

CECIL COUNTY PLANNING COMMISSION

Meeting Minutes

July 20, 2009

Present: Bill Mortimer, Chairman; Pat Doordan, Vice Chairman; Wyatt Wallace; Joe Janusz; Guy Edwards; Ken Wiggins; Mark Woodhull; Tim Whittie; Clara Campbell; Lloyd Harmon; Rebecca Demmler; Tony Di Giacomo; Eric Sennstrom; Jennifer Bakeoven.

Absent: H. Clay McDowell, Alternate.

Call to Order: Chairman Mortimer called the meeting to order at 12:05 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. Creamery Knoll, Lots 1-4, Knights Corner and Woods Roads, Preliminary / Final Plat, McCrone, Inc., Second Election District.

Mike Burcham, McCrone, Inc., and Todd Ladutko, North Broad Street Association, appeared and presented an overview of the project.

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

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

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

Zoning: NAR

Density: The NAR zone permits a maximum base density of 1 du/ 10 ac. The Preliminary -Final Plat was reviewed by the TAC on 7/2/08.

The Concept Plat, proposing 4 lots on 42.64 acres, for a proposed density of 1/10.66, was approved on 9/15/08, conditioned on:

- 1) The boundary line survey's being completed prior to any Preliminary Plat submission.

Per Note # 11, the boundary line survey has been completed.

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

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.¹

The only area of steep slopes is within the proposed right-of-way dedication along Knights Corner Road.

¹ The Cecil County Subdivision Regulations define steep slopes as "15 percent or greater incline." The Cecil County Zoning Ordinance defines steep slopes as consisting of a grade of 25% or more covering a contiguous area of 10,000 ft² or more. The Cecil County Forest Conservation Regulations define steep slopes as "areas with slopes greater than 25 percent slope."

A 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'.

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.

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

No landscaping of the development envelope is required, and no sidewalks are recommended in the NAR zone.

A Bufferyard Standard C waiver is being requested, and is reasonable given the natural conservation easement and the Forest Conservation Areas.

A 300' agricultural buffer has been depicted.

The appropriate road setbacks (BRLs) have been depicted.

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

The FSD/PFCP was approved on 8/20/08.

The FCP/Landscape Plan was approved on 6/16/09.

A Landscape Agreement must be executed prior to recordation.

Deed restrictions for the long-term protection of the natural conservation easement & 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 natural conservation easement & FRA being shown on the Record Plat.

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

School information:	Elementary	Middle	High School
	Cecilton	Bo Manor	Bo Manor
FTE	328	478	733
Capacity	350	601	643
% Utilization	93%	80%	114%

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

All plans for this project are technically complete 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. Doordan read the comments of the Health Department:

A Groundwater Appropriation Permit exemption has been filed with Maryland Department of the Environment. Preliminary / Final Plat is satisfactory.

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

Mr. Di Giacomo read the recommendation of the staff:

APPROVAL, conditioned on:

- 1) Health Department requirements being met;
- 2) DPW requirements being met;
- 3) Deed restrictions for the long-term protection of the natural conservation easement & Forest Retention/ Afforestation Areas (FRAs) being recorded & noted on the plat prior to recordation, with the metes & bounds description of the FRA / natural conservation easement being shown on the Record Plats;
- 4) The Landscape Agreement being executed prior to recordation;
- 5) The contiguous operating farm notice again appearing on the Record Plat; and
- 6) The Bufferyard C modification being granted in favor of the landscaping scheme that is shown on the plat.

A motion for approval was made by Mr. Doordan.

The motion was seconded by Mr. Wallace.

All approve. Motion carried.

2. Chesapeake Club, Lots 188-343, Bay Club Parkway, Preliminary Plat Extension, McCrone, Inc., Fifth Election District.

Mike Burcham, McCrone, Inc., and Mike Pugh, Corridor 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 = RM.

The original Concept Plat was approved 5/19/87² for 1440 units on 411 acres, for a density of 3.5/1. The RM zone allows for a density of 6/1 with community facilities.

