

CECIL COUNTY PLANNING COMMISSION

Meeting Minutes

April 20, 2009

Present: Bill Mortimer, Chairman; Pat Doordan, Vice Chair, Joe Janusz; Wyatt Wallace; Guy Edwards; Ken Wiggins; Tim Whittie; Clara Campbell; Fred von Staden; Rebecca Demmler; Tony Di Giacomo; Eric Sennstrom; Jennifer Bakeoven; Paula Eliopoulos, Court Reporter.

Absent: H. Clay McDowell (alternate) and Mark Woodhull.

Call to Order: Chairman Mortimer called the meeting to order at 10:05 a.m.

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

1. Liberty Grove Reserve, Lots 1-10, Liberty Grove Road, Preliminary Plat Extension, CNA Engineers, Sixth Election District.

Doug Kopeck, CNA Engineers and Richard Bechtel, Esq., 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: NAR

Density: The Concept Plat, proposing 10 lots on 32.34 acres, for a bonus density of 1/3.234, was approved on 9/18/06, conditioned on:

- 1) Documentation of the completion of the JD being submitted prior to the Planning Commission's review of the Preliminary Plat;
- 2) The PFCP being approved prior to the Planning Commission's review of the Preliminary Plat;
- 3) All misspellings being corrected prior to the TAC's review of the Preliminary Plat; and
- 4) A waiver of the Bufferyard C requirement along Liberty Grove Road being granted for safety reasons, as determined necessary.

The Preliminary Plat was approved on 6/18/07, conditioned on:

- 1) Health Department requirements being met;
- 2) DPW requirements being met;
- 3) Deed restrictions for the long-term protection of the Forest Retention/Afforestation Areas (FRAs) and street trees 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;
- 4) The FCP and Landscape Plan being approved prior to the Planning Commission's review of the Final Plat;
- 5) The Bufferyard C requirement being modified because of sight distance safety considerations; and

6) The 10' street tree planting easements being shown and noted on the Final and Record Plats.

§4.1.17 provides that Preliminary Plats shall be valid for two years from date of approval. Therefore, it will expire on 6/18/09 unless either a Final Plat is approved and recorded or, as requested, the Preliminary Plat's validity is extended today.

If granted, then Preliminary Plat approval will be extended until 4/20/11.

§4.1.18 now stipulates, "The Planning Commission may, at their regular monthly meeting, grant an extension of the Preliminary approval for two (2) years upon application of the developer. If granted, said extension shall run for two (2) years 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. Whittie, DPW, read the comments of the department:

The Department has no objection to the extension as requested. The Applicant must be aware that if the SWM and E&S plans for this project are not approved (i.e. signed) by May 4th 2010 the new Ordinance will apply and the SWM plan must be re-designed to meet its requirements. Otherwise the previous comments from the June 18, 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, and a Mass and Final Grading plan must be approved by the CCDPW prior to submittal for Final Plat Approval.
2. The developer shall upgrade Liberty Grove Road for a distance of 100' either side of the point of intersection between the proposed entrance and Liberty Grove Road. The design engineer must address the requirement for minimum acceleration, deceleration, and bypass lanes also. The developer must make a legitimate good faith effort to obtain all ROW required to accomplish these improvements. This effort must conform to Section 3.07.15 of the Road Code Guidance Manual. The applicant may seek a variance to these requirements if after these efforts the applicant is unable to obtain the necessary ROW.
3. The required acceleration /deceleration lanes must be identified on the preliminary plat.
4. The first set of inlets proposed on Pine Needle Court must be directed to the SWM pond.
5. The Department will not allow runoff to be directed across Liberty Grove Road creating a hazard. With this in mind the SWM plan must satisfactorily address how the existing conveyance along Liberty Grove Road will handle the pond discharge as proposed. 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.
6. A 30' wide strip of land along this site's Liberty Grove Road frontage must be dedicated to the Board of County Commissioners of Cecil County in fee simple and be so noted on the preliminary & final plats.
7. The sight distance measurements required at preliminary plat review have been received and are being reviewed.
8. Adjust the location of the inlets at the cul-de-sac bulb to reflect the road alignment proposed.
9. Horizontal curvature of the Pine Needle Court centerline adjacent to Lot 9 must have a minimum radius of 200' to assure adequate sight distances are achieved.

10. 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).
11. In accordance with section 4.1.22. (n) of the Subdivision Regulation all easements for SWM facilities and/or conveyance must be identified on the preliminary plat. These easements are also required by section 251-15 A of the County's SWM Ordinance.
12. How will SWM quantity & quality requirements be addressed for lots not draining to the proposed ponds?
13. Where is the defined conveyance to Basin Run from the proposed SWM pond adjacent to Lot 6?
14. 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:
 - 14.1 The Final Plat Lot Grading and the Lot Grading Plan Construction Limits Note.
 - 14.2 Compliance with Sections 251-9.A (5), 251-13, and 251-15.D. of the Cecil County Stormwater Management Ordinance.
 - 14.3 Compliance with Section 3.07.15 of the Cecil County Road Code.
 - 14.4 Requirements for Utility relocations.
 - 14.5 Requirements for Public Works Agreements.
 - 14.6 Requirements for Stormwater Inspection and Maintenance Agreements.
 - 14.7 ~~Requirements for Stopping Sight Distance measurements.~~
 - 14.8 Requirements for County Roads.
 - 14.9 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 or equivalent 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 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. The internal street grade leaving Liberty Grove Road may not exceed 5% within the limits of the intersection right-of-way.
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:

A Groundwater Appropriation Permit exemption must be filed with Maryland Department of the Environment prior to final plat approval with a copy submitted to the Health Department for our records.

The Cecil County Health Department has no objection to the extension of preliminary plat approval.

Chairman Mortimer asked if anyone would like to speak in favor or in opposition of this project. No one spoke.

Discussion ensued regarding the granting of bonus density for this project.

Mr. Di Giacomo read the recommendation of the staff:

The **GRANTING** of a two (2) year extension, to expire on **4/20/11**.

A motion for the granting of a two year extension was made by Mr. Janusz.

The motion was seconded by Mr. Wallace.

All approve. Motion carried.

2. Wilson Property, Lots 1-10, Doctor Jack and Rowland Roads, Preliminary Plat Extension, CNA Engineers, Seventh Election District.

Doug Kopeck, CNA Engineers, 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 that 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: NAR

Density: The Concept Plat, proposing 4 minor subdivision lots and 6 major subdivision lots on 32.82 acres,¹ for a proposed density of 1/5.47, was approved on 1/17/06, conditioned on:

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

The Preliminary Plat was approved on 5/17/06, conditioned on:

- 1) Health Department requirements being met;
- 2) DPW requirements being met;
- 3) Common open space being labeled and referred to as such;
- 4) Documentation of all necessary easement agreements with AT&T being submitted prior to the Planning Commission's review of any Final Plat;
- 5) Errors in Note # 26 being corrected;
- 6) The FCP and Landscape Plan being approved prior to the Planning Commission's review of any Final Plat; and
- 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.

