

CECIL COUNTY PLANNING COMMISSION

Meeting Minutes

June 15, 2009

Present: Pat Doordan, Vice Chairman; Wyatt Wallace; Guy Edwards; Ken Wiggins; H. Clay McDowell; Mark Woodhull; Tim Whittie; Clara Campbell; Fred von Staden; Rebecca Demmler; Eric Sennstrom; Jennifer Bakeoven; Susan Kambouris, Court Reporter.

Absent: Bill Mortimer, Joe Janusz, Tony Di Giacomo.

Call to Order: Vice Chairman Doordan called the meeting to order at 12:03 p.m.

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

1. Candlelight Ridge, Phase II, Lots 1-5 & 36-39, Red Toad Road, Final 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. Sennstrom, 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 Plat¹ 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 Plat² was approved on 9/15/03, conditioned on:

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

¹ This project was former known as both Lands of **Miklas & Kuklewski**; f/k/a Lands of **Miklas & Rowles**.

² 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.

- 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.

The Phase II Concept Plat, which was consistent with the original, approved Concept Plat, was approved on 4/20/09, conditioned on:

- 1) The Tax Map grid numbers being provided on the Final and Record Plats.

The Phase II Preliminary Plat, proposing 9 additional lots (on 5.155 acres, bringing the overall proposed Phases I & II density to 1/0.79 – 39 lots on 30.38 acres), was also approved on 4/20/09, 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.

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.³

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.

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.

The original FSD approval⁴ 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 and revised on 5/19/09.

A Landscape Agreement must be executed prior to recordation.

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 and §4.1.22 (n), the street tree easement has been shown on the Preliminary Plat. In areas with community facilities, no street trees shall be planted within 20 feet of sewer laterals and cleanouts.

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 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.

³ 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."

⁴ The FSD was approved on 12/12/02 and revised on 3/10/03. Such approvals are valid for 5 years.

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 sewer allocation/capacity and water allocation has been submitted.

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

All plans for this project are technically and only administrative issues remain outstanding. The Department will not sign the final plat until the administrative issues have been addressed to our satisfaction. Submit a record plat check print for review prior to submitting the plat for signature.

Mr. Wiggins read the comments of the Health Department:

Final Plat is satisfactory.

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

Mr. Sennstrom read the recommendation of the staff:

APPROVAL, conditioned on:

- 1) Health Department requirements being met;
- 2) DPW requirements being met;
- 3) The Landscape Agreement's being executed prior to recordation;
- 4) The Tax Map grid numbers being provided on the Record Plat;
- 5) The Record Plat's containing a statement signed by the Health Department, approving authority, to the effect that use of the community water supply and community sewerage system is in conformance with the Master Water and Sewer Plan;
- 6) The Record Plat's also containing a statement, signed by the owner, to the effect that such facilities will be available to all lots/homes offered for sale;
- 7) Deed restrictions for the long-term protection of the street trees and Forest Retention/Afforestation Areas (FRAs) being 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; and
- 8) The owners of these proposed lots becoming members of the Homeowners' Association that was created for maintenance of common open space and landscaped islands; with \$50 per recorded lot being placed in escrow for improvements prior to recordation.

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

The motion was seconded by Mr. Wallace.

All approve. Motion carried.

2. Acorn Village, Lots 1-13, MD Rte. 274, Preliminary Plat Extension, RJK Engineering & Associates, Fifth Election District.

Barry Montgomery, developer, appeared and presented an overview of the project.

Mr. Sennstrom, 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 & BL

Density: The Concept Plat, proposing 4 minor⁵ and 9 major subdivision lots on 6 SR-zoned acres for a proposed density of 1.5/1, was approved on 9/21/06, conditioned on:

- 1) The boundary line survey's being completed prior to TAC review of the Preliminary Plat;
- 2) Documentation of the JD's completion being received prior to the Planning Commission's review of the Preliminary Plat; and
- 3) The new road name's being approved prior to the Preliminary Plat's review by the Planning Commission.

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

- 1) Health Department requirements being met;
- 2) DPW requirements being met;
- 3) The Master Water and Sewer Plan's being amended to include the balance of this site prior to the Planning Commission's review of any Final Plat;
- 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;
- 5) Documentation of the JD's completion being received prior to the Planning Commission's review of the Final Plat;
- 6) Documentation of sewer allocation/capacity being provided by the applicant prior to the Planning Commission's review of the Final Plat; and
- 7) Documentation of water allocation from the Town of North East being provided by the applicant prior to the Planning Commission's review of the Final Plat.

§4.1.17 provides that Preliminary Plats shall be valid for two years from date of approval. Therefore, the 6/18/07 is set to expire on 6/18/09.

If an extension is granted, then the Preliminary Plat approval, with conditions, will be extended for two years, until 6/15/11.

§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.

⁵ §2.4.1 was invoked.