A series of revised Concept Plats have been approved subsequently. They have all adhered to the originally-approved density of 3.5/1, and they have reflected changes in only design, layout and structure types.

An Area H Preliminary Plat for proposed lots 110-216 was approved on 5/20/02.

A revised Concept Plat³ was approved on 9/16/02, and an Area H-1 Final Plat for proposed lots 128-187 was approved on 1/22/04.

² Concept Plats approved prior to 7/25/89 remain valid.

³ Keeping the density approval intact, revisions updating the layout only have been approved over time.

The Areas H-2 & H-3, Lots 188-343, Fairway Links, Preliminary Plat was approved on 4/19/04, 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) Sidewalks or walkways, in keeping with the designs of completed sections, being included;
- 5) Water allocation must be confirmed by the Town of North East prior to Final Plat approval;
- 6) Sewer allocation must be confirmed by the Department of Public Works prior to Final Plat approval;
- 7) The approximate locations of the townhouse structures being show on the Final Plat; and
- 8) Note # 11 being revised to provide the correct number of overflow parking spaces.

An Area H-2 Final Plat for proposed Lots 188-203, 250-288, 311-313 & 332-343 was approved on 10/16/06, conditioned on:

- 1) Health Department requirements being met;
- 2) DPW requirements being met;
- 3) The owners of these lots becoming members of the Homeowners' Association, established for maintenance of common open space, with \$50 per recorded 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 being shown on the Record Plat;
- 5) A Landscape Agreement being executed prior to recordation;
- 6) Maintenance of the common overflow parking areas being the responsibility of the HOA, and a note to that effect appearing on the Record Plat;
- 7) The Record Plats containing a statement signed by the Health Dept., 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 Record Plats containing a statement, signed by the owner, to the effect that such facilities will be available to all homes and townhouses offered for sale.

§4.1.17 of the Cecil County Subdivision Regulations provides that "The recordation of any section of a Final Plat shall extend the Preliminary Plat approval for an additional two (2) year period from the date of said recordation." However, no record plat was recorded subsequent to the 10/16/06 Final Plat approval.

Pursuant to §4.1.18, 1-year Preliminary Plat extensions were granted on 3/20/06, 2/20/07, 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."

Staff reports that no such changes have taken place.

If granted, this extension would expire on 7/20/11.

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

The Department has no objection to the extension requested. The comments presented at the July 21st 2008 Planning Commission meeting still apply. They will be included in the minutes but not be read at this time.

1. It is the Departments understanding that the Town of North East will be responsible for the water mains. 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, Street & Storm Drain plan, Mass and Final Grading plan and Sanitary Sewer Plan must be approved by the CCDPW prior to submittal for Final Plat Approval.
3. Identify the 8" sewer main and SMH 88, associated with Area H-1 construction, on this plat.
4. The Department has issued a sanitary sewer allocation update letter where by 167 ELU would be available for Areas H-1, H-2, & H-3. The 60 lots in Area H-1 added to the 162 lots proposed for Areas H-2 & H-3 equals 222 lots, therefore a deficit of 55 lots ($222-167 = 55$) will remain after the existing allocation is depleted.
5. In order to minimize the reliance on force mains and pump stations in developing the remainder of this property the Department request a strategic plan or if you like a concept of sewer service for all further areas of the Chesapeake Club be submitted for review. All possibilities should be explored including the possibility of connecting to the Village at North East. Such a plan should be provided prior to submittal of future sections.
6. The public Pumping Station must have fee simple access to a county or state road right-of-way, and a lot boundary must be show – i.e. the public SPS site will not be on open space.
7. All sanitary sewer mains located outside of the County's ROW must be ductile iron and an access-way is required along its entire length.
8. All lots must connect to the sanitary sewer main at the street in front of the units (this is particularly in reference to Units 224-234).
9. The sanitary sewer line must be run to a manhole located beyond the temporary Tee Turnaround on Bay Club Parkway.
10. The phasing of this development will significantly impact the competency of the roadways in completed sections because of the potential for large amounts of construction traffic accessing later sections. Subsequently, a phasing plan must be submitted for use in developing a plan for when internal road sections will be accepted by the County and the magnitude of maintenance bonds that will be required as well as the time frame over which they will be held.
11. Tournament Circle is not compatible with the bike/pedestrian path system proposed and the Department will not support their use in this location. If the Planning Commission requires sidewalks the Department will require that they be located as shown on Standard R-5 of the Road Code.
12. The bike/pedestrian path is acceptable to the Department of Public Works for the remainder of the internal streets in Areas H-2 & H-3. The extent of their use must be delineated on the plat for clarity.
13. If the Planning Commission requires sidewalks, the Final Plats should include a note indicating that sidewalks maintenance will be required of the adjacent property owner, as required by the Cecil County Road Code.
14. Any applicable Road Code Variances must be requested prior to submittal for Preliminary Plat approval.
15. Outlet culverts must be extended to the SWM facility.
16. 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:

