1.17.

2. A SWM plan, Road & Storm Drain plan, Sanitary Sewer plan and a Mass and Final Grading plan must be approved by the CCDPW prior to submittal for Final Plat Approval. 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. These notes will be identified in the record but will not be read at this time.

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.”

Final Plat: “Sidewalk maintenance will be required of the adjacent property owner, as required by the Cecil County Road Code.”

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.”

3. The downstream conveyance of storm water must be analyzed in accordance with Section 251-9 A. (5) of the county’s SWM Ordinance.
4. 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.
5. What is proposed at the storm drain outfall behind Lot 42?
6. Clearly identify the extent of the proposed SWM facilities located adjacent to Lot 62 and the Fuddy property.
7. You must place a note on the plat identifying the easement running through the rear of Lots 90-99 as a private drainage easement belonging to the HOA.
8. The plan is confusing in regards to identifying the boundaries of the proposed SWM inspection & maintenance (I&M) easements. All I&M easements need to be made clearer on the plat brought to the Planning Commission for review.
9. Identify the road grades for Mews Drive and West Court.
10. Final sight distance measurements along Mechanics Valley Road must be confirmed by the engineer as part to the offsite Road Improvements Plan engineering which must precede final plat submittal for Planning Commission review.
11. Where determined necessary by the utility companies, the owner, the designer, or DPW, utilities poles must be relocated at the Owner’s expense.
12. Construction entrance for Phase Two improvements should be South Falls Drive or from Mechanics Valley Road. This requirement is intended to minimize construction traffic impact to the community area of phase one development. Phase Three construction entrance should be at the Mechanics Valley Road entrance, with the intent to minimize phase three construction traffic impact on existing portions of the phase one and two community development.
13. The Department recommends that the Planning Commission condition their approval of Phase One final plat on the applicant having obtained the stream crossing permits for the entire subdivision layout.
14. All lots must front Minor Roads wherever possible.
15. All driveways must be paved at least to the right of way and those accessing Valley Vista Drive, Vista Creek Drive, and South Falls Drive, must be provided with on-lot turnaround capability (on the final lot grading plan). 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.

16. Lot frontage dimensions dictate that closed section road is used. Modified curb and gutter may be used internally, but standard curb will be required for the entrance(s) from at least the curb return PCs.
17. The village green, proposed with this layout, requires some type of decorative barrier, to separate the active recreation and/or tot lot usage from traffic lanes. The barrier is to be installed along their road frontages and maintained by the homeowner's association.
18. Has the TIS been revised to address the existence of a second entrance into the development and how this impacts internal traffic distribution as well as trip distribution onto Mechanics Valley Road and U. S. Route 40?
19. A Road Condition Survey, as identified in the Department's Road Code Guidance Manual, is required for Mechanics Valley Road from 250' north of the entrance to the Maryland SHA owned part of the intersection with U.S. Route 40. The applicant's engineer submitted a condition survey and an initial road improvements proposal to the Department on May 5, 2005, with a subsequent addendum on July 8, 2005. The initial proposal is generally acceptable, but will remain subject to final engineering and departmental approval of the final proposal. We recommend planning commission condition their approval of this preliminary plat on the applicant providing offsite road improvements as identified by the department of public works, pursuant to satisfying the provisions of 2.7.1 of the subdivision regulations. The applicant will be responsible for all necessary right-of-way acquisition at their cost.
20. Engineering and plans for the phase three Mechanics Valley Road entrance and offsite road improvements must be complete and approvable to the Department of Public Works prior to phase two and/or phase three record plat approval by the department. The plan must address the acceleration, deceleration, and bypass lane requirements of the Cecil County Road Code.
21. The TIS identifies deficient guardrail at Mechanics Valley and Bouchelle road which must be upgraded and replaced as part of the offsite road improvements required of the Developer. Additionally, the engineer must incorporate the TIS improvement recommendations into the overall offsite road improvements proposal for Mechanics Valley Road.
22. The Route 40 pumping station is currently being upgraded and when complete will provide the required sewer service for this development. Completion is scheduled for July 2008.
23. The Department recommends that the Town require a PWA for the water lines and all water line easements required must be reflected on the final plat.
24. The County will require PWAs for the internal streets & storm drains and sanitary sewer work as well as an I&M Agreement for all SWM facilities.
25. What is the status of the AT&T easement relocation and removal of any existing conduit within the easement? The new easement layout along Vista Creek Drive, South Falls Drive, and Mechanics Court appears to conflict with intended county utility structures and future sidewalk alignment. Has AT&T indicated their intended use and restrictions for this easement? As proposed the easement crosses a great number of water & sewer house connections and service mains as well as storm drains. Provide copies of the AT&T relocation agreement to the County for review and acceptance prior to final plat recordation. The agreement must clearly spell out that these utilities are allowed in their easement.
26. What is the status of your public water allocation request with the Town of North East?