§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. Unless another

¹ Site Data column Note # 8 indicated that 4 Minor Subdivision lots were not invoking §2.4.1, so 4 acres (1 for each proposed Minor Subdivision lot) were deducted from the total 36.82 acres, leaving 32.82 acres – based upon which, the 6 proposed major subdivision lots yielded a proposed density of 1/5.47.

extension is granted, or a Final Plat is approved and recorded in the interim, the Preliminary extension granted on 4/21/08 will expire tomorrow.

If a two-year extension is granted, then the Preliminary Plat approval, with conditions, will be extended until 4/20/11.

§4.1.18 now stipulates, “The Planning Commission may, at their regular monthly meeting, grant an extension of the Preliminary approval for two (2) years upon application of the developer. If granted, said extension shall run for two (2) years 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. Whittie, DPW, read the comments of the department:

The Department has no objection to the extension as requested. All plans are approved and the only administrative issues remain outstanding are the standard lot grading note (“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.”) and the required fee simple dedication of a 30’ wide strip of land along Dr. Jack Road & Rowland Road frontages being identified on the record plat.

Mr. Doordan read the comments of the Health Department:

A Groundwater Appropriation Permit exemption must be filed with Maryland Department of the Environment prior to final plat approval with a copy submitted to the Health Department for our records.

The preliminary plat submitted for extension does not reflect numerous changes which were shown on the June 2007 Planning Commission Final Plat. The Cecil County Health Department has no objection to the extension of preliminary plat approval, but reminds the applicant of comments from June 2007.

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 two (2) year extension of Preliminary Plat approval, to expire on **4/20/11**.

A motion for the granting of a two year extension was made by Mr. Doordan.

The motion was seconded by Mr. Janusz.

All approve. Motion carried.

3. Lands of Thomas & Jane Garvin, Lot 2, New Bridge Road, Concept Plat, C. Robert Webb, Professional Surveyor, Eighth Election District.

C. Robert Webb, Surveyor, and Benjamin Garvin, son of the owner 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: NAR (& RR)

Density: The NAR zone permits a maximum base density of 1 du/ 10 ac.

The Lot 1 for the Lands of Garvin was approved on 8/16/04, conditioned on:

- 1) Health Department requirements being met;
- 2) DPW requirements being met; and
- 3) The Landscape Agreement being executed prior to recordation.

This Concept Plat proposes one new lot, Lot 2, plus the dwelling on the remaining lands, on an estimated 46.1947 acres, for a proposed density of 1/15.398.

The creation of any additional lots in the future shall require a boundary line survey for the entirety of Parcel 21.

Lot 2 is proposed to consist of 1.2073 acres.

This proposal affects not only Parcel 21, belonging to the Garvin's, but Parcel 176, belonging to the Ross's. A right-of-way easement to the proposed Lot 2 is shown across Parcels 21 and 176, and the proposed Lot 2 and Parcel 176 would share the existing entrance onto New Bridge Road.

A road frontage Variance was granted on 4/29/08, file # 3391.

A 30' wide road right-of-way strip should be shown, dedicated to the Board of County Commissioners, as it is on Minor Subdivision #1351.

§2.0 allows for a combined Preliminary-Final Plat if there are from 1 to 5 lots.

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.²

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

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

² 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."

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.

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

No common open space is required for fewer than 10 lots.

No landscaping is required and no sidewalks are recommended in the NAR zone.

Per §187.2, the Planning Commission may require bufferyards to separate different zoning districts (NAR—RR) from one another.

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

No street trees are recommended along the proposed right-of-way in the interest of better preserving the rural character.

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

This proposal is exempt, per §3.2K.

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

Any 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 Final and Record Plats.

Legal arrangements (e.g., a PRMA) for maintenance of the shared entrance must be established prior to recordation.

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.

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

1. A SWM plan must be approved by the Department prior to the final plat being recorded.

Mr. Doordan read the comments of the Health Department:

A Groundwater Appropriation Permit exemption must be filed with Maryland Department of the Environment prior to final plat approval with a copy submitted to the Health Department for our records.

The sewage area lost to stay 5' off the property line on the front lot has not been compensated for. The front sewage area must maintain 10,000 square feet.

Mr. Mortimer asked the applicant how the location of the proposed lot was chosen. Mr. Garvin said it was a personal preference.

Mr. Janusz made remarks regarding the over-capacity of Rising High School. He asked if there are future plans of expanding the school. Mr. Sennstrom said no.

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) No Bufferyard A, no §187.2 bufferyard, and no street trees being required; and
- 2) A 30' wide road right-of-way strip being shown, dedicated to the Board of County Commissioners, consistent with Minor Subdivision #1351.

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

All approve. Motion carried.

4. Persimmon Creek, Section 4, Fletchwood Road, Preliminary Plat Extension, KCI Technologies, Inc., Fourth Election District.

Ken Simmons, owner and Jeff Siemens, Persimmon Partners, appeared and presented an overview of the project.

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

This project remains 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

The Section 4 – Section 5 Concept Plat was approved at a density of 2.32/1 on 4/20/05, conditioned on:

- 1) The JD Being completed prior to Preliminary Plat review by the Planning Commission;
- 2) The boundary line survey being complete prior to Preliminary Plat review by the TAC;
- 3) A sidewalk along the Fletchwood Road frontage being included in the final design; and
- 4) All stream buffers being depicted on the Preliminary Plat prior to TAC review.

The Section 4 Preliminary Plat was approved on 5/15/06, conditioned on:

- 1) Health Department requirements being met;
- 2) DPW requirements being met;

- 3) A copy of the signed and sealed survey being provided to OPZ prior to the submission of a Final Plat; and
- 4) The FCP and Landscape Plan being approved prior to Planning Commission review of the Final Plat.

§4.1.17 of the Subdivision Regulations provided 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 is set to expire tomorrow (4/21/09).

If another extension is granted, then the Preliminary Plat approval, with conditions, will be extended until 4/20/11.

§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 two (2) years upon application of the developer. If granted, said extension shall run for two (2) years 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. Whittie, DPW, read the comments of the department:

The Department has no objection to the extension as requested. The Applicant must be aware that if the SWM and E&S plans for this project are not approved (i.e. signed) by May 4th 2010 the new Ordinance will apply and the SWM plan must be re-designed to meet its requirements. Otherwise 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.

1. The proposed overflow parking has been reviewed by the Department and is acceptable.
2. A SWM plan, Road & Storm Drain plan, Water distribution and sewer collection 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.
3. The Developer is responsible to have the serving fire company review fire hydrant spacing and locations prior to final engineering drawings submittal. Sewer service laterals for all new town homes proposed must connect to a new sewer main in the proposed subdivision street. The Developer must upgrade SPS controller panel as part of the sanitary sewer improvements for Sections 4 and 5; contact the DPW Water & Wastewater Division for details. The Developer must repair I&I problem at gravity sewer input to SPS wet well as a condition of sewer allocation.
4. The water main must be located in the street north of the stream crossing.
5. Pre-design geotechnical evaluation and borings along the proposed road perennial stream and wetlands crossings is required, along with specific remedial recommendations for subsurface drainage and street sub grade placement. Additionally, the stream crossing structure must be approved as part of the road system approval, which must meet County Road Code criteria, passing the 25 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.
6. 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. The Department recommends that the applicant approach the developer of the adjacent Westcreek Village property in pursuing a joint effort in upgrading the water system model.