16.1 The Final Plat Lot Grading, Sidewalk Maintenance, and Lot Grading Plan Construction Limits Notes.

- 16.2 Compliance with Sections 251-9.A(5), 251-13, and 251-15.D. of the Cecil County Stormwater Management Ordinance.
- 16.3 Requirements for Utility relocations.
- 16.4 Requirements for Public Works Agreements
- 16.5 Requirements for Stormwater Inspection and Maintenance Agreements.
- 16.6 Requirements for County Roads.
- 16.7 Requirements for Driveways.

Notes and requirements identified for record:

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

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

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, to expire on 7/20/11.

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

All approve. Motion carried.

3. Bedrock, Lots 5-106, Bethel Church Road, Preliminary Plat Extension, McCrone, Inc., Fifth Election District.

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

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

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

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

Zoning: SR

Density: The SR zone permits a maximum base density of 1 du/ 1 ac. With community facilities, a density of up to 2/1 is permitted.

The original Concept Plat was approved at a density of 1.38/1 on 5/20/02, conditioned on:

- 1) A Jurisdictional determination being completed prior to Planning Commission review of the Preliminary Plat;
- 2) A boundary line survey being done for the preparation of the Preliminary Plat for density calculation purposes;
- 3) A sensitive species survey being conducted prior Preliminary Plat review by the Planning Commission;
- 4) All conditions of approval by MDE being fulfilled; and
- 5) A Traffic Impact Study (TIS) being completed prior to Preliminary Plat review by the Technical Advisory Committee.

§4.0.8 of the Subdivision Regulations provided that Concept Plats were valid for 2 years, and that approval of a Preliminary Plat extended the Concept Plat approval for 1 year from the date of Preliminary Plat approval.

The original Bedrock Preliminary Plat was approved on 10/21/02, conditioned on:

- 1) Health Department requirements being met;
- 2) DPW requirements being met;
- 3) 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 and all lot owners becoming members;
- 4) The Master Water & Sewer Plan being amended for sewer, showing this property as S-1, prior to Final Plat review;
- 5) The title block being amended to include only those lots actually being reviewed, prior to review of the Final Plat;
- 6) The FCP and Landscape Plan being complete prior to review of the Final Plat;
- 7) Deed restrictions for the long-term protection of the Forest Retention/Afforestation Areas (FRAs) being recorded and noted on the plat prior to recordation. The metes and bounds description of the FRA must be shown on the record plat;
- 8) The common open space recreational improvements being included in the Public Works Agreement; and
- 9) Sidewalks being provided on one side of all internal roads.

Per §4.1.17, the Preliminary Plat approval expired on 10/21/04, as no Final Plat was approved beforehand. As a result, the Concept Plat also expired.

