

**CECIL COUNTY PLANNING COMMISSION**

**Meeting Minutes**

**May 18, 2009**

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

**Absent:** H. Clay McDowell (alternate).

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

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

**1. Racine Property, Lots 1-54, Washington Schoolhouse and Theodore Roads, Final Plat, Wilson Deegan & Associates, Inc., Fifth Election District.**

WITHDRAWN

**2. Racine Property, Lots 1-54, Washington Schoolhouse and Theodore Roads, Preliminary Plat Extension, Wilson Deegan & Associates, Inc., Fifth Election District.**

Jeff Deegan, Wilson Deegan & Associates, Inc., Rick Bechtel, Esq., and David Dodge, David Dodge Land Services, 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<sup>1</sup> (60 lots on 180.77 acres, at a density of 1/3.01) was approved on 8/19/02, conditioned on:

- 1) The calculations and LOS projections being revised (to take the athletic fields on Bard Cameron Road into account) the prior to the submission of the Preliminary Plat for TAC review;
- 2) A boundary line survey being done prior to submission of the Preliminary Plat;
- 3) Discrepancies in the depictions of wetland and wooded areas being rectified prior to the submission of the Preliminary Plat for TAC review;

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<sup>1</sup> A similar Concept Plat proposal was tabled by the Planning Commission on 7/16/01, pending:

- 1) Receipt of the Natural Heritage letter and the approval of the Forest Stand Delineation, and
- 2) A Traffic Impact Study being performed on Theodore Road and Washington Schoolhouse Road in the vicinity of the proposed development.

Subsequently, that similar Concept Plat proposal was DISAPPROVED on 6/17/02. The Planning Commission wanted the developer to relocate the entrance to Drive B from Washington Schoolhouse Road to Theodore Road.

- 4) General and Legend Notes being corrected prior to the submission of the Preliminary Plat for TAC review;
- 5) Proposed Road names being approved prior to the submission of the Preliminary Plat for Planning Commission review;
- 6) A Jurisdictional Determination being done prior to Preliminary Plat review by the Planning Commission; and
- 7) An area table being included in the Preliminary Plat submitted for TAC review.

The Preliminary Plat, proposing only 54 lots on 181.71 acres, was approved on 7/19/04, conditioned on:

- 1) Health Department requirements being met;
- 2) DPW requirements being met;
- 3) A Final Plat check print being approved prior to submission of the Final Plat for Planning Commission review;
- 4) All acreage discrepancies being resolved on the Final Plat;
- 5) The FRAs being depicted on the Final Plat;
- 6) A note to the effect that proposed Lot 37 must be denied access to Washington Schoolhouse Road being included on the Final Plat;
- 7) A note to that effect that proposed Lot 36 cannot be further subdivided appearing on the Final Plat;
- 8) The FCP and Landscape Plan being approved prior to Final Plat review;
- 9) All details of the FCP and Landscape Plan matching those of the Final Plat;
- 10) Documentation of any required formal agreement between the developer and the utility to cross the utility easement being received prior to Final Plat approval;
- 11) Consistent with §186.1, the 10' street tree planting easement being depicted and/or noted on the Final Plat; and
- 12) A mid-block turnaround being included on the Final Plat design for Farmstead Drive.

§4.1.17 provides that Preliminary Plats shall be valid for two years from date of approval. Therefore, the 7/19/04 Preliminary Plat approval has received one-year extensions on 5/15/06, 5/21/07, and 5/19/08.

The Final Plat was disapproved on 4/21/08 because the GAP had not been obtained, and because it still has not the applicant has requested that this submission be considered as a Preliminary Plat extension.

If another extension is granted, then the Preliminary Plat approval, with conditions, will be extended for two years, until 5/18/11.

§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 again have been no such pertinent changes.

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

The Department of Public Works has no objection to the extension of the Preliminary plat. All plans are technically complete and only administrative issues and the GAP remain outstanding. All easements identified on the design plans must be reflected on the record plat. Submit a record plat check print to the Department for continuity review prior to submitting the mylars for signature. The DPW will not sign the record plat until these issues have been addressed to the satisfaction of the Department and an approved GAP has been granted by the MDE. The Applicant must be aware that if the SWM and E&S plans for this project are not approved (i.e. signed) by May 4<sup>th</sup> 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:

A Groundwater Appropriation Permit must be issued by Maryland Department of the Environment prior to final plat approval. Preliminary plat is satisfactory; however, if adjustments are required to sewage areas based on final plat comments, a matching preliminary plat must be submitted to our office.

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 **5/18/11**.

A motion for the granting of a two (2) year extension was made by Mr. Janusz.

The motion was seconded by Mr. Doordan.

All approve. Motion carried.

**3. The Villages at Belle Hill, PUD, 300 Units, MD Rte. 279 and Belle Hill Road, Concept Plat, Will Whiteman Land Surveying, Inc., Third Election District.**

Will Whiteman, Land Surveyor and Ronny Carpenter, Carpenter Engineering, appeared and presented an overview of the project.

Discussion ensued regarding possible additional access for emergency vehicles.

Mr. Whiteman addressed questions regarding possible upgrades to Belle Hill Road including the intersection of Appleton and Belle Hill Roads.

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: DR

PUD's must adhere to the requirements of ARTICLE's XII and XVII of the Zoning Ordinance and §6.0 of the Subdivision Regulations.

The review and approval process for this PUD proposal is established in §256 of the Zoning Ordinance. §256.1 stipulates that a PUD is permitted in the SR zone by Special Exception. §256.2

requires that the “Sketch Plat/Special Exception Application” shall be reviewed by the TAC, which was done on 3/4/09. Up to that point, there is no difference between the PUD approval process and the normal subdivision review and approval process.