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

The Department has no objection to the extension requested. We request that the approval be conditioned on the fact that the comments made at the 6-18-07 Planning Commission be considered as read and be included in the minutes. It is the developer's responsibility to comply with these comments. 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 designed to meet its requirements:

1. The Department understands that the Town of North East will own the water distribution system in this development. Why are no fire hydrants identified on this plan? 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.
2. A SWM plan, Road & Storm Drain plan, a Sanitary Sewer System plan, and a Mass and Final Grading plan must be approved by the CCDPW prior to submittal for Final Plat Approval. The fees for design review of this project must be provided at the time of first design submittals.
3. The sanitary sewer extending to the west side of MD 274 and the existing sewer line servicing the dwellings at the MD 274 / Old Farmington Road intersection was not designed to accommodate any additional loading. The sewer line from this development must extend further along Old Farmington Road to the area of Old Bayview Drive. It is strongly recommended that the Applicant's Engineer meet with the DPW prior to beginning design of the sanitary sewer system for this development.
4. Proposed county sewer lines routed outside of County road ROW must be located within an easement allowing the County the right to access, maintain, & repair the force main. This applies to Lot 1.
5. The Developer must request and obtain a public sewer allocation from the Department of Public Works before submitting a final plat to the Cecil County Planning Commission for approval. Until sewer allocation is obtained the Developer proceeds with any and all project engineering at his own risk.
6. Final approval of the design for the proposed County road is contingent upon the developer obtaining the SHA access permit to MD 274.
7. The road is not shown correctly on the plat. The open section road proposed is shown having only 15'-16' pave width & no shoulders. The minimum pave width required is 20' with 5' wide shoulders on each side. With the small lot sizes proposed the pave width may need to be wider to accommodate the lack of off-street parking.
8. With the extent of road side drainage ditching proposed it is important that velocity in the channels meet those identified in the SHA Design Manual.
9. What is the proposed disposition of the pond/wetlands on 13-16 and field drain piping on site? The Department has concerns about the impact of this pond's drainage on houses proposed for Lots 12 & 13.
10. 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. Any and/or all structures (i.e. dwellings, outbuildings, driveways, etc...) on down-gradient properties so impacted must be identified on the SWM Plans.
11. The design for this development must satisfactorily address the off-site drainage from up-gradient properties (i.e. Lands of Heilander) currently crossing Lots 4 & 5. This conveyance must be located in a SWM conveyance easement. The drainage arrows indicate that the runoff is

directed against the foundation of the dwelling on Lot 5 and then across it's driveway. This is not acceptable to the Department.

12. The sump & headwall proposed on Lot 5 must be located within a drainage easement and be so indicated on this plat.
13. Identify the SWM inspection & maintenance easement around the proposed SWM area on this plat.
14. Relocate the fire hydrant to a position outside of the proposed SWM area.
15. 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:
 - 15.1 The Final Plat Lot Grading and Lot Grading Plan Construction Limits Notes.
 - 15.2 Requirements for Utility relocations.
 - 15.3 Requirements for Public Works Agreements.
 - 15.4 Requirements for Stormwater Inspection and Maintenance Agreements.
 - 15.5 Requirements for County Roads.
 - 15.6 Requirements for Driveways.
 - 15.7 Requirements for cleanout locations

Notes and requirements identified for record:

1. The Final Plat must include the Lot Grading Plan standard note. The Lot Grading Plan must include the standard construction limits note.
 - a. *Final Plat: "A lot grading plan has been approved by the CCDPW for the construction shown hereon. A site construction as built shall be submitted to the CCDPW prior to use and/or occupancy of any of the sites shown hereon. Any change to the Forest Retention, Forestation, and/or Reforestation will require a consistency review, of the SWM approval, with CCDPW."*
 - b. *Grading Plan: "No clearing or grading is permitted beyond the limits of disturbance show hereon. Any expanded clearing and/or grading in the absence of an approved revised lot grading plan may be considered non-compliance with Chapter 251 of the Cecil County Code and either or both the developer and/or Builder may be subject to the enforcement of the penalty provisions therein."*
2. Where determined necessary by the utility companies, the owner, the designer, or DPW, utility poles must be relocated at the Developer's expense.
3. A Public Works Agreement is required for the streets & storm drainage constructions and for sanitary sewer.
4. An Inspection & Maintenance Agreement is required for the private SWM facilities.
5. The internal street grade leaving Maryland Route 274 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.
7. All sewer service cleanouts must be designed to be outside of all paved or concrete areas on each lot and this must be shown on the utility plans.

Mr. Wiggins read the comments of the Health Department:

A current water allocation must be obtained from the Town of North East prior to final plat approval. Sewer allocation must be obtained from the Cecil County Department of Public Works prior to final plat approval. Final and record plats must contain required statements for public water and sewage:

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).

(Note 9 and 11 are not adequate).

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

The Health Department has no objection to preliminary plat extension.

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

Mr. Sennstrom read the recommendation of the staff:

The **GRANTING** of a two (2) year extension of Preliminary Plat approval, to expire on **6/15/11**

A motion for the granting of a 2 year extension was made by Mr. Wallace.

The motion was seconded by Mr. McDowell.