Mr. Doordan read the comments of the Health Department:

The Health Department has no objection to preliminary plat extension. Applicant is reminded of previous Health Department comments which must be addressed.

Chairman Mortimer 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 (1) year extension of Preliminary Plat approval, to expire on **3/16/10**.

A motion for the granting of an extension was made by Mr. Janusz.

The motion was seconded by Mr. Doordan.

All approve. Motion carried.

**4. Stoney Brook Knoll, Lots 1-40, Liberty Grove Road, Preliminary Plat Extension, McCrone, Inc., Sixth Election District.**

Don Sutton, McCrone, Inc., Albert Young, Esq. and Steve Balderston, owner, appeared and presented an overview of the project.

Discussion ensued regarding the pending appeals of this project.

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

This proposal is in compliance with §3.8 and §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.

The Concept Plat, proposing 41 lots on 124.5 acres, was approved at the bonus density of 1/3.03 on 6/20/05, 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) A Traffic Impact Study being completed prior to Preliminary Plat review by the TAC.

The Preliminary Plat, proposing 40 lots on 120.29 acres, at a density of 1/3.01, was approved on 5/15/06, conditioned on:

- 1) Health Department requirements being met;
- 2) DPW requirements being met;
- 3) All questions regarding the TIS being satisfactorily resolved prior to Final Plat review;
- 4) All details on the FSD, FCP, and Final Plat being consistent with one another;
- 5) The FCP and Landscape Plan being approved prior to Final Plat review;
- 6) The adjacent agricultural operation notice's appearing on the Final and Record Plats;
- 7) 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 Final and Record Plats; and
- 8) The contiguous operating farms notice being provided on the Final and Record Plats.

§4.1.17 of the Subdivision Regulations provides that Preliminary Plats shall be valid for two years from date of approval. Therefore, a one-year extension was granted on 4/21/08, and unless another is granted, or a Final Plat is approved and recorded in the interim, Preliminary Plat approval will expire on 4/21/09.

If another one-year extension is granted, then the Preliminary Plat approval will be extended until 3/16/10.

§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 for one (1) year upon application of the developer. If granted, said extension shall run for (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 have been no such pertinent changes.

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

The Department has no objection to the extension as requested. The previous comments from the May 15, 2006 Planning Commission meeting still apply and will be entered into the record but will not be read at this time. Mr. Woodhull reminded the applicant that the designs for this project will be based on the new county standards that are in effect at the time that the design has started.

1. The revised TIS and a road condition survey of Liberty Grove Road have been submitted and have been reviewed. The Department has an issue with the distribution routing of site generated traffic in the TIS, specifically the assertion that 70% will take Liberty Grove Road south beyond Dr. Jack Road. There’s a strong likelihood more traffic will use Dr. Jack Road to access MD 276. The Department does not foresee the need for offsite road improvements beyond those required for obtaining adequate sight distance and the requirements of Road Code Section 3.07.15.
2. A SWM 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.
3. The Deceleration lane and offsite road improvements under Road Code Section 3.07.15 to the south of the proposed Liberty Grove Road access location must accommodate and be extended to join the Liberty Grove Road improvements designed for the Murphy’s Run subdivision.
4. New intersection/entrance signage will be required along Liberty Grove Road.
5. Extend the public closed storm drainage system outfalls between lots 34&35, 2&4, and 15&16 to stone outfall protections located beyond the rear yard and lot building envelopes. All common open space drainage swales, ditches, and constructed runoff conveyances designed for stormwater management shall be located within a private stormwater management and access easement, which must be shown on the final plat.
6. Show a private easement and dedication note for the fire company draft tank.
7. Any stormwater management facilities discharging to the Basin Run watershed shall be designed to meet Stream class III and IV standards in the 2000 Maryland Stormwater Design Manual (specifically addresses thermal impacts).
8. The fees for design review of this project must be provided at the time of first design submittals.
9. 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:
  - 8.1 The Final Plat Lot Grading and the Lot Grading Plan Construction Limits Note.
  - 8.2 Compliance with Sections 251-9.A (5), 251-13, and 251-15.D. of the Cecil County Stormwater Management Ordinance.
  - 8.3 Compliance with Section 3.07.15 of the Cecil County Road Code.
  - 8.4 Requirements for Utility relocations.
  - 8.5 Requirements for Public Works Agreements.
  - 8.6 Requirements for Stormwater Inspection and Maintenance Agreements.
  - 8.7 Requirements for Stopping Sight Distance measurements.
  - 8.8 Requirements for County Roads.
  - 8.9 Requirements for Driveways.