§256.3 requires that the “Sketch Plat/Special Exception Application” next shall be reviewed by the Planning Commission, and that the Planning Commission<sup>2</sup> shall “make recommendations to the Board of Appeals,” as will be done today.

Next, the Sketch Plat/Special Exception must be placed on the Board of Appeals’ agenda, per §256.4, which specifies that then it “... shall be reviewed by the Board of Appeals. The Board shall consider the recommendations of the Technical Advisory Committee, the Planning staff, the Planning Commission and the standards in Article XVII, Part II, in making their determination to approve or disapprove the proposed PUD.”<sup>3</sup>

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

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

Density: The DR zone permits a maximum base density of 1 du/ 1 ac., or 4/1 with community facilities, or 6/1 if a PUD. This project proposes 300 dwelling units on 50 acres, for a proposed density of 6/1.

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

Dwellings or impervious surfaces shall not occur on slopes with a grade of 25% or more covering a contiguous area of 10,000 ft<sup>2</sup> or more. On slopes between 15 and 25%, good engineering practices shall be used to ensure sediment and erosion control and slope stabilization before, during and after disturbance activities.<sup>4</sup>

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

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

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<sup>2</sup> Moreover, §’s 256.3 & 256.4 make clear that the Planning Commission’s role now is to make a **recommendation** to the Board of Appeals on the “Sketch Plat/Special Exception Application” **rather than an actual decision** on what would otherwise be considered a Concept Plat.

<sup>3</sup> It is incumbent upon the applicant to become thoroughly familiar with all aspects Article XVII, Part II.

<sup>4</sup> The Cecil County Subdivision Regulations define steep slopes as “15 percent or greater incline.” The Cecil County Zoning Ordinance defines steep slopes as consisting of a grade of 25% or more covering a contiguous area of 10,000 ft<sup>2</sup> or more. The Cecil County Forest Conservation Regulations define steep slopes as “areas with slopes greater than 25 percent slope.”

impacts to field-delineated wetlands<sup>5</sup> or stream impacts, or if the FSD/Conceptual Environmental Assessment finds that there are no wetlands or streams and that finding is consistent with the details of County wetlands maps and USGS quad maps, then no JD is required. If required, then a JD is recommended to be done prior to Final Plat review by the Planning Commission, but required to be completed prior to recordation.

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

30% common open space is required<sup>6</sup>; 33% is cited as being proposed.

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

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

Sidewalks are recommended on both sides of all internal roads.

Bufferyard Standard C is required, outside the right-of-way, along the road frontages of MD 279 and Belle Hill Road.

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

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

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

The FSD was approved on 4/15/09.

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

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

A Landscape Agreement must be executed prior to recordation.

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

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

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

- Ayars Court

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<sup>5</sup> Note # 2 indicates that the wetlands have been field delineated.

<sup>6</sup> §26.3.c requires 25%, but §251.4 requires 30%. Per §6.3, the more restrictive 30% requirement shall prevail.

- Belle Hill Boulevard
- Mill Race Loop
- North Millstone Lane
- Preston Drive
- Rolling Mills Circle
- South Millstone Lane

Belle Hill Boulevard's proposed intersections with Belle Hill Road and Ayars Court are only 100' apart. This could create the potential for unsafe turning movements and inadequate queuing space.

300 proposed dwelling units make an additional ingress/egress point desirable, even with the monumental entrance and the Trellis Drive stub road to the remaining lands. With at least two strips of land, each 30' wide, connecting out to MD 316, staff recommends that an emergency access be integrated into this design prior to Preliminary Plat review by the TAC.

The proposed Belle Hill Road entrance location is consistent with §7.2.12.E.4.

Per §4.0.13 (m) 3, is the "total number of off-street parking spaces and the space to unit ratio" for the apartments 2? Mr. Whiteman said yes.

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

Per §255.2, why hasn't the community building area been proposed in a more central location? Mr. Whiteman said in looking at the design they situated the building where they thought it would be readily available to the apartment units. It is also located at the end of a walking trail.

The Preliminary Plat must have site-plan level details for the proposed community building area and the apartments.

The applicant is cautioned that if the proposal should change such that the apartments are instead proposed as condominiums, then, in that case, a different process of review and approval shall be followed.

A Homeowners' Association (HOA) for maintenance of common open space must be established with \$50 per recorded lot or dwelling unit placed in escrow for improvements prior to recordation. The HOA shall be structured so that the rights and responsibilities of the apartment owners and individual lot owners are consistent with Maryland law.

Are the alleys proposed to be public or privately-owned? Mr. Whiteman said they alleys would be private.

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

The Master Water and Sewer Plan classifies this site as S1 and W1.

Water and sewer services are proposed to be provided by Artesian Resources.

All fire hydrant locations must be finalized in consultation with the Singerly Fire Company and DPW.

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

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

This proposal is consistent with §248.1 in offering "a variety of building types ... including, detached single-family dwellings, duplexes, semi-detached dwellings, townhouses and apartments."

However, per §250.2, the permitted percentage of townhouse and apartment units exceeds the maximum by 23%. What is the rationale for this proposed mix?

How is this proposal is consistent with §248.2 by proposing "certain commercial uses in a PUD that serve the day to day needs of the residents of the PUD"?

The proposed 3,000ft<sup>2</sup> professional building must be approved via the site plan process.

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

For subdivisions proposed on property contiguous to operating farms, notice shall be provided on the plat that an agricultural operation is being conducted on a contiguous property and said agricultural operation is protected from nuisance claims provided the conditions of Article I, § 4 are being complied with.

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

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

This has been provided as an enclosure.

How will the proposed age restriction be enforced? Mr. Whiteman said they would be enforced by deed.