7. Water & Sanitary Sewer allocation for 48 Equivalent Living Units was granted on September 23, 2005. Public utility connection fees and a benefit assessment for the Meadowview system upgrades will be applicable to each building permit sought, and on an ELU basis.
8. The Persimmon Lane geometry appears to meet the intent of the Department's 9-23-05 response to Road Code Variances sought by the applicant in the 9-12-05 request.
9. Show the private stormwater management and stormwater management outfall easements across the common open space on the final plat(s). Utility Easements less than 20' in width are typically not acceptable to the Department for new subdivision work.
10. The C.O.S. stormdrain system shown is for private stormwater management purposes and shall be shown in a private stormwater drainage easement outside of the public water easement.
11. Public Stormdrainage easements must be separated from private stormwater management and access easements.
12. 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:
 - 12.1 The Final Plat Lot Grading, Sidewalk Maintenance, and Lot Grading Plan Construction Limits Notes.
 - 12.2 Compliance with Sections 251-9.A (5), 251-13, and 251-15.D. of the Cecil County Stormwater Management Ordinance.
 - 12.3 Compliance with Section 3.07.15 of the Cecil County Road Code.
 - 12.4 Requirements for Utility relocations.
 - 12.5 Requirements for Public Works Agreements.
 - 12.6 Requirements for Stormwater Inspection and Maintenance Agreements.
 - 12.7 Requirements for County Roads.
 - 12.8 Requirements for Driveways.
 - 12.9 Requirements for Final Plat - Public Water and Sewer Allocation.
 - 12.10 Townhome Parking Areas & H.O.A. Maintenance Easement Notes.
 - 12.11 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 Persimmon Lane be upgraded to a Collector Road standard for 100' either side of the proposed entrance.
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 and public water and 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 Persimmon Lane 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 water and sewer allocation from the Department of Public Works before submitting a final plat to the Cecil County Planning Commission for approval.
10. All parking areas are to be paved and are to be maintained by the HOA unless otherwise noted. Identify parking easements as private easements for HOA maintenance of the parking areas. This must be shown clearly on the final plat. Identify permanent maintenance easements in accordance with footnote one of standard detail R-5 of the Cecil County Road Code.
11. 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. Whittie gave an overview of the changes that are being made to Chapter 5 of the SWM Ordinance.

Mr. Doordan read the comments of the Health Department:
The Cecil County Health Department has no objection to the extension of preliminary plat approval.

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 two (2) year extension of Preliminary Plat approval, to expire on **4/20/11**.

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

All approve. Motion carried.

5. Persimmon Creek, Section 5, Fletchwood Road, Preliminary Plat Extension, KCI Technologies, Inc., Fourth Election District.

Ken Simmons, owner and Jeff Seimens, Persimmons Partners, 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: RM³

Density: The Section 4 – Section 5 Concept Plat⁴ was approved at a density of 2.32/1 on 4/20/05, conditioned on:

- 1) The JD Being completed prior to Preliminary Plat review by the Planning Commission;
- 2) The boundary line survey being complete prior to Preliminary Plat review by the TAC;
- 3) A sidewalk along the Fletchwood Road frontage being included in the final design;

³ The **RM** zone permits a base density of 2 du/ 1 ac., or 6/1 with community facilities, or 12/1 for townhouses.

⁴ The first Persimmon Creek Concept Plat was approved on 12/18/90. The last Record Plat from previous sections was signed on 5/6/99. Therefore, the original Concept Plat has expired.

- 4) All stream buffers being depicted on the Preliminary Plat prior to TAC review;

The Section 5 Preliminary Plat was approved on 9/19/05, conditioned on:

- 1) Health Department requirements being met; and
- 2) DPW requirements being met.

Per §4.1.18, 1-year Preliminary Plat extensions were granted on 8/20/07 and 7/21/08 (expires 7/21/09).

Subsequently, a Section 5 Final Plat was approved on 9/17/07, conditioned on:

- 1) That Health Department requirements being met;
- 2) That DPW requirements being met;
- 3) The owners of these lots becoming members of the Homeowners' Association, established for maintenance of common open space, with \$50 per recorded being lot placed in the HOA escrow for improvements prior to recordation;
- 4) A Landscape Agreement being executed prior to recordation;
- 5) Deed restrictions for the long-term protection of the Forest Retention/Afforestation Areas (FRAs) being recorded and noted on the plat prior to recordation, with the metes and bounds description of the FRA being shown on the Record Plat;
- 6) The 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;
- 7) The Record Plats' containing a statement, signed by the owner, to the effect that such facilities will be available to the buyers of all lots offered for sale;
- 8) The Record Plat's reflecting the sidewalk along Fletchwood Road; and
- 9) The Record Plat's referencing Minor Subdivision #2337 and Rezoning File # 04-21.

§4.1.17 provides that "The recordation of any section of a Final Plat shall extend the Preliminary Plat approval for an additional two (2) year period from the date of said recordation. If a Final Plat is not recorded during the period, then the developer may request an extension in accordance with Section 4.1.18."

§4.1.18 now stipulates, "The Planning Commission may, at their regular monthly meeting, grant an extension of the Preliminary approval for two (2) years upon application of the developer. If granted, said extension shall run two (2) years 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."

We report that there have been no such pertinent changes.

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

The Department has no objection to the extension requested. All outstanding issues with the Department of Public Works must be addressed prior to the final plat submittal and we request that the Planning Commission approval be conditioned on all said outstanding issues be resolved. The Applicant must be aware that if the SWM and E&S plans for this project are not approved (i.e. signed) by May 4th 2010 the new Ordinance will apply and the SWM plan must be re-designed to meet its requirements.

Mr. Doordan read the comments of the Health Department:

The Cecil County Health Department has no objection to the extension of preliminary plat approval.

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 two (2) year extension of Preliminary approval, to expire on **4/20/11**.

A motion for the granting of a two year extension was made by Mr. Doordan.

The motion was seconded by Mr. Janusz.

All approve. Motion carried.

6. Larson's Northeast Overlook, Phase 1, Lots 1-62, MD Rte. 272, Concept Plat, Morris & Ritchie Associates, Inc., Fifth Election District.

Lou Shaffer and Jennifer Zhai, Frederick Ward Associates and Darrell Gregg, Larson's Investments, 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

Density: The SR zone permits a density of 1 du/ 1 ac., or 2/1 with community facilities. This project proposes 62 lots⁵ on 96.4262 acres, for a proposed density of 1/1.555. The plat's cited density of 1/1.64 is based on only 'Part 1's' acreage.

A boundary line survey⁶ 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 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.⁷

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

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

If the buffer must be expanded, then a proposed SWM area may need to be reconfigured.

⁵ The Parcel Map and Vicinity Map inserts fulfill the **§4.0.13 (b)** requirements.

⁶ Note # 1 indicates that the boundary line survey has already been completed.

⁷ 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."

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 wetlands⁸ 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.

15% common open space is required; 36.1% is proposed, based upon 37.2556 acres. If the area to the west of proposed Lot 1 is C.O.S., then the area of the proposed accesses easement must be deducted from the C.O.S. calculation, per §176.2.a.

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.

20% landscaping of the development envelope is required.

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 272. References to 'Buffer C' must be corrected.

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

A 20' buffer is shown behind proposed Lots 1-11.

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.

The FSD was approved on 9/15/08.

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.