*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. Section 3.07.15 of the Road Code requires that Liberty Grove Road be upgraded to a Minor Collector Road standard 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 construction.
6. An Inspection & Maintenance Agreement is required for the private SWM facilities.
7. Applicant must provide stopping sight distance measurements for the Liberty Grove Road access to DPW prior to preliminary plat submittal. Please mark the proposed entrance location in the field by flagging or stake on the roadside bank.
8. 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.
9. 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.

Mr. Doordan read the comments of the Health Department:

The Health Department has no objection to preliminary plat extension. Applicant is reminded of previous Health Department comments which must be addressed.

Chairman Mortimer 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 another one (1) year extension of Preliminary Plat approval, to expire on **3/16/10**.

A motion for the granting of an extension was made by Mr. Doordan.

The motion was seconded by Mr. McDowell.

All approve. Motion carried.

**5. Snow Hill Farm, LLC, Lot 5, Short Cut Road, Preliminary/Final Plat, McCrone, Inc., Second Election District.**

Don Sutton, McCrone, Inc., 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: SAR

Density: The SAR zone permits a maximum base density of 1 du/ 20 ac. This Concept Plat proposes 1 new lot (but an existing dwelling) plus remaining lands on 336 acres, for a proposed density of 1/168.

A boundary line survey has been done for the proposed lot.

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

Any additional, future, proposed subdivision will require the submission of a Concept Plat.

Dwellings or impervious surfaces shall not occur on slopes with a grade of 25% or more covering a contiguous area of 10,000 ft<sup>2</sup> 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.<sup>10</sup>

Slopes greater than 25% must be shown on the Preliminary Plat. No steep slopes are shown.

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

A 25' buffer is required around all non-tidal wetlands and intermittent streams present. Permits are required from the (US Army) Corps of Engineers and MDE for all non-tidal wetland and stream impacts prior to recordation. JD's are required in conjunction with permitting. If no permits are required, and if the proposed project meets the policy standards established on 3/20/95 and revised on 1/16/96, 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.

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

No common open space is required.

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

No sidewalks are recommended.

No Bufferyard Standard C is required.

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

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<sup>10</sup> The Cecil County Subdivision Regulations define steep slopes as "15 percent or greater incline." The Cecil County Zoning Ordinance defines steep slopes as consisting of a grade of 25% or more covering a contiguous area of 10,000 ft<sup>2</sup> or more. The Cecil County Forest Conservation Regulations define steep slopes as "areas with slopes greater than 25 percent slope."

A Bufferyard Standard A may be required adjacent to any adjoining property on which an agricultural operation is occurring. As this is an existing dwelling, the Planning Commission may not require a Bufferyard Standard A.

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

As noted, this project is exempt, per §3.2N.

A PRMA must be established prior to recordation.

The contiguous operating farm notice has been provided on the plat.

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

1. As stated on the plat any future development on this lot or the remaining lands of Snow Hill Farm, LLC will require a SWM plan approval prior to building permit issuance.
2. Legal access to Short Cut Road (County Road) is proposed by means of a PRMA. The Department will not sign the record plat until the PRMA is executed and recorded.

Mr. Doordan read the comments of the Health Department:

A Groundwater Appropriation Permit Exemption has been filed. Preliminary / Final Plat is satisfactory.

Chairman Mortimer 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; and
- 3) A PRMA being established prior to recordation.

A motion for approval with conditions was made by Mr. Wallace.  
The motion was seconded by Mr. Doordan.

All approve. Motion carried.

**6. Stony Run Creek Estates, Lots 5-14, Razor Strap Road, Concept Plat Extension, McCrone, Inc., Fifth Election District.**

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

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

Upon inspection, this proposal was found to be in compliance with §3.8 of the Subdivision regulations regarding public notification signs.

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

Zoning: RM

Density: The RM zone permits a density of up to 12/1 for townhouses. The Concept Plat<sup>11</sup> proposed 14 townhouse lots, common open space, and right-of-way.

1.05 acres, and 4 proposed lots, are actually part the Silverado subdivision, whose Concept Plat, proposing 71 townhouse lots on 14.98 acres, for a proposed density of 4.74/1, was approved on 8/15/05, conditioned on:

- 1) The boundary line survey being completed prior to the TAC's review of the Preliminary Plat;
- 2) The JD being completed prior to the Planning Commission's review of the Preliminary Plat; and
- 3) The TIS being completed prior to the TAC's review of the Preliminary Plat.

The Silverado Preliminary Plat was approved on 4/17/06, conditioned on:

- 1) Health Department requirements being met;
- 2) DPW requirements being met;
- 3) The FCP and Landscape Plan being approved prior to Final Plat review;
- 4) All required documents from AT&T granting permission or agreeing to easement impacts must be received prior to Final Plat review;
- 5) Water allocation being confirmed in writing by the Town of North East prior to Final Plat review;
- 6) Sewer allocation must be confirmed by the DPW prior to Final Plat review;
- 7) An amended TIS has been submitted, reviewed, and its conclusions and recommendations agreed to;
- 8) The Stoney Run Creek Road teardrop turnaround design, without the §29.5.a (2) bufferyard requirement, being conditionally approved contingent upon future adjacent Northwoods sections showing the adjacent Northwoods area as common open space; and
- 9) Fire hydrant locations being finalized in consultation with the North East Volunteer Fire Company and the Department of Public Works.