Mr. Woodhull, 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 location of proposed fire hydrants should be presented to the serving fire company for review & comment.
3. This development, as proposed, is dependent on the Artesian Water Company of Maryland providing the water & sewer service. The Department will not sign the final plat until we have confirmation of their intent to provide these services to this development.
4. A Traffic Impact Study will be required.
5. Both intersection & stopping sight distance measurements must be submitted and approved prior to TAC review of the preliminary plat.

6. Acceleration / deceleration & bypass lane requirements must be addressed to the satisfaction of the Department prior to the TAC review of the preliminary plat. Any ROW acquisition necessary to satisfy these requirements must be obtained by the Developer at his own expense.
7. While the Section 3.07.15 of the Cecil County Road Code requirements normally would apply, the size of the proposed development and its resultant traffic impact as well as the current condition of the road requires that additional study of Belle Hill Road is warranted. Therefore a Protocol Two Road Condition Survey will be required for Belle Hill Road along the developments road frontage and extending to the intersection with Appleton Road. As part of this submittal the Developer will provide a road improvements plan to bring this section of Belle Hill Road up to a "Minor Collector" road equivalency.
8. All work associated with the proposed entrance onto Belle Hill Road must be agreed to by the Department and the scope of the work be identified by note or detail on the preliminary plat prior to TAC review.
9. With a development of 300 units the need for a second access is very important. As proposed Trellis Drive may accomplish this need sometime in the future. Until that time Trellis Drive must be terminated in a temporary tee turnaround. If this interconnection fails to materialize the temporary tee turnaround would be replaced with a standard cul-de-sac bulb with the requirement of additional ROW. The road plans must address this issue to the satisfaction of the Department.
10. Due to the size of the lots proposed a 30' wide closed section road with 200' minimum radius horizontal curves will be required for the internal minor roads proposed. As for Mill Stream Boulevard a 32' wide closed section road will be required. See Standard Detail R-35 of the Road Code. These pavement widths will allow parking on one side of the road.
11. Off-street parking available to Lots 169-192 appears to be one (1) car only. On-street parking is unavailable in front of the townhouse units due to lot widths and road classification proposed. Where will a second car for each unit as well as visitor parking be accommodated? Mr. Whiteman said there will be overflow parking around the cul-de-sac.
12. Both North & South Milling Lane are in non-compliance with Section 2.02 B. of the Cecil County Road Code due to the cul-de-sac bulb diameter proposed. A road code variance will be required prior to the TAC's review of the Preliminary Plat.
13. The modified intermediate turnarounds adjacent to Lots 10 & 89 will require signage as well as painted traffic markings to better define traffic flow. This must be addressed in the roads & storm drain plan submittal
14. All the alleyways proposed for this development must be privately owned and maintained.
15. Access to the commercial pad site must be made off of Old Crossing Road away from the intersection. Do you propose direct access off of Belle Hill Road? Mr. Whiteman said no. Where is the parking for this site?
16. How do you intend to address SWM for this site? Mr. Woodhull recommended the applicant to contact SHA Hydraulics division regarding SWM.
17. What consideration has been given to where the SWM areas adjacent to the apartment complex will discharge? Discharge from any proposed SWM facility must not adversely impact adjacent properties.
18. 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:*

- 18.1 The Final Plat Lot Grading and Lot Grading Plan Construction Limits Notes.
- 18.2 Compliance with Sections 251-9.A (5), 251-13, and 251-15.D. of the Cecil County Stormwater Management Ordinance.
- 18.3 Requirements for Public Works Agreements.
- 18.4 Requirements for Stormwater Inspection and Maintenance Agreements.
- 18.5 Requirements for County Roads.
- 18.6 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 and the water and sewer systems.
4. An Inspection & Maintenance Agreement is required for the private SWM facilities.
5. The internal street grade leaving Belle 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.

Vice Chair Doordan announced that Chairman Mortimer had to leave the meeting.

Mr. Wiggins read the comments of the Health Department:

The property is mapped as W-2 and S-2 in the Master Water and Sewer Plan. The plan indicates Artesian Water is to provide public water and sewer to the development.

Written confirmation of an adequate water and sewer allocation must be submitted to the Health Department prior to final plat approval. The February 12, 2009 letter from Artesian addresses water service only. Note: For an allocation to be valid, the total projected water or sewage use must be currently available or a permit to construct or upgrade the water or sewer system must be issued by Maryland Department of the Environment. If construction is required, add this note by the owner's signature: "*A permit to construct the public water/sewer system has been issued by Maryland Department of the Environment*". Provide a copy of this permit to our office.

Final plats are required to have the following statements:

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

Submit a written description of the intended use of the clubhouse, specifically regarding any food sales or preparation. If a food license is required, food plans must be approved prior to site plan or building permit approval. Will a separate site plan be required for the professional building?

Are the remaining lands being added to a separate parcel owned by Preston Ayars, Jr.? Will the house on this parcel connect to public water and sewerage? A repair installed at this house appears to cross onto proposed lots 146 and 147 and the alley.

The proposed stormwater pond on the southwest part of the property is very close to an on-site sewage system for Orby Dickens (less than 100', probably less than 50'). Are there any plans to connect the houses on Country Lane and Appleton Road to public water and sewerage? Between Belle Hill Road and Country Lane, our office has records of 7 septic repairs (2 in lieu of holding tank) and a perc disapproval. Connection of these additional properties should be considered in the design of sewerline construction for this development.

Mr. Whiteman addressed questions that were brought up by the Health Department.