⁸ Note # 2 indicates that the wetlands have been field delineated.

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 Preliminary Plat review.

All road names must be approved prior to the Planning Commission's review of the Preliminary Plat. The following name has been DISAPPROVED:

- Lydia Court

Is the small triangle of space south of the Susan Jean Way tee turn around to be included in the right-of-way or the C.O.S. acreage? Mr. Shaffer said it would be C.O.S.

The applicant is reminded of the provisions of §7.2.12.B.8 and §7.2.12.B.11.

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

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

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

The Master Water and Sewer Plan classifies this site as S3 only. Therefore, unless individual wells are proposed, then the Master Water and Sewer Plan must be amended no later than prior to Final Plat review.

If the water is proposed to be provided by the Town of North East, then written verification of water allocation must be submitted prior to Final Plat submittal, as well as an amendment to the Master Water and Sewer Plan being achieved by that time. The water service agreement area map must also be amended by that time.

If a community water facility is proposed, then it will require an amendment to the Master Water & Sewer Plan, as well as compliance with §175, prior to the Plat Final review.

This proposal must fully comply with all provisions of §175, including §175.2.e, §175.2.i, and §175.2.l.

All approvals, including site plan approvals, of any shared water 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 any water allocation must be provided by the applicant prior to the Planning Commission's review of the Final Plat.

Documentation of any 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.

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

1. A SWM plan, Road & Storm Drain plan, Water & Sewer plans, 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 Applicant must be aware that if the SWM and E&S plans for this project are not approved (i.e. signed) by May 4th 2010 the new Ordinance will apply and the SWM plan must be re-designed to meet its requirements.
3. This development, as proposed, is dependent on the Villages at North East being built to the point that sewer service could be accessed. In addition and more importantly the Villages at North East cannot proceed until the De La Plaine pump station has been upgraded to accommodate additional flow from this area. The Developer proceeds at his own risk in regards to this dependence.
4. Have you discussed the proposed connections with the Developer of Villages at North East? Mr. Shaffer said yes. Does their proposed sanitary sewer pump station have the capacity, as designed, to meet your additional demand? Have you analyzed their plans to determine whether the sewer lines you intend to connect to are adequately sized? Mr. Shaffer said all issues above are part of the discussions with the Villages of North East developer.
5. Sewer allocation must be requested from the Cecil County Department of Public Works.
6. Proposed sanitary sewer run outside of County ROW must be ductile iron.
7. The water distribution system must be designed to meet or exceed County standards for all portions located within the County ROW. The system must provide adequate fire flow and pressure throughout your subdivision as well as the potential development on Parcels 76, 105, & remainder of 197.
8. It appears that many of the lots proposed cannot use gravity sewer to reach the proposed MH adjacent to Lots 20/21. Do you intend to provide a pump station? Any pump station required must be located on a lot dedicated in fee simple to the Board of County Commissioners of Cecil County.
9. The trip generation associated with the development (62 units) proposed accounts for a minimum ADT of 620 which exceeds minor road loading. That by itself requires that Elizabeth Marie Way be designed as the minor collector road as identified on the plat by the 60' ROW shown.
10. What is the development potential for the Parcels 76, 105, & the remainder of 197? With the potential for additional traffic loading resulting from future connection to the remainder of Parcel 197 through the Lands of Eveland (Parcel 105) the cul-de-sac of Susan Jean Way adjacent to Lots 14-15 may eventually be modified to a through street.
11. The Department requests that the Planning Commission require that a Traffic Impact Study be prepared and submitted prior to any review of the preliminary plat.
12. Closed section road is required throughout this development.
13. Will the proposed dwellings have garages? How many off-street parking spaces will you provide on each lot?
14. The preliminary plat must reflect all easements required for SWM, storm drains, and utilities.
15. The preliminary plat must also show all storm drains and in general how runoff will be conveyed to the proposed SWM areas. Also identify where the SWM areas will discharge.
16. What consideration has been given to where the SWM area adjacent to Lot 42 will discharge? Where do you intend to direct the discharge? Mr. Shaffer said the discharge would be directed to the state highway. Mr. Whittie told them applicant he will have to coordinate with SHA.
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:

Notes and requirements identified for record:

- 16.1 The Final Plat Lot Grading and Lot Grading Plan Construction Limits Notes.
- 16.2 Compliance with Sections 251-9.A (5), 251-13, and 251-15.D. of the Cecil County Stormwater Management Ordinance.

- 16.3 Requirements for Public Works Agreements.
- 16.4 Requirements for Stormwater Inspection and Maintenance Agreements.
- 16.5 Requirements for County Roads.
- 16.6 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. A Public Works Agreement is required for the streets & storm drains, water and sewer systems.
4. An Inspection & Maintenance Agreement is required for the private SWM facilities.
5. The internal street grade leaving Spears Hill Road may not exceed 5% within the limits of the intersection right-of-way.
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:

Written documentation of water and sewer allocations must be submitted to the Cecil County Health Department prior to final plat approval. A Groundwater Appropriation Permit and a permit to construct the public water supply must be issued by Maryland Department of the Environment prior to final plat approval. Plans to construct any sewage pumping station must be approved by Maryland Department prior to final plat approval. Ownership of the public water utility must satisfy Comar 26.04.05 as a shared facility or Comar 26.04.03.08B.

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

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

The Master Water and Sewer Plan must be amended to include this parcel prior to final plat approval.

The Cecil County Health Department cannot approve creation of a parcel without provision for water and sewerage. Our office has repeatedly asked if "part III" is legally a separate parcel and could be sold separately without subdivision, or if this subdivision creates that division. Note 16 does not satisfactorily address this question. Until this issue is resolved, our office will not be able to approve this subdivision.

Chairman Mortimer asked if anyone would like to speak in favor or in opposition of this project. Bruce Cameron, property owner, spoke in opposition of this project.

Carl Walbeck gave an overview of the Elk Neck Trail and the impact of this project.

Mr. Di Giacomo read the recommendation of the staff:

APPROVAL, conditioned on:

- 1) A TIS being completed prior to the TAC's review of any Preliminary Plat;
- 2) The designation Buffer C being changed to Bufferyard C on all subsequent submittals;
- 3) All road names' being approved prior to the Planning Commission's review of the Preliminary Plat; and
- 4) A monumental entrance being included in the Preliminary Plat design.

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

The motion was seconded for discussion by Mr. Edwards.

Discussion ensued regarding issues concerning water, sewer and access layout.

Mr. Doordan voted in favor of the approval with conditions.

Mr. Janusz, Mr. Wiggins, Mr. Wallace and Mr. Edwards voted in opposition of the approval with conditions.

A motion for disapproval based on the layout, which contains insufficient access to the property, given that 62 lots are proposed was made by Mr. Edwards.

The motion was seconded by Mr. Wallace.

Mr. Janusz, Mr. Wiggins, Mr. Wallace and Mr. Edwards voted in favor of disapproval for reasons stated.

Mr. Doordan voted in opposition of the disapproval.

Motion for disapproval carried.

7. Candlelight Ridge, Phase II, Lots 1-5 & 36-39, Red Toad Road, Concept Plat, Morris & Ritchie Associates, Inc., Fifth Election District.

James Keefer and Travis Canavan, Morris & Ritchie Associates, 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.