A new Concept Plat, consistent with the original, was approved on 9/19/05, conditioned on:

- 1) All previous conditions of Concept plat approval remaining in effect, except for those previously satisfied, including the completion of the Traffic Impact Study (TIS).

A new Preliminary Plat, proposing 102 lots on 73.3 acres, for a density of 1.38/1, and also consistent with its original, was approved on 9/19/05⁴, conditioned on:

- 1) Health Department requirements being met;
- 2) DPW requirements being met;
- 3) The FCP and Landscape Plan being complete prior to review of the 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. The metes and bounds description of the FRA must be shown on the Final and Record Plat; and
- 5) A 20,000 gallon drafting tank being installed in the common open space.

The Bedrock Phase I (Lots 5-40) Final Plat was approved on 6/19/06, conditioned on:

- 1) Health Department requirements being met;
- 2) DPW requirements being met;
- 3) Deed restrictions for the long-term protection of the Forest Retention/Afforestation Areas (FRAs) being recorded and noted on the plat prior to recordation, with the metes and bounds description of the FRA being shown on the Record Plat;
- 4) A Homeowners' Association for maintenance of common open space being established, with \$50 per recorded lot placed in escrow for improvements prior to recordation;
- 5) Any active recreational amenities in the common open space being included in the Public Works Agreement; and
- 6) Permits being received from the (US Army) Corps of Engineers and MDE for all non-tidal wetland impacts prior to recordation.

The Bedrock Phase I (Lots 5-40) Record Plat was signed on 6/11/07 and recorded on 8/15/07.⁵

Per §4.1.18, a one-year extension of Preliminary approval was granted on 7/21/08, and is set to expire tomorrow.

§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."

Staff reports that there have been no such pertinent changes.

If approved, the requested extension will stretch the Preliminary Plat's validity until 7/20/11.

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

The Department has no objection to the extension requested. The comments presented at the July 21st 2008 Planning Commission meeting still apply. They will be included in the minutes but not be read at this time.

1. A SWM submittal must be approved by the DPW prior to submittal for Final Plat Approval.
2. A street and storm drain submittal must be approved by the DPW prior to submittal for Final Plat Approval.

⁴ Per §4.1.17, its approval would remain valid until 9/19/07.

⁵ The recordation, per §4.1.17, extended the Preliminary Plat's validity until 8/15/09.

3. Sight distance measurements have been provided to the DPW to establish compliance with the Cecil County Road Code. Vegetative clearing may be necessary at the two entrances. These sight distance easements are in conflict with the Buffer Yard 'C'. We would request that they be extended back to clear the sight triangle
4. The sight distances provided for the joint access to Lots 1-4 are marginally acceptable. The Department uses AASHTO guidelines in reviewing allowable sight distances and these guidelines are based on a straight road section. The location of the driveways on a curved section of Bethel Church Road accounts for these being marginal. The success of these depends on the design of the shared driveways. The design used at Racine Estates is recommended. A PWA will be required in conjunction with the Minor Subdivision.
5. An oververtical or knoll exists in Bethel Church Road near proposed Lot 102 and may need to be addressed as an off site improvement.
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. An Inspection and Maintenance Agreement will be required for the SWM facilities.
8. Preliminary plans for phase I should carefully consider SWM requirements for phase II on the west half of the project. The topography appears to allow for SWM Pond III to be delayed until the start of phase II.
9. The centerline of Flintstone Drive must align with the centerlines of Billy Goss Loop & the proposed entrance to Bethel Springs 2.
10. A Sanitary Sewer submittal must be approved by the DPW for the sewer improvements prior to submittal for Final Plat Approval.
11. Because of the questionable build-out potential of this project DPW recommends that the design of Flintstone Drive be completed through to Bethel Church Road and bonded in Phase I. If this is not done than a cul-de-sac with midpoint turnaround must be designed and bonded and rights of way must be shown for the construction should Phase 2 not be constructed within a specific time.
12. If sidewalks are required by the Planning Commission, the Final Plats should include a note indicating that sidewalks maintenance will be required of the adjacent property owner, as required by the Cecil County Road Code.
13. Any applicable Road Code Variances must be requested prior to submittal for Preliminary Plat approval.
14. Outlet culverts must be extended to the SWM facility.
15. SWM outfalls must be extended to the toes of slopes.
16. The ROW dedication must be denoted as, "30' wide strip to be dedicated in fee simple to the Board of County Commissioners of Cecil County."
17. A PWA will be required for internal streets, storm drains, sanitary sewers, and any private utility improvements.
18. Please confirm or dedicate a Utility easement for the existing 18" Sanitary Sewer Line.