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:

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

- 1) The Boundary Line Survey's being completed prior to the TAC's Preliminary Plat review;
- 2) The Traffic Impact Study(TIS)'s being completed prior to the TAC's Preliminary Plat review;
- 3) All road names' being approved prior to the Planning Commission's Preliminary Plat review;
- 4) An emergency access from MD Rte. 316 being integrated into the design prior to the TAC's Preliminary Plat review;
- 5) Approval of the requested percentages of the mix of proposed housing structure types;
- 6) The Preliminary Plat's having site-plan level details for the proposed community building area and the apartments; and
- 7) The proposed 3,000ft<sup>2</sup> professional building's being approved via the site plan process.

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

The motion was seconded by Mr. Janusz.

Mr. Wallace stated that he would like an 8 condition placed on this project. The condition should read "All major road issues being resolved prior to Preliminary Plat approval."

Mr. Wiggins amended his motion to include the above said 8<sup>th</sup> condition.

Mr. Janusz seconded the amended motion.

All approve. Motion carried.

The motion carried is as follows:

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

- 1) The Boundary Line Survey's being completed prior to the TAC's Preliminary Plat review;
- 2) The Traffic Impact Study(TIS)'s being completed prior to the TAC's Preliminary Plat review;
- 3) All road names' being approved prior to the Planning Commission's Preliminary Plat review;
- 4) An emergency access from MD Rte. 316 being integrated into the design prior to the TAC's Preliminary Plat review;
- 5) Approval of the requested percentages of the mix of proposed housing structure types;
- 6) The Preliminary Plat's having site-plan level details for the proposed community building area and the apartments;
- 7) The proposed 3,000ft<sup>2</sup> professional building's being approved via the site plan process; and
- 8) All major road issues being resolved prior to Preliminary Plat approval.

**4. North Creek Run (f/k/a Silverado), Preliminary Major Site Plan (Apts.), Razor Strap Road, McCrone, Inc., Fifth Election District.**

Barry Montgomery, developer, Michael Burcham, McCrone, Inc., and Andy Bodowitz, Conifer Realty, 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 website, notice is hereby given the jpg file submissions can only be 11 inches, maximum, in any direction. Adherence to that requirement will enable the County to better serve the public.

Zoning: RM

The RM zone permits a maximum density of 6 du/ 1 ac. with community facilities, up to 12/1 for townhouses, and up to 16/1 for apartments.

The site on which these 8 apartment units are proposed, was previously reviewed as Montgomery Springs, Lots 15 & 16, and then as Silverado, Lots 76 & 77. This proposed density is approximately 8/1.

The Montgomery Springs Lots 5-14 Final Plat<sup>7</sup> was approved on 11/18/96 and recorded on 4/23/04.<sup>8</sup>

The original Concept Plat, approved on 7/17/95, expired. Because §4.0.1 eliminates the need for a Concept Plat for projects involving fewer than 10 lots and less than 25 acres, the Preliminary Plat, proposing 2 lots on 1.027 acres for a density of 1.95/1 for this section, was approved 12/04/04, conditioned on:

- 1) Health Department requirements being met;
- 2) DPW requirements being met;
- 3) Any modifications to the FCP and Landscape Plan being approved prior to the Planning commission's review of the Final Plat;
- 4) Documentation of the completed JD being provided prior to the Planning commission's review of the Final Plat;
- 5) Written documentation of water allocation from the Town of North East being provided prior to the Planning commission's review of the Final Plat;
- 6) Documentation of sewer capacity being provided prior to the Planning commission's review of the Final Plat; and
- 7) Waiving the 25' planted buffer requirement.

A 1-year extension was granted on 11/20/06. It expired on 11/20/07.

The Silverado Concept Plat, showing this area as "lands reserved for future development by owner" and proposing 71 townhouse lots on 14.98 acres, for a proposed density of 4.74/1, was approved on 8/15/05, conditioned on:

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

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<sup>7</sup> Though recorded, those lots were never developed. Rather, the land on which they sat was re-proposed as Silverado.

<sup>8</sup> The area involving the current proposal is listed on the record plat as remaining lands for future development.

The Silverado Preliminary Plat, also showing this area as “lands reserved for future development by owner” and including some of the adjacent lands of Jansen<sup>9</sup>, was approved on 4/17/06, conditioned on:

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

The 1-year extension of Preliminary approval granted on 7/21/08 remains valid until 7/21/09.

Since all Montgomery Springs approvals have expired, and proposed Lots 76 & 77 were never detailed on any Silverado approvals, this Preliminary Plat was considered a new submission. As was the case with the 12/4/04 Montgomery Springs Preliminary Plat approval, §4.0.1 eliminates the need for a Concept Plat for projects involving fewer than 10 lots and less than 25 acres.<sup>10</sup>

Though labeled as Silverado Lots 76 & 77, the Lots 76 & 77 Preliminary Plat was the same Montgomery Springs Lots 15 & 16 Preliminary-Final Plat that was reviewed by the TAC on 11/3/04 (prior to the 12/20/04 Preliminary Plat approval).<sup>11</sup>

Per §4.0.1, since fewer than 10 lots and 25 acres are involved, no Concept Plat is required. In addition, per §6.3, §6.3.2, and §6.3.3, apartment projects must be reviewed and approved using the normal process applied to subdivisions.

Technically, Montgomery Springs is a recorded and legally-existing subdivision. Site Data Note # 21 indicates that this proposal supersedes both the Montgomery Springs and Silverado proposals.

The boundary line survey has been completed.

Dwellings or impervious surfaces shall not occur on slopes with a grade of 25% or more covering a contiguous area of 10,000 ft<sup>2</sup> or more. On slopes between 15 and 25%, good engineering practices shall be used to ensure sediment and erosion control and slope stabilization before, during and after disturbance activities.

The 110' perennial stream buffer is shown.

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

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<sup>9</sup> Those add-ons increased the total acreage to 15.226 acres, thus lowering the proposed density to 4.66/1.