The approval of that Concept Plat, in effect, revised the approved Silverado Preliminary Plat. The additional lots did not create a density issue, but the Silverado PFCP (approved on 4/13/06) then needed to be revised.

The purely Stoney Run Creek Estates part of that Concept Plat, proposing 10 lots, common open space, right-of-way, overflow parking, and lands of future development on 44.2 acres, for a proposed density of 0.226/1, was approved on 3/19/07, conditioned on:

- 1) A boundary line survey being completed prior to the TAC's review of the Preliminary Plat;
- 2) The PFCP being approved prior to the Planning Commission's review of the Preliminary Plat;
- 3) The JD being completed prior to the Planning Commission's review of the Preliminary Plat;
- 4) At a minimum, rear-yard access easements being designed prior to the TAC's review of the Preliminary Plat; and
- 5) Another or additional or an extension of the stream buffer exemption being granted.<sup>12</sup>

At that time, per §4.0.9, Concept Plat approvals remained valid for two years. Therefore, the Concept Plat's validity will expire on 3/19/09, unless an extension is granted or a Preliminary Plat is approved in the interim.

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<sup>11</sup> A version showing connectivity to Northwoods and the adjacent Mars property was presented to the Planning Commission, for information only, on 8/21/06. It was subsequently disapproved on 9/18/06.

<sup>12</sup>The Silverado 4/17/06 Preliminary Plat approval was granted a one year extension on 7/21/08.

§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 3/19/10.

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

The Department has no objection to the extension as requested. The previous comments from the March 19, 2007 Planning Commission meeting still apply and will be entered into the record but will not be read at this time.

1. A SWM plan, Road & Storm Drain plan, a Sanitary Sewer System plan, and a Mass and 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 Department understands that the Town of North East will own the water distribution system in this development. The CCDPW recommends that the water distribution system, including fire hydrant locations, be designed to meet or exceed the County’s standards. We also recommend that the Town request that the serving fire company review fire hydrant spacing and locations. The water lines must be reflected on the sanitary sewer plans and as-builts. All easements for the water lines must be reflected on the final plat.
3. The Developer is responsible for cost sharing for the road improvements to Razor Strap Road imposed on the Developer of the Silverado subdivision.
4. The following standard notes and requirements apply to this plat and project: The details of these notes and requirements will be identified in the record but will not be read at this time:
  - 4.1 The Final Plat Lot Grading and Lot Grading Plan Construction Limits Notes.
  - 4.2 Requirements for Utility relocations.
  - 4.3 Compliance with Sections 251-9.A (5), 251-13, and 251-15.D. of the Cecil County Stormwater Management Ordinance.
  - 4.4 Requirements for Public Works Agreements.
  - 4.5 Requirements for Stormwater Inspection and Maintenance Agreements...
  - 4.6 Requirements for Final Plat - Public Sewer Allocation.
  - 4.7 Requirements for Sewer Service Cleanouts – Location.

***Notes and requirements identified for record:***

1. The Final Plat must include the Lot Grading Plan standard note. 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. Where determined necessary by the utility companies, the owner, the designer, or DPW, utility poles must be relocated at the Developer’s expense.

3. 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.
4. A Public Works Agreement is required for the streets & storm drainage constructions and for sanitary sewer.
5. An Inspection & Maintenance Agreement is required for the private SWM facilities.
6. The 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.
7. All sewer service cleanouts must be designed to be outside of all paved or concrete areas on each lot and this must be shown on the utility plans.

Mr. Doordan read the comments of the Health Department:

The Health Department has no objection to concept plat extension. Applicant is reminded of previous Health Department comments which must be addressed.

Chairman Mortimer 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 **3/19/10**.

A motion for the granting of an extension was made by Mr. Doordan.

The motion was seconded by Mr. McDowell.

All approve. Motion carried.

## **7. Granite Cliffs, 703 Units, PUD, Tome Highway, Concept Plat, Frederick Ward Associates, Seventh Election District.**

Edward Steere and Lou Shaffer, Frederick Ward Associates and Kevin Wingate, Koran Development, appeared and presented an overview of the project.

At this point in the meeting, Chairman Mortimer left the meeting and Vice Chair Doordan announced the he would be serving as acting Chairman in Mr. Mortimer's absence.

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, RCA

The portion of the site that is within the Town of Port Deposit is zoned R2. No development is proposed in the Town.