Mr. Doordan read the comments of the Health Department:

A Groundwater Appropriation Permit would be required prior to final plat approval. A February 10, 2009 letter from Maryland Department of the Environment indicated at that time they would only grant 13 lots in phase II. As of June 30, 2009, Maryland Department of the Environment indicates they have had no further contact from the applicant.

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 2-year extension of Preliminary approval, to expire on 7/20/11.

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

The motion was seconded by Mr. Janusz.

All approve. Motion carried.

4. Silverado, Lots 5-75, Razor Strap Road, Preliminary Plat Extension, McCrone, Inc., Fifth Election District.

Mike Burcham, McCrone, Inc., and Barry Montgomery, developer, 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

Density: The RM zone permits a maximum base density of 6 du/ 1 ac. with community facilities, and up to 12/1 for townhouses. The 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 Preliminary Plat, also including some of the adjacent lands of Jansen⁶, 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 one-year extension of Preliminary approval was granted on 7/21/08.

⁶ Those add-ons increased the total acreage to 15.226 acres, thus lowering the proposed density to 4.66/1.

§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.”

Staff reports that there have been no such pertinent changes.

If approved, the requested extension will stretch the Preliminary Plat’s validity until 7/20/11.

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

The Department has no objection to the extension requested. The comments presented at the July 21st 2008 Planning Commission meeting still apply. They will be included in the minutes but not be read at this time.

1. The Department understands that the Town of North East will own the water distribution system in this development. The CCDPW recommends that the water distribution system, including fire hydrant locations, be designed to meet or exceed the County’s standards. We also recommend that the Town request that the serving fire company review fire hydrant spacing and locations. The water lines must be reflected on the sanitary sewer plans and as-builts. All easements for the water lines must be reflected on the final plat.
2. Based upon the current permitted capacity at the Seneca Point WWTP, as well as projects already in various stages of county design approval (concept through final) no public sewer allocation is anticipated to be available for this project until or unless WWTP capacity is expanded, other approved projects do not proceed, or existing public sewer allocations expire and are not renewed. The Developer proceeds with any and all project engineering at their own risk.
3. 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.
4. The offstreet parking lots shown will require a road code variance.
5. A Road Code Variances has been submitted addressing this issue.
6. The street R.O.W. entrance tapers must be offset 25’ from the R.O.W. point of intersection, and be straight lines, per 7.2.12.E.3 of the Subdivision Regulations.
7. Upgrades to Razor Strap Road beginning approximately 1,000ft west of the proposed entrance are funded in the Cecil County CIP for fiscal years 2006 and 2007. At this time, the design is complete, with right-of-way acquisition being performed by Cecil County. The overall improvements project may be phased. The applicant should plan for upgrading Razor Strap Road at a minimum from the proposed entrance to the point where county improvements begin.
8. 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. Identify permanent maintenance easements in accordance with footnote one of standard detail R-5 of the Cecil County Road Code.
9. The Department recommends that the Town require a PWA for the water.
10. 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:
 - 10.1 The Final Plat Lot Grading, Sidewalk Maintenance, and Lot Grading Plan Construction Limits Notes.
 - 10.2 Compliance with Sections 251-9.A(5), 251-13, and 251-15.D. of the Cecil County Stormwater Management Ordinance.
 - 10.3 Compliance with Section 3.07.15 of the Cecil County Road Code.
 - 10.4 Requirements for Utility relocations.
 - 10.5 Requirements for Public Works Agreements.