<sup>10</sup> These proposed lots have never been included in any Concept Plat.

<sup>11</sup> No common open space was proposed. However, the Silverado Preliminary Plat proposed 50.82 % common open space (20% is required in the **RM** zone.); therefore, when that acreage was included in the balance to the overall Silverado calculation, the result was that about 47.6% common open space was proposed overall, thus fulfilling the C.O.S. requirements for that section of the project.

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.

25% landscaping of the development envelope is required in the RM zone.<sup>12</sup>

Site Data Note # 18 is partially correct: 20% open space is required, but if these are to be apartments, then it cannot be common open space that is owned by an HOA.

Sidewalks are recommended along Razor Strap and Stoney Run Creek Roads.

A Bufferyard Standard C is required, outside the right-of-way, along the road frontage of Razor Strap Road.

Rows of street trees with 10' planting easements are required along both lot frontages on Stoney Run Creek Road. In areas with community facilities, no street trees shall be planted within 20 feet of sewer laterals and cleanouts.

The FSD was approved on 7/26/05 and revised on 4/13/06. The PFCP was approved on 4/13/06 and revised on 10/15/08 for lots 5-77, and the FCP/Landscape Plan was approved on 12/10/04.

A revised FCP/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.

A 30' road widening strip along Razor Strap Road is required to be dedicated fee simple to the Cecil County Board of County Commissioners.

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

Water allocation must be confirmed prior to Final Plat review.<sup>13</sup>

Sewer capacity must be confirmed by CCDPW prior to Final Plat review.

There appears to be a potential safety issue relating to an inherent design conflict between WB Razor Strap Road traffic turning right into Stoney Run Creek Road and backing movements from the parking spaces closest to Razor Strap Road. How can that be addressed? Mr. Burcham said they moved the parking north.

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 lot/homes offered for sale or apartments offered for lease.

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<sup>12</sup> In addition, all areas not occupied by buildings, roads, parking areas, service areas, or other required or permitted uses, including open spaces and usable recreation areas shall be landscaped by trees, shrubs, gardens, or other suitable ground cover.

<sup>13</sup> The Master Water and Sewer Plan shows this site to be in **W1** and **S1** service areas.

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

1. A sanitary sewer allocation request for the eight apartment units as well as the townhouse units is currently under review however the Department finds the supporting calculations confusing and will require a meeting to resolve this issue.
2. A SWM plan, Road & Storm Drain plan, Sanitary Sewer plan and a Mass and Final Grading plan must be approved by the CCDPW prior to submittal for Final Plat Approval.
3. How do you intend to address the quantity control requirements for the apartment building proposed? Mr. Burcham said the quantity management is being compensated in the townhouse section of the project.
4. If you intend to use the existing stone sub-base for Stoney Run Creek Road you will need to have a geotechnical analysis confirming its ability to meet the County's Road Code Standard requirements.
5. The Town of North East will own the water distribution system in this development. The CCDPW recommends that the water distribution system, including fire hydrant locations, be designed to meet or exceed the County's standards. We also recommend that the Town request that the serving fire company review fire hydrant spacing and locations. The water lines must be reflected on the sanitary sewer plans and as-builts. All easements for the water lines must be reflected on the final plat.
6. How do you intend to address the SWM requirements for this site?
7. The Department has a concern that run off may be concentrated and directed on to the Lands of Conley creating an adverse impact. The Applicant is reminded of the requirement to comply with Sections 251-9A (5), 251-13 & 251-15D of the Cecil County Stormwater Management Ordinance.
8. For the road improvements associated with Section 3.07.15 of the Road Code, 100' either side of the POI of Razor Strap Road & the proposed Stoney Run Creek Road, a full depth replacement of the existing road with a minor collector road vertical cross section (SN 4.15) will be required. No widening of the pavement will be required.
9. Cecil County proposes to upgrade Razor Strap Road from approximately 1,000ft west of your proposed entrance to Red Toad Road. The applicant will be required to upgrade Razor Strap Road from the end of the full depth repair, associated with the Section 3.07.15 requirements(100' west of the POI), to the point where the County road work ends. The pavement section must be brought to a structural number of 4.15 (minor collector). Have your Geotech and Engineer analyze the data from the borings already taken by Duffield Associates and identify what improvements will be required to meet this structural number. No widening of the pavement will be required.
10. The detail of this off site road improvement identified by note on the revised preliminary plat for North Creek Run, Lots 5-71 apply to this site plan as well.
11. The site plan presented here has been revised to move the apartment parking farther away from the intersection in response to the Department's comments at the TAC. While this has lessened our concern, the parking is still in close proximity to the proposed intersection and the resulting turning movements into and out of these spaces conflicting with normal traffic flow in both directions along the proposed Stony Run Creek Road remains a concern of the Department. We again request that the Applicant investigate the possibility of moving at least some of the parking off of Stoney Run Creek Road. This matter must be resolved prior to the Department approving the road & storm drain plans.
12. All parking areas are to be maintained by the HOA unless otherwise noted.
13. 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:
  - 13.1 The Final Plat Lot Grading, Sidewalk Maintenance, and Lot Grading Plan Construction Limits Notes.
  - 13.2 Compliance with Sections 251-9.A (5), 251-13, and 251-15.D. of the Cecil County Stormwater Management Ordinance.
  - 13.3 Compliance with Section 3.07.15 of the Cecil County Road Code.
  - 13.4 Requirements for Utility relocations.

- 13.5 Requirements for Public Works Agreements.
- 13.6 Requirements for Stormwater Inspection and Maintenance Agreements.
- 13.7 Requirements for County Roads.
- 13.8 Requirements for Final Plat - Public Water and Sewer Allocation.
- 13.9 Requirements for Sewer Service Cleanouts – Location.