Technically, since this property is not zoned TR, the project is not subject to the requirements of §27.2. Nevertheless, for a project of this magnitude, a courtesy review to the Town is in order.

No development is proposed in the Critical Area portion of the site.

In the MEB overlay zone, mineral extraction activities are permitted per §'s 17 and 67.2 of the Zoning Ordinance, per General Note # 18.

Documentation has been submitted to the effect that the minerals on this site are unrecoverable.

PUD's must adhere to the requirements of ARTICLE's XII and XVII of the Zoning Ordinance and §6.0 of the Subdivision Regulations. The need for some of the cited Variances could be obviated by the invocation of the provisions of §6.1.

An asterisk noted in the Bulk Regulations section of the Development Summary indicates the design flexibility provisions of §254.2 of the Zoning Ordinance are being invoked. If so, and if this PUD Sketch Plat/Special Exception Application is approved by the Board of Appeals, then the items enumerated in Column "B" of that section would not require a separate Variance application.<sup>13</sup>

The review and approval process for this PUD proposal is established in §256 of the Zoning Ordinance. §256.1 stipulates that a PUD is permitted in the SR zone by Special Exception. §256.2 requires that the "Sketch Plat/Special Exception Application" shall be reviewed by the TAC, which has been done already on 2/4/09. Up to that point, there is no difference between the PUD approval process and the normal subdivision review and approval process.

§256.3 requires that the "Sketch Plat/Special Exception Application" next shall be reviewed by the Planning Commission, and that the Planning Commission<sup>14</sup> shall "make recommendations to the Board of Appeals."

Next, the Sketch Plat/Special Exception must be placed on the Board of Appeals' agenda, per §256.4, which specifies that then it "... shall be reviewed by the Board of Appeals. The Board shall consider the recommendations of the Technical Advisory Committee, the Planning staff, the Planning Commission and the standards in Article XVII, Part II, in making their determination to approve or disapprove the proposed PUD."<sup>15</sup>

§256.5 stipulates, in part, that "Following approval of the PUD Special Exception by the Board of Appeals the PUD or section thereof shall be processed in accordance with the provisions of the Cecil County Subdivision Regulations." Thus, assuming approval of the PUD Special Exception, Preliminary Plats and Final Plats would be reviewed in the regular way, with the Planning Commission rendering decisions approving or disapproving such submissions, rather than making recommendations to any other body.

Just as is the case with a Concept Plat approval, the possible PUD "Sketch Plat/Special Exception Application" approval by the Board of Appeals would not guarantee any subsequent Preliminary or Final Plat approvals by the Planning Commission.

Density: The SR zone permits a maximum base density of 1 du/ 1 ac., or 2/1 with community facilities, or 4/1 if a PUD. This project proposes 703 dwelling units on 393.734 acres, for a proposed density of 1.79/1.

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

Dwellings or impervious surfaces shall not occur on slopes with a grade of 25% or more covering a contiguous area of 10,000 ft<sup>2</sup> or more. On slopes between 15 and 25%, good engineering practices

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<sup>13</sup> The Planning Commission has the power to grant such modifications under §3.5 of the Subdivision Regulations and §70 of the Zoning Ordinance.

<sup>14</sup> Moreover, §'s 256.3 & 256.4 make clear that the Planning Commission's role now is to make a **recommendation** to the Board of Appeals on the "Sketch Plat/Special Exception Application" **rather than an actual decision** on what would otherwise be considered a Concept Plat.

<sup>15</sup> It is incumbent upon the applicant to become thoroughly familiar with all aspects Article XVII, Part II.

shall be used to ensure sediment and erosion control and slope stabilization before, during and after disturbance activities.<sup>16</sup>

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 to a maximum distance of 160'.

A 25' buffer is required around all non-tidal wetlands and intermittent streams present. Permits are required from the (US Army) Corps of Engineers and MDE for all non-tidal wetland and stream impacts prior to recordation. JD's are required in conjunction with permitting. If no permits are required, and if the proposed project meets the policy standards established on 3/20/95 and revised on 1/16/96, or if the FSD/Conceptual Environmental Assessment finds that there are to be no impacts to field-delineated wetlands<sup>17</sup> or stream impacts, or if the FSD/Conceptual Environmental Assessment finds that there are no wetlands or streams and that finding is consistent with the details of County wetlands maps and USGS quad maps, then no JD is required. If required, then a JD is recommended to be done prior to Final Plat review by the Planning Commission, but required to be completed prior to recordation.

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

30% common open space is required; 43.1% is cited as being proposed. However, it is unclear if any of that figure is actually in the Town.

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

As commented at TAC review, all common open space must be consistently labeled and referenced as such.

30% landscaping of the gross development site is required (§251.3).

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

Bufferyard Standard C is required, outside the right-of-way, along the road frontages of MD 276 and Burlin Road.