Density: The SR zone permits a density of 1 du/ 1 ac., or 2/1 with community facilities.

The original Concept Plat⁹ was approved on 3/17/03 at a density of 1.28/1 (39 lots on 30.38 acres), conditioned on:

- 1) A Jurisdictional Determination (JD) being done prior to preliminary plat review by the Planning Commission;
- 2) The Preliminary Forest Conservation Plan modifying the previous FCP associated w/ Minor Subdivision # 3369, or the proposed Raydan Road alignment being changed;
- 3) The internal roads' names being approved prior to the Planning Commission's review of the Preliminary Plat;
- 4) Minor Subdivision # 3369 being referenced on the plat; and
- 5) A sensitive species survey being conducted on site prior to the Planning Commission's review of the Preliminary Plat.

The Preliminary Plat¹⁰ was approved on 9/15/03, 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) The block or grid number being added to the plat;
- 5) A Homeowners' Association being established for maintenance of common open space with \$50 per recorded lot being placed in escrow for improvements prior to recordation, with all lot owners becoming members; and
- 6) Satisfactory well compliance reports being submitted to the Health Department prior to release of any building permit.

The Phase 1 Final Plat was approved on 9/23/04, conditioned on:

- 1) Health Department requirements being met;
- 2) DPW requirements being met;
- 3) A Homeowners' Association for maintenance of common open space and landscaped islands must be established with \$50 per recorded lot placed in escrow for improvements prior to recordation;
- 4) Deed restrictions for the long-term protection of the Forest Retention/ Afforestation Areas (FRAs) being recorded and noted on the plat prior to recordation, with the metes and bounds description of the FRA must again be shown on the record plat;
- 5) Sidewalks being included on at least one side of all internal roads;
- 6) A Landscape Agreement being executed prior to recordation;
- 7) A reconfirmation that the common open space proposed is still within the sensitive areas thresholds established in §176.2 of the Zoning Ordinance being submitted to the Office of Planning & Zoning prior to recordation;
- 8) All sheets of the Record Plats containing accurate depictions of the location of the site on all location maps;
- 9) The 10' street tree planting easements being shown on the Record Plat, consistent with §186.1; and
- 10) Permits for the stream crossing being issued prior to recordation.

⁹ This project was former known as both Lands of **Miklas & Kuklewski**; f/k/a Lands of **Miklas & Rowles**.

¹⁰ The Preliminary Plat, which was consistent with the approved Concept Plat, was reviewed by the Planning Commission on 8/18/03, at which time it was TABLED for one month until additional information is obtained from the Maryland Department of the Environment regarding whether a groundwater appropriations permit can be issued for this number of wells, and from the Town of North East if it would serve the property.

This Phase II Concept Plat¹¹ proposes 9 lots on 5.155 acres, bringing the overall proposed Phases I & II density to 1/0.79 (39 lots on 30.38 acres). It is consistent with the original, approved Concept Plat.

Per §4.0.13 (b), the Tax Map grid numbers still need to be provided.

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.¹²

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

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

A 25' buffer is required around all non-tidal wetlands and intermittent streams present. Permits are required from the (US Army) Corps of Engineers and MDE for all non-tidal wetland and stream impacts prior to recordation. 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 rare, threatened, and endangered species must be avoided.

The Master Water and Sewer Plan includes this site as W-2 and S-1 areas, respectively.

For Phase II, previously, the Water Service Agreement between the Town of North East and the County did not include this area. Thus, the reason for the delay in bringing the Phase II lots through the review process. The Mayor and Commissioners of the Town and the Board of County Commissioners have agreed to amend that Agreement.

Documentation of the amendment and of water allocation for Phase II must be submitted prior to Final Plat review.

Fire hydrant locations should be selected in consultation with the North East Fire Co. and the Department of Public Works.

With a combined total of 11.222 acres of common open space (36.93%), this proposal satisfies the common open space requirement. 2.027 acres are proposed in Phase II. The sensitive areas thresholds have been calculated and included.

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

¹¹ §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.

¹² 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."

The original FSD approval¹³ has expired. A revised FSD is on hold, pending the Natural Heritage Letter.

The PFCP included Phase II and was approved on 7/30/03.

The Phase I FCP/Landscape Plan was approved on 5/10/04; Phase II's FCP/Landscape Plan must be approved prior to Final Plat review (§6.3.B(1)(a), Forest Conservation Regulations).

Rows of street trees with 10' planting easements are required, outside the right-of-way, along both sides of all internal roads, per §186.1. In areas with community facilities, no street trees shall be planted within 20 feet of sewer laterals and cleanouts.

A Landscape Agreement must be executed prior to recordation.

Deed restrictions for the long-term protection of the 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 again being shown on the Record Plat.

The proposed road name has been approved. Sidewalks are recommended on at least one side of all internal roads.

The owners of these proposed lots must become members of the Homeowners' Association that was created for maintenance of common open space and landscaped islands. \$50 per recorded lot must be placed in escrow for improvements prior to recordation.

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

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.

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

1. The road and sanitary sewer line are in place.
2. The Developer must modify the existing entrance island to accommodate the driveway for Lots 1 & 39 as proposed in your January 14, 2009 submittal.
3. The Developer must provide the driveways for the proposed lots. This requires cutting and repairing the existing modified curbing and the existing sidewalk.
4. The Developer will be responsible for milling and overlaying Raydan Way from Alicia Court to Red Toad Road.
5. Traffic control must be provided for the utility installation & road repair work.

¹³ The FSD was approved on 12/12/02 and revised on 3/10/03. Such approvals are valid for 5 years.

6. The SWM has been addressed for Phase II in Phase I of this development. However lot grading plans for Lots 1-6 & 36-39 must comply with the approved SWM plan for Phase I.
7. Has the Town of North East granted water allocation for the proposed lots?
8. A Public Works Agreement will be required covering the work required to install the proposed water line and connection to the Town's existing water main. The developer must obtain a road construction permit from the Department's Roads Division. Contact Dan Webber at 410-996-6270. water line and connection tee identified on the approved sewer plans installed?
9. Any work within the County ROW must comply with the appropriate sections & details of the Cecil County Road Code.

Mr. Doordan read the comments of the Health Department:

The property is mapped as W-2 and S-1 in the Master Water and Sewer Plan. The plat indicates that the Town of North East is to provide public water and the Department of Public Works is to provide public sewer to the development.

Written documentation of water and sewer allocations must be submitted to the Cecil County Health Department prior to final plat approval.

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

1. Public water and sewerage will be available to all lots offered for sale (by the owner's signature block).
2. Use of public water and sewer is in conformance with the Cecil County Master Water and Sewer Plan (by the 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) The Tax Map grid numbers being provided on the Final and Record Plats.

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

The motion was seconded by Mr. Janusz.

All approved. Motion carried.

8. Candlelight Ridge, Phase II, Lots 1-5 & 36-39, Red Toad Road, Preliminary Plat, Morris & Ritchie Associates, Inc., Fifth Election District.

James Keefer and Travis Canavan, Morris & Ritchie Associates, 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.

Density: The SR zone permits a density of 1 du/ 1 ac., or 2/1 with community facilities.