All approve. Motion carried.

3. Charlestown Crossing, Phase 1A and Wastewater Pumping Station Parcel, MD Rte. 7 and US Rte. 40, Final Plat Revision, Taylor Wiseman & Taylor, Fifth Election District.

Fred Sheckles, Clark Turner Communities and Robert McAnally, Taylor Wiseman & Taylor, appeared and presented an overview of the project.

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

This project is in compliance with §3.9 & §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, M1, BG, and RCA & LDA (Critical Area) – PUD Proposal

Density: The SR zone permits a base density of 1 du/ 1 ac, 2/1 with community facilities, or 4/1 in a Planned Unit Development.

Per §256 of the Zoning Ordinance, the PUD "Sketch Plat/Special Exception Application" was granted a Special Exception on 9/28/04 by the Board of Appeals⁶ – conditioned on the following issues being adequately addressed:

- 1) No lots are proposed in the M1 zone;
- 2) No lots are proposed in the nontidal floodplain;
- 3) The complete estimated staging of construction has been shown on the plat and narrative, as required in §6.1.1 (e);
- 4) The perennial stream buffers have been accurately depicted;
- 5) No dwellings are depicted in the perennial stream buffers;
- 6) The nature of the proposed uses in the "employment" area in the SR zone have been declared and they are, in fact, permitted in the BL zone;
- 7) The total number of off-street parking spaces and the space to unit ratio for the proposed townhouse condominiums has been provided on the plat, consistent with §4.0.13 (m);
- 8) The townhouse condominium lot boundaries are differentiated from the townhouse structure footprints, as required in §4.0.13 (m);
- 9) A note to the effect that the Critical Area portion of the property is exempt from the Forest Conservation Regulations, per §3.2B;
- 10) All contradictions between the plat and the narrative have been eliminated;
- 11) Reference to §29.5.a in Note # 7 has been corrected;

⁶ Because a PUD is permitted in the SR zone only by Special Exception

- 12) The elevations of each building type have been provided, per §256.1.a;
- 13) The Variance needed to create the townhouse lots on the proposed private roads has been cited on the plat, or the proposed private roads are eliminated;
- 14) The proposed density has been cited on the plat submitted for review by the Planning Commission and Board of Appeals;
- 15) A draft of the terms and provisions of the public works agreement being provided in the narrative, as required by §256.1.c;
- 16) Any townhouse units in excess of 20% are to be considered substituted for permitted semi-detached or duplex units, with the condition that the total number of townhouse units not exceed the proposed 176 units; and
- 17) A Traffic Impact Study (TIS) being completed prior to Preliminary Plat and/or Preliminary Plat/Site Plan reviews by the TAC. The TIS must account for the full impact of the full potential build-outs in all zoning classifications on the parcel, regardless of whether or not they are specifically part of the PUD proposal.

In accordance with §256.5, which 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,” the Preliminary Plat, proposing 592 lots⁷ at a density of 2.63/1, was approved⁸ on 4/18/05, conditioned on:

- 1) Health Department requirements being met;
- 2) DPW requirements being met;
- 3) The forest retention areas being depicted on the Final Plat;
- 4) The FCP and the Landscape Plan being approved prior to the Planning Commission’s review of the Final Plat;
- 5) Landscape Plan for this PUD proposal including the §187.2 zoning district-separating bufferyards details for that part of the M-1 area associated with the proposed water tank, filtration station, and wells;
- 6) A Site Plan being approved for the Community Center prior to the Planning Commission’s review of the Final Plat;
- 7) A Plans being approved by DPW for the water tower and the water filtration building prior to the Planning Commission’s review of the Final Plat;
- 8) No street trees being planted within 20 of sewer laterals and cleanouts;
- 9) Confirmation of sewer allocation being received from the Cecil County DPW prior to Final Plat review by the Planning Commission;
- 10) Confirmation of water allocation being received from the water provider prior to Final Plat review by the Planning Commission;
- 11) MDE verifying that the water provider has adequate capacity to serve these lots prior to Final Plat review by the Planning Commission;
- 12) MDE verifying that the GAP is adequate to serve these lots prior to Final Plat review by the Planning Commission;
- 13) Plans for water facilities demonstrating the ability to provide and maintain adequate quality and pressure, and being verified by MDE and the Cecil County Department of Public Works prior to Final Plat review by the Planning Commission;
- 14) Fee simple access being provided to all stormwater management facilities;
- 15) The Landscape Plans for all BG- and M1-zoned site plan projects including the zone-separating bufferyards depicted on this PUD plat;
- 16) The details of the proposed E.M.S. building being reviewed by the County EMS Dept. and/or the Charlestown Fire Co. prior to Final Plat review;
- 17) The appropriate Charlestown Crossing Boulevard widening being shown on the Final Plat;

⁷ On 224.73 SR-zoned acres

⁸ The Planning Commission has authority for the approval of the Preliminary Plat for PUD proposals.