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

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

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

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<sup>16</sup> The Cecil County Subdivision Regulations define steep slopes as "15 percent or greater incline." The Cecil County Zoning Ordinance defines steep slopes as consisting of a grade of 25% or more covering a contiguous area of 10,000 ft<sup>2</sup> or more. The Cecil County Forest Conservation Regulations define steep slopes as "areas with slopes greater than 25 percent slope."

<sup>17</sup> Note # 2 indicates that the wetlands have been field delineated.

The FSD was approved on 1/21/09.<sup>18</sup>

The Preliminary Forest Conservation Plan (PFCP) must be approved prior to Planning Commission 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 street trees & Forest Retention/ Afforestation Areas (FRAs) must be recorded & noted on the plat prior to recordation, with the metes and bounds description of the FRA being shown on the Final & Record Plats.

A Traffic Impact Study (TIS) is required prior to the TAC's review of any Preliminary Plat. The TIS must account for traffic projected to be generated on the commercial site, including the proposed awkward access scheme.

All road names must be approved prior to the Planning Commission's review of the Preliminary Plat. The following road names<sup>19</sup> have been approved:

- 1) Bluestone Drive
- 2) Ceramic Lane
- 3) Clay Lane
- 4) Concrete Drive
- 5) Crusher Run Way
- 6) Extraction Way
- 7) Granite Cliffs Boulevard
- 8) Limestone Way
- 9) Marble Way
- 10) Quartz Way
- 11) Sand Lane
- 12) Slate Road &
- 13) Stone Way

Has it yet been determined that the U.S. Government water easement depiction matches actual field location, and to where is it proposed to be relocated? Mr. Wingate said based on the information that is available, the information depicted on the plat is accurate.

The applicant is reminded of the provisions of §7.2.12.B.12.

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

Per §255.2, why hasn't the club house area been proposed in a more central location? Mr. Steere said they felt that it was a good location with the vista of the bay. Mr. Wingate also said they feel the townhouse occupants would utilize the club house more than single family home owners.

The Preliminary Plat must have site-plan level details for the proposed club house area.

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.

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<sup>18</sup> The FSD did not include the Critical Area portion of the property; therefore, it is not considered an FSD/Conceptual Environmental Assessment.

<sup>19</sup> The names Alley A, Alley B, Flint Way, Granite Drive, Gravel, Drive, Gypsum Way and Rock Court were **disapproved** by DES at the Concept Plat's TAC review.

Are the alleys proposed to be public or privately-owned? The alleys will be private.

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 S3 and W3.

If a community water facility is proposed, then it will require compliance with §175, prior to the Final Plat review.

This proposal must fully comply with all provisions of §175, including §175.2.e, §175.2.i, and §175.2.l. General Notes 21, 23, 24, and 25 relate to those requirements.

A number of General Notes contain misspellings, which must be corrected.

All approvals, including site plan approvals, of any shared water and/or sewer facility shall precede Final Plat review.

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

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

This proposal is consistent with §248.1 in offering "a variety of building types ... including, detached single-family dwellings, duplexes, semi-detached dwellings, townhouses and apartments," and with §248.2 by proposing "certain commercial uses in a PUD that serve the day to day needs of the residents of the PUD."

§252.2 stipulates that the business uses permitted in a PUD shall be the same as those permitted in the BL zone, and §252.3 states that "the requirements of the BL zone shall apply to business uses in a development in the PUD." The TIS must take this into consideration.

The business(es) on the commercial lot must be approved by the Site Plan approval process. When will that be submitted? Mr. Steere said a separate site plan would be submitted for the commercial site when they are pushing about 25% of the dwelling units on the site. Final approval should be conditioned on a level of certainty that the commercial component will come to fruition.

General Note # 20 incorrectly cites §252.2 as a DPW requirement. That must be corrected.

Per §250.2 the number/percentage of townhouse units is exceed by 4.<sup>20</sup> That can be approved by the Board of Appeals as part of the Special Exception approval.

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.

§256.1 (a) – (f) require very specific pieces of information to be included as part of the Sketch Plat/Special Exception Application, as follows: "... the Sketch Plat/Special Exception Application shall contain the following information:

(a) Elevations of each building type.

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<sup>20</sup> The excess is based on the total number of proposed lots, not the total number of permitted lots.

- (b) Proposed open spaces, their size, their location, their uses, and their proposed ownership (County and/or association).
- (c) General statement concerning provision of utilities (draft terms and provision of a public works agreement).
- (d) Statement of expected County responsibilities.
- (e) Cost-Revenue ratio of the proposed PUD for the County.
- (f) Tentative time table and staging development. (Schedule of construction).”

This has been provided as an enclosure.