**Notes and requirements identified for record:**

1. The Final Plat must include the standard lot grading note and the 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 Razor Strap Road be upgraded to a Minor Collector Road equivalency 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, and public sewer system constructions.
6. An Inspection & Maintenance Agreement is required for the private SWM facilities.
7. The internal street grade leaving Razor Strap Road may not exceed 5% within the limits of the intersection right-of-way.
8. Developer must request and obtain a public sewer allocation from the Department of Public Works before submitting a final plat to the Cecil County Planning Commission for approval.
9. All sewer service cleanouts must be designed to be outside of all paved or concrete areas on each lot and this must be shown on the utility plans.

Mr. Doordan read the comments of the Health Department:

Submit written documentation of adequate water and sewer allocations for the proposed project.

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 revised FCP/Landscape Plan being approved prior to Final Plat review;
- 4) Deed restrictions for the long-term protection of the street trees & Forest Retention/Afforestation Areas (FRAs) being recorded and noted on the plat prior to recordation, with the metes & bounds description of the FRA being shown on the Final & Record Plats;
- 5) Water allocation being confirmed prior to Final Plat review;
- 6) Sewer capacity being confirmed 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 apartments offered for lease.

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

All approve. Motion carried.

**5. North Creek Run (k/n/a Silverado), Lots 5-71, Razor Strap Road, Revised Preliminary Plat, McCrone, Inc., Fifth Election District.**

H. Barry Montgomery, developer, Michael Burcham, McCrone, Inc., and Andy Bodowitz, Conifer Realty, 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 website, notice is hereby given the jpg file submissions can only be 11 inches, maximum, in any direction. Adherence to that requirement will enable the County to better serve the public.

Zoning: RM

The RM zone permits a maximum density of 6 du/ 1 ac. with community facilities, up to 12/1 for townhouses, and up to 16/1 for apartments.

The site on which these 71 townhouse units are proposed, was previously approved as Montgomery Springs, Lots 5 - 14, and then as Silverado, Lots 5-77. These proposed 67 lots on 14.678 acres yields a proposed density of 4.56/1.

The Montgomery Springs Lots 5-14 Final Plat<sup>14</sup> was approved on 11/18/96 and recorded on 4/23/04.<sup>15</sup>

The original Concept Plat, approved on 7/17/95, expired. Because §4.0.1 eliminates the need for a Concept Plat for projects involving fewer than 10 lots and less than 25 acres, the Preliminary Plat, proposing 2 lots on 1.027 acres for a density of 1.95/1 for this section, was approved 12/04/04, conditioned on:

- 1) Health Department requirements being met;
- 2) DPW requirements being met;
- 3) Any modifications to the FCP and Landscape Plan being approved prior to the Planning commission's review of the Final Plat;
- 4) Documentation of the completed JD being provided prior to the Planning commission's review of the Final Plat;
- 5) Written documentation of water allocation from the Town of North East being provided prior to the Planning commission's review of the Final Plat;
- 6) Documentation of sewer capacity being provided prior to the Planning commission's review of the Final Plat; and
- 7) Waiving the 25' planted buffer requirement.

A 1-year extension was granted on 11/20/06. It expired on 11/20/07.

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<sup>14</sup> Though recorded, those lots were never developed. Rather, the land on which they sat was re-proposed as Silverado.

<sup>15</sup> The area involving the current proposal is listed on the record plat as remaining lands for future development.

The Silverado Concept Plat, proposing 71 townhouse lots on 14.98 acres, for a proposed density of 4.74/1, was approved on 8/15/05, conditioned on:

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

The Silverado Preliminary Plat, including some of the adjacent lands of Jansen<sup>16</sup>, was approved on 4/17/06, conditioned on:

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

A 1-year extension of Preliminary Plat approval was granted on 7/21/08. It remains valid until 7/21/09.

This revised Preliminary Plat is generally consistent with the approved Silverado Preliminary Plat.

Since all Montgomery Springs approvals have expired, and proposed Lots 76 & 77 were never detailed on any Silverado approvals, this Preliminary Plat was considered a new submission. As was the case with the 12/4/04 Montgomery Springs Preliminary Plat approval, §4.0.1 eliminated the need for a Concept Plat for projects involving fewer than 10 lots and less than 25 acres.

This proposed Revised Preliminary Plat reduces the number of dwelling units. The revised TIS for Silverado was completed only 3 years ago, and there is consensus among SHA and DPW that it remains adequate.

Technically, Montgomery Springs is a recorded and legally-existing subdivision. An unnumbered note indicates that this proposal supersedes both the Montgomery Springs and Silverado proposals.

At TAC review, Mr. Montgomery testified that the Montgomery Springs HOA's escrow account is in the process of being voided.

The boundary line survey has been completed.

Note # 13 addresses the intended disposition of Lot 2, Minor Subdivision # 2650.

The 10' wide access easement running along the southeastern part of the site, per MS # 2699, is again depicted.

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<sup>16</sup> Those add-ons increased the total acreage to 15.226 acres, thus lowering the proposed density to 4.66/1.

Dwellings or impervious surfaces shall not occur on slopes with a grade of 25% or more covering a contiguous area of 10,000 ft<sup>2</sup> or more. On slopes between 15 and 25%, good engineering practices shall be used to ensure sediment and erosion control and slope stabilization before, during and after disturbance activities.

No slopes greater than 25% are shown to be present. The perennial stream and 25' wetlands buffers are shown.