- 10.6 Requirements for Stormwater Inspection and Maintenance Agreements.
- 10.7 Requirements for County Roads.
- 10.8 Requirements for Final Plat - Public Water and Sewer Allocation.
- 10.9 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 3.07.15 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:

The Health Department has no objection to extension of preliminary plat extension.

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 an extension of a Preliminary approval, to expire on 7/20/11.

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

The motion was seconded by Mr. Wallace.

All approve. Motion carried.

5. North Creek Run (f/k/a Silverado), Razor Strap Road, Final Major Site Plan, McCrone, Inc., Fifth Election District.

Mike Burcham, McCrone, Inc., Barry Montgomery, owner and Andrew Bodewes, developer, 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 up to 16/1 for apartments. This proposed density is approximately 8/1.

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.

The Montgomery Springs Lots 5-14 Final Plat⁷ was approved on 11/18/96 and recorded on 4/23/04.⁸

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.

The Silverado Preliminary Plat, also showing this area as "lands reserved for future development by owner" and including some of the adjacent lands of Jansen⁹, was approved on 4/17/06, conditioned on:

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

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

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

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

- 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 remained valid until 7/21/09. A two (2) year extension has been granted earlier today.

The Preliminary Site Plan¹⁰ was approved on 5/18/09, 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) 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;
- 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 lots/homes offered for sale.

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.¹¹

Per §'s 6.3, 6.3.2, & 6.3.3, apartment projects must be reviewed and approved using the normal process applied to subdivisions. Therefore, the signature blocks must appear on all sheets and be consistent with the requirements set forth in §4.2.13.b for Final Plats.

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).¹²

Technically, Montgomery Springs is a recorded & legally-existing subdivision. Site Data Note #25 indicates that this proposal supersedes both the Montgomery Springs & Silverado proposals.

The boundary line survey has been completed.

The 110' perennial stream buffer is shown.

¹⁰ Per §4.0.1, since fewer than 10 units and 25 acres are involved, no Concept Plat was required for this revised proposal.

¹¹ These proposed lots have never been included in any Concept Plat.

¹² 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.

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 approval by the Planning Commission, but required to be completed prior to recordation.

25% landscaping of the development envelope is required in the RM zone.¹³

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.

The final FCP/Landscape Plan was revised on 6/18/09.

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 Record Plat.

Water allocation has been confirmed.¹⁴

Sewer capacity has been confirmed by CCDPW.

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

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

¹³ 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.

¹⁴ The Master Water and Sewer Plan shows this site to be in **W1** and **S1** service areas.

All plans for this project are technically complete 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. Doordan read the comments of the Health Department:

Water and sewer allocations have been received. Final major site plan is satisfactory.

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

Mr. Di Giacomo read the recommendation of the staff:

APPROVAL, conditioned on:

- 1) Health Department requirements being met;
- 2) DPW requirements being met;
- 3) The Landscape Agreement's being executed prior to recordation;
- 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 Record Plat;
- 5) The Record Plats' containing a statement signed by the Health Department, approving authority, to the effect that use of the community water supply and community sewerage system is in conformance with the Master Water and Sewer Plan;
- 6) The Record Plat's also containing a statement, signed by the owner, to the effect that such facilities will be available to all apartments offered for lease; and
- 7) The Record Plats' conforming to the requirements of § 4.2.13 (b) as they relate to the location and the content of the signature blocks.

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

The motion was seconded by Mr. Janusz.

All approve. Motion carried.

6. North Creek Run (f/k/a Silverado), Phase 1, Lots 5-27 & 50-71, Razor Strap Road, Final Plat, McCrone, Inc., Fifth Election District.

Mike Burcham, McCrone, Inc., Barry Montgomery, owner and Andrew Bodewes, developer, 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 townhouse units are proposed, was previously approved as Montgomery Springs, Lots 5 - 14, and then as Silverado, Lots 5-77. The proposed revised Preliminary Plat yielded a proposed density of 4.56/1.