- 18) The zoning boundaries being corrected;
- 19) The proposed uses being made consistent with those permitted in the respective zones; and
- 20) Documentation confirming that the Charlestown Volunteer Fire Department deems the cul-de-sac radii and roadway width are acceptable being received prior to Final Plat review by the Planning Commission.

Per §4.1.18, 1-year Preliminary Plat extensions were granted 3/19/07, 1/23/08, & 12/15/08.⁹

The Phase 1 Final Plat, for 50 lots only, was approved on 6/16/08, conditioned on:

- 1) Health Department requirements being met;
- 2) DPW requirements being met;
- 3) The full balance of the common open space being provided in future phases and sections;
- 4) The 10' street tree planting easement being depicted and noted on the Record Plat;
- 5) Deed restrictions for the long-term protection of the street trees & any 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) A Landscape Agreement's being executed prior to recordation;
- 7) A Homeowners' Association for maintenance of common open space being established with \$50 per recorded lot placed in escrow for improvements prior to recordation;
- 8) The Record Plat's 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 Record Plat's containing a statement, signed by the owner, to the effect that such facilities will be available to all lots offered for sale;
- 10) A Maintenance Association for the maintenance of the private mini-roads being established prior to recordation; and
- 11) No lots fronting on any of the private roads.

Also on 6/16/08, for INFORMATION ONLY, an amended Preliminary Plat was presented to the Planning Commission.

For INFORMATION ONLY, an alternate layout for Phase 1 townhouses was presented to the Planning Commission on 3/16/09, when Mr. Bechtel, counsel for Clark Turner Homes indicated that a Variance would be sought from the Board of Appeals. In non-binding action, Planning Commission members agreed that they favored the modified design.

On 4/29/09, a Variance (File No. 3450) was granted to allow more than 4 units per townhouse building, as is reflected in lots 74-78.

Other design modifications included in this revised Final Plat are:

- Single family lots have increased minimum width from 50' to 52'.
- Townhouse lots have increased in length from 80' to 82'.
- The proposed private Henrietta Lane is now 18' wide.
- Common open space parcels were designed into the proposed Charlestown Crossing Blvd. right-of-way to facilitate "entry features" and medians.
- Common open space parcels were placed adjacent to proposed Lots 66 and 87.
- The TND design includes street trees to be planted between the curb and sidewalk.

This revised Final Plat includes 14 single family and 36 townhouse lots.

⁹ Unless either a Final Plat is approved and recorded or, as requested, the Preliminary Plat's validity is again extended in the interim, said validity will expire on 12/15/09.

The Special Exception that was granted allowed 176 townhouses.¹⁰

The proposed community center must be served by water & sewer systems approved by the Health Department. A major site plan submittal shall be required for the community center. Any major site plan must be approved prior to Final Plat approval(s). The requirements of §291 and Appendix A of the Zoning Ordinance must be adhered to.

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

30% common open space is required, 47% was proposed.

An FSD and a conceptual Environmental Assessment for the portion within the Critical Area were approved on 9/17/04. The site contains FIDS habitat, but it is not home to any of rare, threatened, and endangered species.

The PFCP and Preliminary Environmental Assessment have been approved.

The FCP/ Landscape Plan for Phase 1 (north of the stream) was approved on 4/29/08. Any necessary revisions must be approved prior to recordation.

A Landscape Agreement must also be executed prior to recordation.

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 and bounds description of the FRA being shown on the Final/Record Plats.

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.

Water allocation documentation has been received.

Sewer capacity for 50 lots has been verified.

The Record Plat shall again contain a statement signed by the Health Department, approving authority, to the effect that the use of the community water supply and community sewerage system is in conformance with the Master Water and Sewer Plan.¹¹

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

§4.2.12 (a) 2 requires that lot numbers be included in the title block.

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

The 50 dwelling units comprising Phase 1A have sewer allocation and all plans for Phase 1A are technically complete. Only administrative issues remain outstanding for Phase 1A. The plans for the Wastewater Pump Station are approved. The DPW will not sign the record plat until the Phase 1A administrative issues have been addressed to the satisfaction of the Department. Submit a record plat check print to the Department for continuity review prior to submitting the mylars for signature.

¹⁰ In the **SR** zone, no more than **20%** of the PUD dwelling units can be **townhouse** or apartment units.

¹¹ The Master Water & Sewer Plan identifies this site as W2 and S2.

Mr. Wiggins read the comments of the Health Department:
Final plat revision is satisfactory.

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

Mr. Sennstrom read the recommendation of the staff:

APPROVAL, conditioned on:

- 1) Health Department requirements being met;
- 2) DPW requirements being met;
- 3) The full balance of the common open space being provided in future phases and sections;
- 4) Any necessary revisions to the FFCP/Landscape Plan being approved prior to recordation;
- 5) Deed restrictions for the long-term protection of the street trees & any 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) A Landscape Agreement's being executed prior to recordation;
- 7) 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;
- 8) The Record Plat's 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 Record Plat's containing a statement, signed by the owner, to the effect that such facilities will be available to all lots offered for sale; and
- 10) The lot numbers' being included in the respective Record Plat title blocks, per §4.2.12 (a) 2.