The original Concept Plat¹⁴ was approved on 3/17/03 at a density of 1.28/1 (39 lots on 30.38 acres), conditioned on:

- 1) A Jurisdictional Determination (JD) being done prior to preliminary plat review by the Planning Commission;
- 2) The Preliminary Forest Conservation Plan modifying the previous FCP associated w/ Minor Subdivision # 3369, or the proposed Raydan Road alignment being changed;
- 3) The internal roads' names being approved prior to the Planning Commission's review of the Preliminary Plat;
- 4) Minor Subdivision # 3369 being referenced on the plat; and
- 5) A sensitive species survey being conducted on site prior to the Planning Commission's review of the Preliminary Plat.

The original, Phase 1, Preliminary Plat¹⁵ was approved on 9/15/03, 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) The block or grid number being added to the plat;
- 5) A Homeowners' Association being established for maintenance of common open space with \$50 per recorded lot being placed in escrow for improvements prior to recordation, with all lot owners becoming members; and
- 6) Satisfactory well compliance reports being submitted to the Health Department prior to release of any building permit.

The Phase 1 Final Plat was approved on 9/23/04, conditioned on:

- 1) Health Department requirements being met;
- 2) DPW requirements being met;
- 3) A Homeowners' Association for maintenance of common open space and landscaped islands must be established with \$50 per recorded lot placed in escrow for improvements prior to recordation;
- 4) Deed restrictions for the long-term protection of the Forest Retention/ Afforestation Areas (FRAs) being recorded and noted on the plat prior to recordation, with the metes and bounds description of the FRA must again be shown on the record plat;
- 5) Sidewalks being included on at least one side of all internal roads;
- 6) A Landscape Agreement being executed prior to recordation;
- 7) A reconfirmation that the common open space proposed is still within the sensitive areas thresholds established in §176.2 of the Zoning Ordinance being submitted to the Office of Planning & Zoning prior to recordation;
- 8) All sheets of the Record Plats containing accurate depictions of the location of the site on all location maps;
- 9) The 10' street tree planting easements being shown on the Record Plat, consistent with §186.1; and
- 10) Permits for the stream crossing being issued prior to recordation.

¹⁴ This project was former known as both Lands of **Miklas & Kuklewski**; f/k/a Lands of **Miklas & Rowles**.

¹⁵ The Preliminary Plat, which was consistent with the approved Concept Plat, was reviewed by the Planning Commission on 8/18/03, at which time it was TABLED for one month until additional information is obtained from the Maryland Department of the Environment regarding whether a groundwater appropriations permit can be issued for this number of wells, and from the Town of North East if it would serve the property.

The Phase II Concept Plat has been reviewed and approved by the Planning Commission today. It was consistent with the original, approved Concept Plat.

This Phase II Preliminary Plat¹⁶ proposes additional 9 lots on 5.155 acres, bringing the overall proposed Phases I & II density to 1/0.79 (39 lots on 30.38 acres).

The plat Note that states that these proposed lots “can not be submitted ...” is now nonsensical and should be omitted from future submittals.

Per §4.1.22 (b), the Tax Map grid numbers still need to be provided.

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.¹⁷

Steep slopes have been shown.

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. 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 rare, threatened, and endangered species must be avoided.

The Master Water and Sewer Plan includes this site as W-2 and S-1 areas, respectively.

Previously, the Water Service Agreement between the Town of North East and the County did not include this area. Thus, the reason for the delay in bringing the Phase II lots through the review process. The Mayor and Commissioners of the Town and the Board of County Commissioners have agreed to amend that Agreement.

Documentation of Phase II water allocation must be submitted prior to Final Plat review.

The proposed fire hydrant location should be finalized in consultation with the North East Fire Co. and the Department of Public Works.

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

By providing a combined total of 11.22 acres of common open space (36.93%), this proposal satisfies the common open space requirement.

¹⁶ §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.

¹⁷ 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.”

The common open space sensitive area threshold calculation is included in Note #9.

The original FSD approval¹⁸ has expired. A revised FSD is on hold, pending the Natural Heritage Letter. The PFCP included Phase II and was approved on 7/30/03.

The Phase I FCP/Landscape Plan was approved on 5/10/04; Phase II's FCP/Landscape Plan must be approved prior to Final Plat review (§6.3.B(1)(a), Forest Conservation Regulations).

Rows of street trees with 10' planting easements are required, outside the right-of-way, along both sides of all internal roads, per §186.1. In areas with community facilities, no street trees shall be planted within 20 feet of sewer laterals and cleanouts.

A Landscape Agreement must be executed prior to recordation.

Deed restrictions for the long-term protection of the 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 again being shown on the Final and Record Plats.

The proposed road name has been approved. Sidewalks are recommended on at least one side of all internal roads.

The owners of these proposed lots must become members of the Homeowners' Association that was created for maintenance of common open space and landscaped islands. \$50 per recorded must be lot placed in escrow for improvements prior to recordation.

Do the current, approved and recorded HOA documents allow for these proposed, additional lots? Mr. Keefer said yes.

If not, then when will those documents be amended and submitted to the Corporate Charter Division of the State Department of Assessments and Taxation for their review and approval?

The Final and 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 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.

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.

The Lot Acreage Table and Project inserts together satisfy the requirements of §4.1.22 (r).

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.

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

¹⁸ The FSD was approved on 12/12/02 and revised on 3/10/03. Such approvals are valid for 5 years.

1. The road and sanitary sewer line are in place.
2. The Developer must modify the existing entrance island to accommodate the driveway for Lots 1 & 39 as proposed in your January 14, 2009 submittal.
3. The Developer must provide the driveways for the proposed lots. This requires cutting and repairing the existing modified curbing and the existing sidewalk.
4. The Developer will be responsible for milling and overlaying Raydan Way from Alicia Court to Red Toad Road.
5. Traffic control must be provided for the utility installation & road repair work.
6. The SWM has been addressed for Phase II in Phase I of this development. However lot grading plans for Lots 1-6 & 36-39 must comply with the approved SWM plan for Phase I.
7. Has the Town of North East granted water allocation for the proposed lots?
8. Sewer allocation must be confirmed prior to submitting the final plat for Planning Commission review.
9. A Public Works Agreement will be required covering the work required to install the proposed water line and connection to the Town's existing water main. The developer must obtain a road construction permit from the Department's Roads Division. Contact Dan Webber at 410-996-6270. water line and connection tee identified on the approved sewer plans installed?
10. Any work within the County ROW must comply with the appropriate sections & details of the Cecil County Road Code.

Mr. Doordan read the comments of the Health Department:

The property is mapped as W-2 and S-1 in the Master Water and Sewer Plan. The plat indicates that the Town of North East is to provide public water and the Department of Public Works is to provide public sewer to the development.

Written documentation of water and sewer allocations must be submitted to the Cecil County Health Department prior to final plat approval.

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

1. Public water and sewerage will be available to all lots offered for sale (by the owner's signature block).
2. Use of public water and sewer is in conformance with the Cecil County Master Water and Sewer Plan (by the 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) Health Department requirements being met;
- 2) DPW requirements being met;
- 3) The FCP/Landscape Plan's being approved prior to Final Plat review;
- 4) The Tax Map grid numbers being provided on the Final and Record Plats;
- 5) Documentation of water allocation for Phase II being submitted prior to Final Plat review;
- 6) Sewer allocation being verified prior to Final Plat review;
- 7) 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; and

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

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

All approve. Motion carried.