The Montgomery Springs Lots 5-14 Final Plat¹⁵ was approved on 11/18/96 and recorded on 4/23/04.¹⁶

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, 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 Jansen¹⁷, 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. Technically, it remains valid until 7/21/09. A two (2) year extension was granted earlier today and remains valid until 7/20/11.

¹⁵ Though recorded, those lots were never developed. Rather, the land on which they sat was re-proposed as Silverado.

¹⁶ The area involving the current proposal is listed on the record plat as remaining lands for future development.

¹⁷ Those add-ons increased the total acreage to 15.226 acres, thus lowering the proposed density to 4.66/1.

The revised Preliminary Plat¹⁸ was approved on 5/18/09, 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) 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;
- 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 lots/homes offered for sale;
- 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.

This Phase 1 Final Plat for 45 lots is consistent with the approved, revised 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.

The proposed Revised Preliminary Plat reduced the number of dwelling units. The revised TIS for Silverado was completed only 3 years ago, and there was 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.

No slopes greater than 25% were 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 was requested – which is not part of Phase 1. 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

¹⁸ The revised Preliminary Plat was generally consistent with the approved Silverado Preliminary Plat.

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.¹⁹

20% common open space is required; 50.35% is proposed (in total).

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.

The lighting plan for the overflow parking area was included with the community building's site plan.

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 easement.

§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 – which is not part of Phase 1.

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 developed²⁰; therefore, staff cannot 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 FFCL/Landscape Plan was revised on 10/15/08 for Silverado Lots 5-77.

¹⁹ 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.

²⁰The 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).

The final FCP/Landscape Plan was revised on 6/18/09 to match the new lot configuration.

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 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.

Sewer capacity has been confirmed by CCDPW.

Water allocation has been confirmed.²¹

The Record Plat shall again 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.

The site plan for the community building was submitted and is nearly approved. Staff recommends that the signing of any Phase 1 Record Plat be conditioned on final site plan approval. In addition, staff recommends that no Final Plat for any subsequent Phase be accepted for Planning Commission review until after the site plan has been approved.

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.

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

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

All plans for this project are technically complete 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.

²¹ The Master Water and Sewer Plan shows this site to be in **W1** and **S1** service areas.

Mr. Doordan read the comments of the Health Department:
Water and sewer allocations have been received. Final Plat is satisfactory.

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

Discussion ensued regarding the AT&T easement.

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 Landscape Agreement's being executed prior to recordation;
- 4) For future Phases, 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 Record Plat;
- 6) The Record Plats' containing a statement signed by the Health Department, approving authority, to the effect that use of the community water supply and community sewerage system is in conformance with the Master Water and Sewer Plan;
- 7) The Record Plats' also containing a statement, signed by the owner, to the effect that such facilities will be available to all lots/homes offered for sale;
- 8) Documentation of any necessary agreements with AT&T being submitted prior to the Phase 1 recordation. All previous agreements for Montgomery Springs remaining in effect provided that they also would count the number of lots now proposed;
- 9) All documents related to the AT&T requirement, if any, requiring recordation being recorded prior to the recordation of the record plat;
- 10) A separate site plan for the community building being approved prior to the Recordation of Phase 1 and prior to the submissions of the Final Plats for other, future Phases; and
- 11) A Homeowners' Association for maintenance of common open space being established without the usual \$50 per recorded lot being placed in escrow for improvements prior to recordation; however, deed restrictions stating that at such time as these units would be 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, must be recorded prior to recordation.

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

The motion was seconded by Mr. Wallace.

All approve. Motion carried.

General Discussion: There were no general discussion items.

The July Planning Commission meeting adjourned at 12:56 p.m., motioned by Mr. Doordan and seconded by Mr. Wallace.

Respectfully Submitted:

Jennifer Bakeoven