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

All approve. Motion carried.

4. The Woods at Tome, Lots 1-47, Cemetery Road, Concept Plat Extension, McCrone, Inc., Seventh Election District.

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

Mr. Sennstrom, 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 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: DR

The Concept Plat¹² was approved at a proposed density of 2.04/1 on 6/20/05, conditioned on:

- 1) The JD being completed prior to the Planning Commission's review of the Preliminary Plat;
- 2) The boundary line survey being completed prior to the TAC's review of the Preliminary Plat;
- 3) The common open space sensitive areas thresholds being calculated and included prior to the TAC's review of the Preliminary Plat; and

¹² Proposing 47 lots on 23.05 acres.

4) The stream buffer waiver for the Tome Woods Way entrance being granted, per §174.1.b (2).

§4.0.09 of the Cecil County Subdivision Regulations provided that Concept Plats shall be valid for two years from date of approval. Therefore, one-year extensions were granted on 6/18/07 and 6/16/08. Unless the additional extension now requested is granted, Concept Plat approval will expire on 6/16/09. If granted, this extension would expire on 6/20/10.

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

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

No such changes have occurred that would affect this project.

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

The design plans must adhere to the current county codes, specifically the issue of horizontal road curves meeting Section 3.04 of the Road Code. 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 SWM Ordinance (2007) will apply and the SWM plan must be designed to meet its requirements. With that said the Department has no objection to the extension requested. We request that the approval be conditioned on the fact that the comments made at the 6-18-07 Planning Commission be considered as read and be included in the minutes. It is the developer’s responsibility to comply with these comments, several of which require action by the developer prior to submitting the preliminary plat for this project:

1. The Department understands that the Town of North East will own the water distribution system in this development. The CCDPW recommends that the water distribution system including fire hydrant locations be designed to meet or exceed the County’s standards. We also recommend that the Town request that the serving fire company review fire hydrant spacing and locations. The water lines must be reflected on the sanitary sewer plans and as-builts. All easements for the water lines must be reflected on the final plat.
2. A SWM plan, Road & Storm Drain plan, Sanitary Sewer plan and a Mass and Final Grading plan must be approved by the CCDPW prior to submittal for Final Plat Approval. The Final Plat must include the Lot Grading Plan standard note and a note indicating that sidewalk maintenance will be required of the adjacent property owner (if sidewalks are required). The Lot Grading Plan must include the standard construction limits note. These notes will be identified in the record but will not be read at this time.

Final Plat: “A lot grading plan has been approved by the CCDPW for the construction shown hereon. A site construction as built shall be submitted to the CCDPW prior to use and/or occupancy of any of the sites shown hereon. Any change to the Forest Retention, Forestation, and/or Reforestation will require a consistency review, of the SWM approval, with CCDPW.”

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

Grading Plan: "No clearing or grading is permitted beyond the limits of disturbance show hereon. Any expanded clearing and/or grading in the absence of an approved revised lot grading plan may be considered non-compliance with Chapter 251 of the Cecil County Code and either or both the developer and/or Builder may be subject to the enforcement of the penalty provisions therein."

3. The downstream conveyance of storm water must be analyzed in accordance with Section 251-9 A. (5) of the county's SWM Ordinance.
4. If stormwater discharge is directed off of the site on to adjacent property it is the responsibility of the Developer to obtain appropriate easements from the affected property owners per Sections 251-13 and 251-15.D of the Cecil County SWM Ordinance. Permanent Stormwater Management facilities may not be placed within a perennial stream buffer. Show location of perennial stream buffer at southwest corner of site on the stormwater management plans and adjust stormwater management facility accordingly.
5. Applicant must provide sight distance measurements (intersection & stopping) for the Cemetery Road access to DPW prior to preliminary plat submittal to the TAC. Please mark the proposed entrance location in the field by flagging or stake on the roadside bank.
6. Where determined necessary by the utility companies, the owner, the designer, or DPW, utilities poles must be relocated at the Owner's expense.
7. Section 3.07.15 of the Road Code directs that Cemetery Road must be upgraded for a distance of 100' either side of the point of intersection between Cemetery Road and the proposed road. The improvements required must address roadside drainage issues and pavement distress at a minimum. Additional improvements may be required if determined necessary by the DPW. Where these required improvements can be accommodated within the existing ROW or prescriptive right of maintenance, no new permanent fee simple ROW acquisition from adjoining property owners will be required.
8. 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. 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.
9. The Department of Public Works requires that any Road code Variances sought must be requested and the major road issues be resolved, to the Department's satisfaction and shown on the preliminary plat prior to submittal of the preliminary plat to the Technical Advisory Committee. If no variances are requested & approved prior to the preliminary plat approval by the Planning Commission the applicant will be held to all Road Code requirements as dictated by the DPW.
10. The preliminary plat presented to the Planning commission must reflect the entrance & onsite road configuration agreed to by the Department. If offsite road improvements are required the preliminary plat must also contain a note indicating the type of improvements as well as the extent of offsite road improvements agreed to by the Department.
11. On Tome Woods Way, applicant must identify that the horizontal curvature geometry shown meets Section 3.04.1 of the Road Code in regards to sight lines remaining within the right-of-way. From a graphical scale check, the design does not appear satisfactory and must be shown by the engineer to meet the geometric requirements before proceeding to Planning Commission with a Preliminary Plat.
12. 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

form 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.