Per §174.1.b. (1) (a) and (b), a modification to the stream buffer requirement in the area of the cul-de-sac bulb is requested. Such modifications are permitted in the Development District, it is consistent with the design of the previously-approved Silverado Preliminary Plat, it affords the opportunity for connectivity with the possible future development of the Jansen property, and it creates a better turning radius for vehicles such as school busses and emergency apparatus.

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 100-year Floodplain boundary is shown.

25% landscaping of the development envelope is required in the RM zone.<sup>17</sup>

20% common open space is required; 50.35% is proposed.

The C.O.S sensitive areas thresholds have been calculated and included.

§176.2.a prohibits any common open space from being used for parking. Therefore, that area, consisting of 23 'overflow' parking spaces must be deducted from the common open space total acreage. Maintenance of the 'overflow' parking spaces in common open space must be the responsibility of the HOA.

A lighting plan associated with the 'overflow' parking space areas and the proposed community building must be submitted as part of a site plan, which must be approved prior to Final Plat approval.

Sidewalks or striped pedestrian walkways are recommended along both sides of the proposed Stoney Run Creek Road.

The Mason-Dixon Trail situated entirely within the AT&T right-of-way.

§29.5.a (2) requires a peripheral Bufferyard Standard C. Consistent with the noted, requested modification to that requirement, that bufferyard has been omitted for portions of the site, including the area near the Stoney Run Creek Road cul-de-sac bulb.

Part of that area is adjacent to an area of common open space in Northwoods, Section III. The balance of the adjacent Northwoods property is not yet developed<sup>18</sup>; therefore, staff cannot

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<sup>17</sup> In addition, all areas not occupied by buildings, roads, parking areas, service areas, or other required or permitted uses, including open spaces and usable recreation areas shall be landscaped by trees, shrubs, gardens, or other suitable ground cover.

recommend the elimination of the §29.5.a (2) bufferyard requirement while the possibility exists that the turnaround would abut the property lines of future Northwoods lots, but will support a modified buffer in that area as part of the Landscape Plan.

Rows of street trees with 10' planting easements are required along both lot frontages on Stoney Run Creek Road. In areas with community facilities, no street trees shall be planted within 20 feet of sewer laterals and cleanouts.

The FSD was approved on 7/26/05 and revised on 4/13/06. The PFCP was approved on 4/13/06, and the FFCP/Landscape Plan was revised on 10/15/08 for Silverado Lots 5-77.

The final FCP/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.

A 30' road widening strip along Razor Strap Road is required to be dedicated fee simple to the Cecil County Board of County Commissioners.

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

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

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

Water allocation must be confirmed prior to Final Plat review.<sup>19</sup>

Sewer capacity must be confirmed by CCDPW prior to Final Plat review.

Note # 16 demonstrates that the requirements of §277 have been satisfied. However, as a practical matter, are the 'overflow' parking spaces actually situated near the 3-bedroom units?

Neither the community building's details have been provided (consistent with §291), nor has a separate site plan been submitted. At what point does the applicant propose to provide these details? Final Plat approval will be contingent upon prior site plan approval.

Fire hydrant locations must be finalized in consultation with the North East Fire Co. & DPW.

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 or lease.

A Homeowners' Association for maintenance of common open space must be established with \$50 per recorded lot placed in escrow for improvements prior to recordation. Because these proposed townhouse structures are intended to function as apartments, the HOA would need to function under the ownership of the owner. The County must be assured that, at such time as these units could be

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<sup>18</sup>The Northwoods Section 5 Prelim. Plat was reviewed by the TAC on 9/6/06. The area of North Run Creek in question abuts proposed lots 201 & 202 in Northwoods Sec. 5. As the Northwoods Section 5 Prelim. Plat was never approved, this North Run Creek Revised Preliminary Plat does, in fact, satisfy the requirements of §4.1.22 (j).

<sup>19</sup> The Master Water and Sewer Plan shows this site to be in **W1** and **S1** service areas.

transferred to individual ownership, then, at that time, the HOA must be activated and funded in the normal fashion, in accordance with state and county regulations. Deed restrictions to that effect will be a condition of any recommendation of Final Plat approval.

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

The phasing of the project is a function of financing.

Documentation of all necessary easement agreements with AT&T will be required prior to the Planning Commission's review of any Final Plat. All documents requiring recordation must be recorded prior to the recordation of the Record Plat.

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

1. The revision requested appears to cover changes not only in the name of the proposed subdivision but also in ownership of the property. In addition several changes have been made to the previously approved layout.
2. This layout impacts Stony Run Creek Estates proposed layout which received a one-year extension of Concept Plat @ the 3/16/09 Planning Commission meeting. Lot 49 proposed here is 10' wider than that shown on the Silverado preliminary plat. This change will impact Lot 1 of Stony Run Creek Estates.
3. Does the owner of North Creek Run intend to continue whatever access agreement existed between the owners of Silverado & Stony Run Creek Estates?
4. A sanitary sewer allocation request is currently under review however the Department finds the supporting calculations confusing and will require a meeting to resolve this issue.
5. The plat presented indicates a phase line however it must be more clearly identified on the plat. As shown and lacking a legend the Department cannot determine the full extent of each phase.
6. A SWM plan, Road & Storm Drain plan, Sanitary Sewer plan and a Mass and Final Grading plan must be approved by the CCDPW prior to submittal for Final Plat Approval.
7. The storm drain pipes located between Lots 11/12, 27/28 & 35/36 must be located in a conveyance easement that is a minimum of 20' wide. If the depth of the pipe requires it the easement may need to be wider.
8. The Town of North East will own the water distribution system in this development. The CCDPW recommends that the water distribution system, including fire hydrant locations, be designed to meet or exceed the County's standards. The Town should request that the serving fire company review fire hydrant spacing and locations and require a PWA for the work associated with the water distribution system installation.
9. The water lines must be reflected on the sanitary sewer plans and as-builts. All easements for the water lines must be reflected on the final plat.
10. The layout proposes only 2.34 parking spaces/unit verses the 3.02 proposed by Silverado. Why the decrease? Why was the 14 space overflow parking lot removed? The overflow lot shown would make more sense located adjacent to the community building.
11. In regards to parking, the spaces in front of Lots 19, 20, 57 & the southerly two in front of the community building are considered problematic by the Department. Turning movements into and out of these spaces conflict with the traffic control islands at the intermediate turnaround. This conflict must be resolved prior to the Department approving the road & storm drain plans.
12. All parking areas are to be maintained by the HOA unless otherwise noted. Identify parking easements as private easements for HOA maintenance of the parking areas.
13. The off street parking lot shown will require a road code variance.
14. For the road improvements associated with Section 3.07.15 of the Road Code, 100' either side of the POI of Razor Strap Road & the proposed Stony Run Creek Road, a full depth replacement of the existing road with a minor collector road vertical cross section (SN 4.15) will be required. No widening of the pavement will be required.