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

1. A SWM plan, Mass and Final Grading plan, Road & Storm Drain plan, Sewer System plans and Water System plans must be approved by the CCDPW prior to submittal for Final Plat Approval.
2. The sewer & water plans must address treatment, pump stations, storage and disposal facilities.
3. What is the status of obtaining water withdraw authorization from the Susquehanna River Basin Commission? Mr. Wingate stated that they have had preliminary conversations only; no plans have been submitted.
4. Have you met with MDE to discuss the permitting required for the water & waste water facilities proposed? The department will not approve the plans for this development until all necessary MDE permits have been obtained.
5. The use of the proposed private community systems to provide water & sewer presents a unique approach. All costs associated with construction, operation and maintenance of these facilities will be the responsibility of the Developer and/or the approved operator(s) of the water and sewer systems.
6. MDE permitting will be required for both systems. The Applicant must present confirmation of MDE permit approvals prior to the Department’s approval of final design and signing the final plat.
7. Any proposed sewerage pump station(s) required to service this development must be identified on the preliminary plat submitted for TAC review.
8. What route do you propose for the raw water main running between the river and the WTP? Mr. Steere said the conceptual approach is to bring it up Rock Run Road, cut into the property then take it in by road to the far end of the property.
9. All water & sanitary sewer lines must be located in utility easements. These easements where located outside of County ROW must be a minimum of 20’ wide. They may need to be wider depending on the size and/or depth of the utilities. The final/record plat must reflect the actual easement widths and alignments therefore if during construction width or alignment changes occur the record plat must be amended. Note 26 needs to reflect that.
10. What is the status of the U.S. Government Water easement on this property? Is there any infrastructure located within this easement?
11. A TIS specific to this proposal has been submitted.
12. The Traffic Group’s February 11, 2009 Letter Report submitted with the plat implies that no significant access improvements to Burlin Road, at the proposed intersection, would be expected. The DPW will determine what improvements will be required based on a road condition survey and improvements plan provided by the Developer. In that regard the Department will require a Protocol Two Road Condition Survey of Burlin Road extending from Rock Run Road to MD Route 276. The completed survey and an improvements plan for Burlin Road must be approved by the DPW prior to submitting the preliminary plat to Planning Commission. The minimum improvements required will be those associated with Section 3.07.15 of the Road Code which nominally requires that Burlin Road be reconstructed for a minimum of 100’ either side of the point of intersection to current standards for the appropriate road classification. If the road already meets current standards, no road improvements are required. However with the number

of lots and the condition of the existing road additional offsite improvements may very well be required. The road survey and improvements plan will reviewed by the Department. The detail and extent of the offsite improvements required must be agreed to by the Department and the Applicant prior to submitting the preliminary plat to the Planning Commission.

13. The Developer must provide an intersection & stopping sight distance submittal for the proposed Burlin Road access point. This submittal must be approved by the Department prior to presenting the preliminary plat to the TAC for review. Mark the proposed entrance locations in the field by flagging or stake on the roadside bank.
14. The design engineer must address the requirement for minimum acceleration, deceleration, and bypass lanes for the proposed Burlin Road intersection. Any right-of-way acquisition necessary shall be performed by the applicant and at the applicant's expense. The intersection location shown appears to require obtaining an ROW from the owners of Parcel 145 to accommodate the deceleration lane
15. A Road Code Variance will be required for the non-compliant cul-de-sac diameters proposed.
16. The Applicant is reminded of the SHA comments regarding sight distance deficiencies of the proposed MD Route 276 entrance. Have you looked into how far the entrance must be moved to achieve the sight distances required? The Department will want to see a revised concept plat if the entrance is relocated as it would impact Granite cliffs Blvd. and the proposed commercial lot at a minimum.
17. The Department has a serious concern over the location of the commercial pad site access onto Granite Cliffs Boulevard in close proximity to the MD 276 intersection. At a minimum this should be a right in right out only access. The right in access must be from a dedicated right turn lane running from the MD 276 intersection to the site access. Preferably, all access should be from Bluestone Drive. What type of business is proposed for this pad site?
18. All MDE permitting required for the Bluestone Drive stream crossing must be obtained prior to the DPW approving the Road & Storm Drain plans.
19. The Department requires a Geo-technical analysis for all wetlands/streams road crossings to determine suitability of the sub-base to support a county road. This analysis must be included in the road & storm drain design submittal.
20. All proposed roads must comply with Standard Detail R-35 and all appropriate sections of the Cecil County Road Code.
21. Access from Bluestone Drive or MD 276 must be provided to the SWM facility adjacent to the Anchor & Hope Farm, Inc. property.
22. The Department has a concern over where this same facility will discharge. It appears that as presented it may impact the adjoining property's driveway. If stormwater discharge is directed off of the site on to adjacent property it is the responsibility of the Developer to obtain necessary and appropriate easements from the affected property owners per Sections 251-13 and 251-15.D of the Cecil County SWM Ordinance.
23. 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:
  - 23.1 The Final Plat Lot Grading and Lot Grading Plan Construction Limits Notes.
  - 23.2 Compliance with Sections 251-9.A (5), 251-13, and 251-15.D. of the Cecil County Stormwater Management Ordinance.
  - 23.3 Requirements for Utility relocations.
  - 23.4 Requirements for Public Works Agreements.
  - 23.5 Requirements for Stormwater Inspection and Maintenance Agreements.
  - 23.6 Requirements for Driveways.