13. Lot frontage dimensions dictate that closed section road is used. Modified curb and gutter may be used internally, but standard curb will be required for the entrance(s) from at least the curb return PCs. The Department has concerns about on street parking due to the small lot sizes proposed. The pavement width may need to be widened to accommodate this.
14. A separate conceptual sanitary sewer routing is required and must be submitted to the Department prior to TAC submittal for Preliminary Plat. An interconnect to the Thomas Avenue sewer is not likely to be approved.
15. A Protocol Three offsite Road Condition Survey is required for Cemetery Lane and Thomas Avenue and must be submitted to the Department of Public Works along with an Initial Road Improvements Proposal prior to submittal of a Preliminary Plat to TAC.
16. Subdivision entrance geometry design must be coordinated with the Department and a plan view submittal made prior to any major engineering effort commencing for the subdivision. The guardrail on the east side of the culvert under Cemetery Lane, as well as the culvert must be addressed. Is the existing culvert under Cemetery Lane, just north of the proposed entrance, identified for any historic significance?
17. The Department recommends that the Town require a PWA for the water lines and all water line easements required must be reflected on the final plat.
18. The County will require PWAs for the internal streets & storm drains and sanitary sewer work as well as an I&M Agreement for all private SWM facilities.

Mr. Wiggins read the comments of the Health Department:
The Health Department has no objection to concept plat extension.

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

Mr. Sennstrom read the recommendation of the staff:
The **GRANTING** of another one-year extension of Concept Plat approval, to **expire** on **6/20/10**.

A motion for the granting of a 1 year extension was made by Mr. Wiggins.
The motion was seconded by Mr. Wallace.

All approve. Motion carried.

5. The Lands of Renee Luther, Lot 5, Rock Run Road, Preliminary / Final Plat, McCrone, Inc. Seventh Election District.

Don Sutton, McCrone, Inc., and Renee Luther, owner, appeared and presented an overview of the project.

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

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

Zoning: SR & NAR

Density: Parcel 9 consists of both SR & NAR land. Proposed Lot 5 would be in the SR-zoned portion, which permits a density of 1 du/ 1 acre without community facilities. This Preliminary-Final Plat proposes one (1) lot on 2.056 acres, for a proposed SR density of 1/2.056, and would have no effect on the NAR density of the remaining lands.

Per Note # 9, the boundary line survey has been completed.

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

A MALPF District Agreement was established for this entire parcel on 8/5/96, so the SR-zoned portion must be disencumbered before this proposal can be approved.¹³

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 & 25%, good engineering practices shall be used to ensure sediment & erosion control & slope stabilization before, during and after disturbance activities.¹⁴ Slopes greater than 25% 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 any rare, threatened, and endangered species must be avoided.

No common open space is required for only one lot.

20% landscaping of the development envelope is required in the SR zone.

Sidewalks are not recommended in this case.

Bufferyard Standard C is required, outside the right-of-way, along the road frontage of Rock Run Road.

A 50' BRL is proposed from Rock Run Road, yet the adjacent Minor Subdivision # 3761 was approved with a 100' BRL.

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

¹³ The applicant was advised at the 5/6/09 TAC review that the Planning Commission cannot approve this Preliminary-Final Plat until such time as the requirements of the MALPF Board of Trustees regarding the proposed subdivision have been satisfied.

¹⁴ 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."

No street trees are required, as there are no proposed internal roads. Where feasible, the natural vegetative equivalent may be used to satisfy the bufferyard requirements.

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

The FSD and FCP/Landscape Plan was approved on 5/12/09.

Any 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.

The contiguous operating farms notice has been provided as Note # 12.

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

The plan for the proposed development on Lot 5 is considered technically complete conditioned on the final plat containing a note describing the required clearing & site work required for the driveway location selected. Other than that only administrative issues remain outstanding. The Department will not sign the final plat until the plat note and the administrative issues have been addressed to the satisfaction of the Department. Submit a record plat check print for review prior to submitting the plat for signature.

Mr. Wiggins read the comments of the Health Department:

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

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

Mr. Sennstrom read the recommendation of the staff:

APPROVAL, conditioned on:

- 1) Health Department requirements being met;
- 2) DPW requirements being met; and
- 3) Any Landscape Agreement being executed prior to recordation.
- 4) Verification of MALPF termination of district prior to recordation.

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

The motion was seconded by Mr. Edwards.

All approve. Motion carried.

6. Bayline Estates (f/k/a Butlers Crossing), Section 3, Lots 13-19, Joe Meltz Road, Preliminary Plat Extension, McCrone, Inc., First Election District.