15. Cecil County proposes to upgrade Razor Strap Road from approximately 1,000ft west of your proposed entrance to Red Toad Road. The applicant will be required to upgrade Razor Strap Road from the end of the full depth repair, associated with the Section 3.07.15 requirements (100' west of the POI), to the point where the County road work ends. The pavement section must be brought to a structural number of 4.15 (minor collector). Have your Geotech and Engineer analyze the data from the borings already taken by Duffield Associates and identify what improvements will be required to meet this structural number. No widening of the pavement will be required.
16. The details of this off site road improvement have been identified by note on this plat must be addressed in the road & storm drain plans for this development.
17. The following standard notes and requirements apply to this plat and project: The details of these notes and requirements will be identified in the record but will not be read at this time:
  - 17.1 The Final Plat Lot Grading, Sidewalk Maintenance, and Lot Grading Plan Construction Limits Notes.
  - 17.2 Compliance with Sections 251-9.A (5), 251-13, and 251-15.D. of the Cecil County Stormwater Management Ordinance.
  - 17.3 Compliance with Section 3.07.15 of the Cecil County Road Code.
  - 17.4 Requirements for Utility relocations.
  - 17.5 Requirements for Public Works Agreements.
  - 17.6 Requirements for Stormwater Inspection and Maintenance Agreements.
  - 17.7 Requirements for County Roads.
  - 17.8 Requirements for Sewer Service Cleanouts – Location.

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

1. The Final Plat must include the 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 of the Road Code requires that 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. Public Works Agreements are required for the work associated with the construction of the streets & storm drainage, and public sewer system.
6. An Inspection & Maintenance Agreement is required for the private SWM facilities.
7. The internal street grade leaving Razor Strap Road may not exceed 5% within the limits of the intersection right-of-way.
8. All sewer service cleanouts must be designed to be outside of all paved or concrete areas on each lot and this must be shown on the utility plans.

Mr. Doordan read the comments of the Health Department:

Submit written documentation of adequate water and sewer allocations for the proposed project prior to final plat approval.

Submit a written proposal of amenities to be in the community building, specifically relating to any food facility.

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 revised FCP/Landscape Plan being approved prior to Final Plat review;
- 4) The Landscape Plan's including a modified, vegetative buffer in the area of the cul-de-sac bulb abutting the adjacent Northwoods subdivision;
- 5) Deed restrictions for the long-term protection of the street trees & Forest Retention/Afforestation Areas (FRAs) being recorded and noted on the plat prior to recordation, with the metes & bounds description of the FRA being shown on the Final & Record Plats;
- 6) Water allocation being confirmed prior to Final Plat review;
- 7) Sewer capacity being confirmed prior to Final Plat review;
- 8) 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;
- 9) The Final and Record Plats' also containing a statement, signed by the owner, to the effect that such facilities will be available to all homes offered for lease;
- 10) Documentation of all necessary easement agreements with AT&T being submitted to OPZ prior to the Planning Commission's review of any Final Plat; and
- 11) A separate site plan for the community building being submitted and approved prior to any Final Plat review.

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

All approve. Motion carried.

General Discussion:

Vice Chair Doordan opened discussion regarding HOA's. The commission members referenced a report completed in 2007 by former Planning Commission member, Joyce Bowsbey and subcommittee. Mr. Doordan stated that he believes the goal is to come up with ideas that can make the HOA concept more viable. Mr. Wallace remarked that he feels Mrs. Bowsbey and committee did a very good job on the report regarding HOA's. Mr. Wallace believes that the current "\$50 per recorded lot" is insufficient in covering incurring costs of neighborhood needs. All present Planning Commission members agreed. The members feel that more restrictions need to be implemented to control spending as well as savings. Also, the consensus of the members is that the county should not have to step in and take over the HOA's and make the needed repairs to the different aspects of a neighborhood that would otherwise be the responsibility of the HOA. Discussion ensued regarding possible changes to the HOA's of the county.

Mr. Wallace suggested that the Planning Commission members take time to come up with suggestions on how to better the HOA's of the county. Presentations of each member's findings can be discussed at the next Planning Commission meeting. Mr. Di Giacomo asked the commission to consider what would be a reasonable amount per lot to be required. Costs incurred by HOA's that need to be considered are SWM ponds, common open space, landscaping, etc. Mr. Woodhull believes the public is misinformed about what exactly is the responsibility of the HOA's. That

information needs to clear to the home buyer prior to purchasing the house/land. Discussion ensued regarding how a scale of costs could be created and who's responsibility that may be.

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

The May Planning Commission meeting adjourned at 2:14 p.m.

Respectfully Submitted:

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*Jennifer Bakeoven*