***Notes and requirements identified for record:***

1. The Final Plat must include the Lot Grading Plan standard note. 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. A Public Works Agreement is required for the streets & storm drainage constructions.
5. An Inspection & Maintenance Agreement is required for the private SWM facilities.
6. 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.

Mr. Doordan read the comments of the Health Department:

The narrative indicates that the proposed water supply would involve a surface water appropriation from the Susquehanna River. Approval of the appropriation by Maryland Department of the Environment and the Susquehanna River Basin Commission must be granted prior to final plat approval.

A permit to construct the water supply must be obtained from the Maryland Department of the Environment prior to Record Plat approval. Water supply must be adequate for the proposed commercial usage also.

The narrative indicates that sewerage disposal will be a treatment plant to a lagoon with spray irrigation. Testing for the design of this system must be approved by Maryland Department of the Environment prior to final plat approval. A permit to construct the sewage disposal system must be obtained from the Maryland Department of the Environment prior to Record Plat approval. Sewerage design must be adequate for the proposed commercial usage also.

The property is currently W-3, S-3. The Master Water and Sewer Plan must be updated prior to final plat approval.

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

1. Public sewerage will be available to all lots offered for sale (by owner’s signature block).
2. Use of public sewerage is in conformance with the Cecil County Master Water and Sewer Plan (by Health Department signature block).
3. Plans for the community sewage disposal system have been approved by Maryland Department of the Environment (by owner’s block).

A permit to construct a swimming pool must be issued by the Department of Health and Mental Hygiene prior to site plan or Building Permit approval. If a Food Service Facility is proposed at the Clubhouse or in the area of the commercial pad, Food Service Facility Plans must be submitted to and approved by the Cecil County Health Department prior to Building Permit approval.

Vice Chair Doordan asked if anyone would like to speak in favor or in opposition to this project. Rupert Rossetti, 215 Dr. Jack Road, Port Deposit, MD 21904, Ed Merriman, 160 Anchor Hope

Lane, Port Deposit, MD 21904 and George Kaplan, 35 Oak Street, Colora, MD 21917, spoke in opposition of this project. See comments in the file at the Office of Planning and Zoning.

Mr. Di Giacomo read the recommendation of the staff:

**Recommendation of APPROVAL to the Board of Appeals**, conditioned on:

- 1) The boundary line survey's being completed prior to the TAC's review of any Preliminary Plat;
- 2) The TIS's being completed prior to the TAC's review of any Preliminary Plat and DPW and SHA concerns being addressed;
- 3) The modifications requested under Column "B" of the Bulk Regulations section of the Development Summary being granted;
- 4) The §252.2 citation in General Note # 20 being corrected;
- 5) All misspellings in the General Notes being corrected;
- 6) All common open space being consistently labeled and referenced as "common open space,"
- 7) A formal briefing being made to officials of the Town of Port Deposit prior to the Planning Commission's review of any Preliminary Plat;
- 8) All road names being approved prior to the Planning Commission's review of any Preliminary Plat;
- 9) The PFCP's being approved prior to the Planning Commission's review of the Preliminary Plat; and
- 10) The number of townhouses proposed being approved.

A motion for the recommendation of disapproval based on the following was made by Mr. Janusz;

- DPW concerns as stated in the record;
- SWM concerns;
- Concerns over water and sewer operations and fees; and
- The number of access points to the development.

The motion was seconded by Mr. Wallace.

All in favor of the recommendation of disapproval. Motion carried.

**Informational Item:**

**Charlestown Crossing, Phase 1, Alternate Layout Townhouses 1-105, Clark Turner Companies, Fifth Election District.**

Fred Sheckles and Rick Bechtel appeared and presented an overview of the revisions to the project. Mr. Bechtel stated that they would be heard by the Board of Appeals for a variance of the amount of townhouses permitted per unit in a PUD.

The Planning Commission members agreed that they are all in favor of this revision.

**General Discussion:**

Vice Chair Doordan stated that the Planning Commission will wait until the evening meeting for general discussion due to the absence of Chairman Mortimer. All agreed.

A motion to adjourn was made by Mr. McDowell.

The motion was seconded by Mr. Wallace.

The March Planning Commission meeting adjourned at 2:37 p.m.

Respectfully Submitted:

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*Jennifer Bakeoven*