Don Sutton, McCrone, Inc., appeared and presented an overview of the project.

Mr. Sennstrom, 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 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: SAR

The Concept Plat, proposing 7 lots, roadway rights-of-way, and common open space on 61.08 acres, for a proposed density of 1/8.73, was approved on 7/18/05, conditioned on:

- 1) The Section 3, Lots 11 & 12 Record Plat being revised to convert the 3.802 acres of proposed common open space to actual common open space prior to the recordation of these proposed lots;
- 2) A Jurisdictional Determination (JD) being completed, and submitted to the Office of Planning & Zoning, prior to preliminary plat review by the Planning Commission; and
- 3) The FSD being revised to show the wetlands on proposed Lots 14 and 15.

The Preliminary Plat was approved on 8/15/05, conditioned on:

- 1) Health Department requirements being met;
- 2) DPW requirements being met;
- 3) The Section 3, Lots 11 & 12 Record Plat being revised to convert the 3.802 acres of proposed common open space to actual common open space prior to the recordation of these proposed lots; and
- 4) The forest conservation plan and landscape plan being approved prior to final plat review.

The original Butler's Crossing Concept Plat (Lots 4-11) was approved on 11/16/98, at a density of 1/21.2, conditioned on:

- 1) The limits of the County maintenance of Joe Meltz Road being verified prior to preliminary plat review by the Technical Advisory Committee;
- 2) A paved road provided by the developer being extended a sufficient distance to provide an entrance to Lot 10 eliminating the need for a panhandle lot; and
- 3) Elimination of the street tree requirement.

A Butler's Crossing Preliminary Plat for Lots 4-10 was approved on 12/20/99, conditioned on:

- 1) Health Department requirements being met;
- 2) Department of Public Works requirements being met;
- 3) Bufferyard A being provided to separate residential use of the portion of Lot 8 in the vicinity of the proposed dwelling from the agricultural operation of the Peverly property to the west,
- 4) Landscape plan for any remaining bufferyards being approved prior to Planning Commission review of the final plat;
- 5) Landscape Agreement being executed prior to recordation;
- 6) Permit being obtained from the Maryland Department of the Environment and the Corps of Engineers for the stream crossing of Lot 8, prior to recordation;
- 7) Final Forest Conservation Plan being approved prior to final plat review by the Planning Commission;
- 8) Any further development of the remaining lands resulting in ten or more lots will require 15% common open space and the establishment of a Homeowner's Association, and if partially in New Castle County, then New Castle County approving the subdivision plat prior to Cecil County recordation;
- 9) A jurisdictional determination being received prior to final plat review by the Planning Commission; and
- 10) A 300-foot setback from agricultural operation being provided on Lot 10, otherwise a Bufferyard A being provided.

The Final Plat for Section 1, Lots 4-7 & 10, was approved on 3/20/00, conditioned on:

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

- 3) Any further development of the remaining lands resulting in ten or more lots will require 15% common open space and the establishment of a Homeowner's Association, and if partially in New Castle County, then New Castle County approving the subdivision plat prior to Cecil County recordation;
- 4) Deed restrictions for the long-term protection of the Forest Retention/Afforestation Areas being recorded and noted on the plat prior to recordation and the metes and bounds description of the forest retention areas being shown on the record plat;
- 5) A 300-foot setback from agricultural operation being provided on Lot 10, otherwise a Bufferyard A being provided; and
- 6) Persistent misspellings being corrected.

The Final Plat for Section 2, Lots 8 and 9, was approved on 10/16/00, conditioned on:

- 1) Health Department requirements being met;
- 2) Department of Public Works requirements being met;
- 3) Any further development of the remaining lands resulting in ten or more lots will require 15% common open space and the establishment of a Homeowner's Association, and if partially in New Castle County, then New Castle County approving the subdivision plat prior to Cecil County recordation;
- 4) Deed restrictions for the long-term protection of the Forest Retention/Afforestation Areas being recorded and noted on the plat prior to recordation and the metes and bounds description of the forest retention areas being shown on the record plat;
- 5) The title block on sheet 2 being corrected; and
- 6) A copy of the stream crossing authorization being forwarded to the Office of planning and Zoning for inclusion in the file, prior to recordation.

A Concept Plat for Section 3, lots 11-18, was approved on 5/20/02 at a density of 1/8.42, conditioned on:

- 1) The proposed mini-road's name being approved by the County's Emergency Management Agency prior to Planning Commission review of the preliminary plat.

A Section 3 Preliminary-Final Plat for lots 11 and 12 was approved on 12/16/02, conditioned on:

- 1) Health Department requirements being met;
- 2) Department of Public Works requirements being met;
- 3) The owners of these lots becoming members of the Homeowners' Association for maintenance of common open space with \$50 per recorded lot placed in escrow for improvements prior to recordation ;
- 4) Deed restrictions for the long-term protection of the Forest Retention/Afforestation Areas being recorded and noted on the plat prior to recordation and the metes and bounds description of the forest retention areas being shown on the record plat; and
- 5) The standard forest retention note being placed on the record plat.