9. David S. Willis, Jr., etal, Lots 5-15, Blue Ball Road, Preliminary Plat Extension, McCrone, Inc., Fourth & Ninth 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 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: NAR

Density: The Concept Plat (16 lots on 161.1 acres, for a proposed density of 1/10.068),¹⁹ was approved on 5/20/04, conditioned on:

- 1) A boundary line survey being done for the preparation of the Preliminary Plat for density calculation purposes; and
- 2) A Jurisdictional Determination (JD) being done prior to preliminary plat review by the Planning Commission.

A Preliminary Plat for 16 lots was approved on 5/20/04. Subsequently, a Preliminary Plat for proposed Lots 1-4 was approved on 7/19/04, conditioned on:

- 1) Health department requirements being met;
- 2) DPW requirements being met; and
- 3) The site location in the vicinity sketch being accurately delineated on the Final Plat.

The Final Plat for proposed Lots 1-4 was approved on 5/16/05, and the Record Plat was signed on 12/21/05.

The Concept Plat was granted a one year extension on 4/17/06.²⁰

A Preliminary Plat²¹ proposing 11 lots and 30.29 acres of common open space on 149.62 acres for a proposed density of 1/13.6, was approved on 5/17/06, conditioned on:

- 1) Health Department requirements being met;
- 2) DPW requirements being met;
- 3) The FCP and Landscape Plan being approved prior to the Planning Commission's review of the Final Plat; and

¹⁹ It was brought to the County's attention that a private deed restriction limits the subdivision of this property to 15 lots until 5/29/13. The proposal exceeded that limitation by one lot; however, the County does not enforce private deed restrictions. This Preliminary Plat is consistent with that private deed restriction.

²⁰ §4.0.09 of the Cecil County Subdivision Regulations provides that Concept Plats shall be valid for two years from date of approval. Preliminary approval extends Concept Plat approval for one year from the date of Preliminary approval. Therefore, without the extension, the 5/20/04 Concept Plat approval would have expired on 7/19/06.

²¹ It was consistent with the approved Concept Plat density of 1/10.068.

- 4) Deed restrictions for the long-term protection of the Forest Retention/ Afforestation Areas (FRAs) being recorded and noted on the plat prior to recordation, with the metes and bounds description of the FRA being shown 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, per §4.1.18, 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, it will expire tomorrow.

If a two-year extension is granted, then the Preliminary Plat approval, with conditions, will be extended until 4/20/11.

§4.1.18 now stipulates, “The Planning Commission may, at their regular monthly meeting, grant an extension of the Preliminary approval for two (2) years upon application of the developer. If granted, said extension shall run for two (2) years 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. Whittie, DPW, read the comments of the department:

The Department has no objection to the extension as requested. The Applicant must be aware that if the SWM and E&S plans for this project are not approved (i.e. signed) by May 4th 2010 the new Ordinance will apply and the SWM plan must be re-designed to meet its requirements. Otherwise the previous comments from the May 17, 2006 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, 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. Regardless of phasing, the Department will not accept the internal roads until 80% of all the lots are complete, unless the Developer includes a separate, dedicated construction entrance beyond the first phase of construction or provide a Maintenance bond of 50% of the roadway construction costs.
3. The entrance geometry for the proposed road serving Lots 5-14 must provide for acceleration/de-acceleration lanes. While the Road Code, for the proposed traffic loading, may not warrant them the Department is concerned that the proximity of the over-vertical condition on Blue Ball Road, just north of the entrance, combined with turning movements in and out of the Development will create a traffic safety issue.
4. Old Creek road beyond the cul-de-sac at Lot 10 is a private mini road and the notation on the plat must be changed to reflect this.
5. No Road Code Variances has been sought for this development therefore, the Department will expect to see that the road & storm drain design complies with the Road Code completely.
6. 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:
 - 6.1 Compliance with Sections 251-9.A(5), 251-13, and 251-15.D. of the Cecil County Stormwater Management Ordinance.
 - 6.2 Compliance with Section 3.07.15 of the Cecil County Road Code.
 - 6.3 Requirements for Utility relocations.
 - 6.4 Requirements for Public Works Agreements
 - 6.5 Requirements for Stormwater Inspection and Maintenance Agreements.
 - 6.6 Requirements for County Roads.
 - 6.7 Requirements for Driveways.

- 6.8 Requirements for Stopping Sight Distance measurements.
- 6.9 Requirements for Private Mini Roads.

Notes and requirements identified for record:

1. 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.
2. Section 3.07.15 of the Road Code directs that Blue Ball Road must be upgraded to a Minor Collector Road Standard for a distance of 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.
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 County street & storm drainage and a PWA is required for the private mini road.
5. An Inspection & Maintenance Agreement is required for the private SWM facilities.
6. The internal street grade leaving Blue Ball 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. Applicant must provide stopping sight distance measurements for the Wheatley Road access location to DPW prior to preliminary plat submittal. Mark the proposed access locations in the field by staking or flagging.
9. The private mini-road subdivision and plans must adhere to the provisions of Section 2.13 of the Road Code which addresses requirements for private roads. A statement clearly outlining the responsibilities of the homeowners in the maintenance of roads and storm drainage systems must be approved by the Planning Commission and placed on the final plat. Deed restrictions must be developed and recorded in accordance with Road Code Section 2.13.D. The internal Street grade leaving MD Rte 310 may not exceed 5% within the limits of the intersection right-of-way. If mini-road profile grades exceed 5%, the mini-road travel way and cul-de-sac must be paved in accordance with Section 2.13.F of the Road Code.

Mr. Doordan read the comments of the Health Department:

A Groundwater Appropriation Permit exemption has been filed with Maryland Department of the Environment.

The Cecil County Health Department has no objection to the extension of preliminary plat approval, but reminds the applicant of comments from April 2008.

Chairman Mortimer asked if anyone would like to speak in favor or in opposition to this project. No one spoke.

Mr. Di Giacomo read the recommendation of the staff:

The **GRANTING** of a two (2) year extension of Preliminary Plat approval, to expire on **4/20/11**.

A motion for the granting of a two year extension was made by Mr. Doordan.

The motion was seconded by Mr. Janusz.

All approve. Motion carried.

10. Brookwood Estates, Lots 1-7, Moore Road, Final Plat, McCrone, Inc., Eighth Election District.

Bud Felty, 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 & §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: NAR

Density: The Concept Plat was approved on 6/20/05 at a density of 1/5.39, 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; and
- 3) The sensitive species survey being completed prior to the TAC's review of the Preliminary Plat.

The Preliminary Plat, proposing 7 lots, common open space, and a private mini-road on 37.89 acres, for a proposed density of 1/5.41, was approved on 9/19/05, conditioned on:

- 1) Health Dept. requirements being met;
- 2) DPW requirements being met; and
- 3) The forest retention areas on the Final Plat and the FCP matching up.

Preliminary Plat extensions were granted on 8/20/07 and 7/21/08, the latter of which expires on 7/21/09.

All proposed lots are depicted to have steep slopes. 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.²²

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 JD letter has been received.

No common open space is required; 1.048 acres are proposed. No landscaping of the development envelope is required in the NAR zone, and no sidewalks were recommended.

A Bufferyard Standard C is required, outside the right-of-way, along the Moore Road road frontages.