§4.1.17 of the Cecil County Subdivision Regulations provides that Preliminary Plats shall be valid for two years from date of approval. Therefore, the 8/15/05 Preliminary Plat approval was granted one-year extensions on 7/16/07 and 7/21/08.

§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.

Should another extension now be granted, it will expire on 6/15/11.

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

All 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 SWM Ordinance (2007) will apply and the SWM plan must be designed to meet its requirements.

Mr. Wiggins 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. The Health Department has no objection to preliminary plat extension.

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

Mr. Sennstrom read the recommendation of the staff:

The **GRANTING** of a two (2) year extension of Preliminary Plat approval, to expire on **6/15/11**.

A motion for the granting of a 2 year extension was made by Mr. Wallace.

The motion was seconded by Mr. Edwards.

All approve. Motion carried.

7. Larson’s North East Overlook, Phase 1, Lots 1-62, MD Rte. 272, Concept Plat, Frederick Ward Associates, Fifth Election District.

Lou Shaffer, Frederick Ward Associates and Dwight Thomey, Esq., appeared and presented an overview of the project.

Mr. Sennstrom, 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

A virtually identical Larson’s Northeast Overlook Concept Plat was reviewed by the Planning Commission on 4/20/09. The staff recommendation was for 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.

However, the plat was disapproved by the Planning Commission “based on the layout, which contains insufficient access to the property, given that 62 lots are proposed.”

The project’s design has now been modified to include an emergency access lane between MD 272 and the proposed Ashley Marie Court. This proposed emergency access lane has been conditionally approved by SHA.¹⁵

All other, previous comments stand and will not be read again at this time, but they will appear in the minutes.

Density: The SR zone permits a density of 1 du/ 1 ac., or 2/1 with community facilities. This project proposes 62 lots¹⁶ 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 survey¹⁷ 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.¹⁸

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.

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 wetlands¹⁹ 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.

¹⁵ The 5/12/09 SHA email stated: “SHA will approve an emergency access point at this location, approximately 450’ from the proposed street connection, with the following conditions:

1. The entrance must be 20’ wide with 10’ radius returns, paved to SHA specifications.
2. The entrance must be gated or closed with ballards.
3. The gate or Ballards must be on private property.”

¹⁶ The Parcel Map and Vicinity Map inserts fulfill the §4.0.13 (b) requirements.

¹⁷ Note # 1 indicates that the boundary line survey has already been completed.

¹⁸ 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.”

¹⁹ Note # 2 indicates that the wetlands have been field delineated.

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 DNR.

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.

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?

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 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.

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 Plat Final 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. 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 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 designed to meet its requirements.
3. This development, as proposed, is dependant 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? 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?
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 remainder of Parcel 197.
8. It appears that some 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 prepared and submitted prior to any review of the preliminary plat.
12. The Department will require a monumental entrance (see Standard Detail R-22B) off of MD Route 272.
13. The minimum lot frontage propose is less than 75' therefore Per Section 2.07 of the Cecil County Road Code closed section road is required throughout this development. Refer to Standard Detail R-35 to determine pavement widths required.
14. Will the proposed dwellings have garages? How many off-street parking spaces will you provide on each lot?
15. The preliminary plat must reflect all easements required for SWM, storm drains, and utilities.
16. 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.
17. What consideration has been given to where the SWM area adjacent to Lot 42 will discharge? Where do you intend to direct the discharge?
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 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. 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. Wiggins 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 of the Environment prior to final plat approval. Ownership of the public water utility must satisfy COMAR 26.04.05 as a shared facility or COMAR 26.04.03.08 B.

Final and records 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).
3. Plans to construct the public water supply have been approved by the Maryland Department of the Environment (by 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.

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

Mr. Sennstrom 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. Wallace.
The motion was seconded by Mr. Edwards.

All approve. Motion carried.

General Discussion:

- The recommendation report regarding Cluster Housing – Joe Janusz. This discussion item will be presented at a later date.
- Continued discussion and individual findings from the Planning Commission members in regards to HOA's.

Mr. Wallace explained that he believes an analysis would need to be done by the developer as to what an appropriate number would be for the HOA escrow account. All members agreed that there will not be one appropriate number for all of the proposed development because of the various sizes of development. Mr. Wallace also believes it is important that the escrow account, in its entirety, would be turned over to the HOA. Mr. Sennstrom addressed some concerns of the commission members. Mr. Whittie explained that with the new SWM Ordinance currently being established, it would be wise to wait for its completion in making decisions regarding the responsibilities of the HOA. Additionally, Mr. Sennstrom explained that the Comprehensive Plan Oversight Committee is also incorporating discussion regarding HOA's in their research as well. All commission members agreed to wait for the outcome of the future findings with the various committees currently working on this subject. Discussion ensued regarding the notification of the responsibility to the homeowners within the developments.

The June Planning Commission meeting adjourned at 1:27 p.m.

Respectfully Submitted:

Jennifer Bakeoven