Rows of street trees with 10' planting easements are required, outside the right-of-way, along both sides of the proposed Brookwood Drive.

The FSD and PFCP were approved on 6/17/05 and 9/15/05, respectively.

The FCP/Landscape Plan was approved on 1/5/09.

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 Record Plat.

Access to common open space beside Lot 1 must be marked with concrete monuments.

²² 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."

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.

A Mini-road Association for maintenance of the mini road must be established prior to recordation, with the owners of all lots accessing or fronting on the mini-road becoming members. A PRMA for Lots 4-7 must also be established prior to recordation.

This design, in effect, embraces two mini-roads: the proposed Brookwood Drive and the common driveway proposed for lots 4-7. What is proposed to avoid confusion as relates to addressing and emergency response issues? Mr. Felty said he would address the issue with EMS.

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

This design includes no proposed easements or impacts across the gas pipeline. Any required documents from Colonial Pipeline granting permission or agreeing to easement impacts must be received and recorded prior to the recordation of the Record Plat.

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

All required plans are technically complete and only administrative issues remain outstanding. However the Applicant must be aware that if the SWM and E&S plans for this project are not approved (i.e. signed) by May 4th 2010 the new Ordinance will apply and the SWM plan must be re-designed to meet its requirements. The record plat will not be signed until these issues have been resolved to the satisfaction of the Department. Submit a check print for review prior to submitting the plat for recordation.

Mr. Doordan read the comments of the Health Department:

A Groundwater Appropriation Permit exemption has been filed with Maryland Department of the Environment. The 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 Dept. requirements being met;
- 2) DPW requirements being met;
- 3) A Homeowners' Association for maintenance of common open space being established with \$50 per recorded lot being placed in escrow for improvements prior to recordation;
- 4) A Mini-road Association for maintenance of the mini road being established prior to recordation, with the owners of all lots accessing or fronting on the mini-road becoming members;
- 5) A PRMA for Lots 4-7 being established prior to recordation;
- 6) Any Landscape Agreement being executed prior to recordation;
- 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 Record Plat;
- 8) Any required documents from Colonial Pipeline granting permission or agreeing to easement impacts being received and recorded prior to the recordation of the Record Plat; and
- 9) All issues regarding addressing and emergency response issues being satisfactorily addressed prior to recordation.

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

All approve. Motion carried.

11. Lands of Phillip & Dara Montgomery, Lots 3A & 3B, Jackson Park and Principio Roads, Final Plat, McCrone, Inc., Seventh 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:
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: NAR

Proposed Lots 3A - 3B would result from dividing Lot 3 of Minor Subdivision # 3546.²³

Density: The Concept Plat,²⁴ proposing 2 lots on 19.6 acres, for a proposed density of 1/9.8,²⁵ was approved on 12/18/06, conditioned on:

- 1) The boundary line survey being completed prior to the TAC's review of any Preliminary Plat;
- 2) Documentation of the JD's completion being submitted prior to the Planning Commission's review of the Preliminary Plat; and
- 3) The PFCP being approved prior to the Planning Commission's review of the Preliminary Plat.

The Preliminary Plat was approved on 6/18/07, conditioned on:

- 1) Health Department requirements being met;
- 2) DPW requirements being met; and
- 3) A Bufferyard C modification being granted for sight distance safety as deemed necessary by DPW.

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.

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'.

²³ The H. Barry Montgomery Lots 2A & 5 Preliminary-Final Plat was approved on 11/21/05, conditioned on:

- 1) Health Department requirements being met;
- 2) DPW requirements being met;
- 3) The FCP and Landscape Plan being approved prior to recordation;
- 4) The Landscape Agreement being executed prior to recordation; and
- 5) Deed restrictions for the long-term protection of any Forest Retention/Afforestation Areas (FRAs) being recorded and noted on the plat prior to recordation, with the metes and bounds description of any FRA being shown on the record plat.

²⁴ This was treated as a major subdivision because all minor subdivision potential of the original parcel of record had been exhausted.

²⁵ At that time, the NAR zone permitted a maximum base density of 1 du/ 5 ac.

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 JD must be done prior to Preliminary Plat review by the Planning Commission.²⁶ The approved Minor Subdivision # 3546 shows the wetlands on the portion of Lot 3 where no new disturbance is proposed.

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

A Bufferyard Standard C modification was granted as part of the Preliminary Plat approval. A Bufferyard A is shown on Lot 3A. The contiguous operating farms notice has been provided on the plat (Note 14).

An FSD was approved on 11/1/04.²⁷

A PFCP was approved on 1/13/05.

The entire site has an approved FCP dating from 6/21/06.

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.

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

All required plans are technically complete and only administrative issues remain outstanding. However the Applicant must be aware that if the SWM and E&S plans for this project are not approved (i.e. signed) by May 4th 2010 the new Ordinance will apply and the SWM plan must be re-designed to meet its requirements. The record plat will not be signed until these issues have been resolved to the satisfaction of the Department. Submit a check print for review prior to submitting the plat for recordation.

Mr. Doordan read the comments of the Health Department:

As stated in comments at the June 18, 2007 Planning Commission during review of the preliminary plat, "sewage areas may not be located within an easement. If the Natural Area Conservation Easement cannot be amended, this lot is not possible. If the easement can be modified to exclude the sewage area, then the plat is satisfactory." The Health Department cannot approve the final plat as submitted.

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

²⁶ Per the Planning Commission's policy, established on 3/20/95 and revised on 1/16/96, so long as the wetlands are in the forest retention area, a JD need not be done.

²⁷ An FCP for Lots 1-4 was approved on 1/13/05, in conjunction with Minor Subdivision 3546.

4) A Landscape Agreement being executed prior to recordation.

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

All approve. Motion carried.

General Discussion:

Chairman Mortimer gave an overview of the Planning Commission worksession that took place on Wednesday, April 15, 2009.

Chairman Mortimer asked that "Cluster Housing" recommendation presentation be placed on the May Planning Commission agenda under general discussion. Mr. Janusz will be presenting.

Chairman Mortimer asked that the report that Joyce Bowlsbey and the HOA subcommittee previously presented to the Planning Commission be sent to the current members for review. Mr. Di Giacomo stated that the above mentioned report was to be fed to the consultants and oversight committee for the Comprehensive Plan and it was felt that it would be acted upon at that time. Therefore, when the Comprehensive Plan draft comes before the Planning Commission and the Board of County Commissioners, it would be looked at, at that point. Chairman Mortimer said he would still like the Planning Commission to review it.

Mr. Doordan stated that on the CPC, many of the issues that are being discussed today are being specifically addressed. Mr. Doordan recommended that the members of the Planning Commission should read the recommendations that have already been given.

Discussion ensued regarding TDR's.

Chairman Mortimer asked the members for input on when the Planning Commission worksession should be held. The commission members decided on the Tuesday following the monthly Planning Commission meetings will be when the Planning Commission worksessions will be held.

Discussion ensued.

Mr. Janusz stated that he would like to present information on green infrastructure that he had received.

A motion to adjourn was made by Mr. Edwards.
The motion was seconded by Mr. Wallace.

The April Planning Commission meeting adjourned at 1:09 p.m.

Respectfully Submitted:

Jennifer Bakeoven