

# CECIL COUNTY PLANNING COMMISSION

## Meeting Minutes

August 17, 2009

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

**Absent:** Bill Mortimer, Chairman; H. Clay McDowell, Alternate.

**Call to Order:** Vice Chair Doordan called the meeting to order at 12:00 p.m.

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

### **1. Bay View Woods, Lots 21-36, Old Bayview Road, Final Plat, American Engineering and Surveying, Inc., Fifth Election District.**

Tim Granger, American Engineering and Patrick Hart, Wilmington Trust, 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: DR

Density: The DR zone permits a base density of 1 du/ 1 ac., or up to 4/1 with community facilities.

The Concept Plat, proposing 36 lots on 12.27 acres was approved on 7/19/04, conditioned on:

- 1) A boundary line survey being done in conjunction with the preparation of the Preliminary Plat for density calculation purposes;
- 2) A JD being completed prior to the Planning Commission's review of the Preliminary Plat;
- 3) The details of the PFCP and the Preliminary Plat matching up; and
- 4) Adequate consideration being given to the inclusion of TOT lots and/or active recreational amenities as part of the common open space.

The Preliminary Plat, proposing 36 lots 12.27 acres, for a proposed density of 2.934/1, was approved on 12/20/04, conditioned on:

- 1) Health Department requirements being met;
- 2) DPW requirements being met;
- 3) The common open space sensitive areas thresholds being calculated and included on the plat;
- 4) Written verification of water allocation being received from the Town of North East;
- 5) Written verification of sewer capacity being received from CCDPW;
- 6) The correct zip code for Childs, MD (21916) being listed in the owner information block;
- 7) General Note # 6 being replaced by a statement, to be signed by the owner on the Record Plat, to the effect that the community water supply and community sewerage system will be made available to all lots offered for sale.

- 8) General Notes #7 being replaced by a statement, to be signed by the Health Department, approving authority, on the Record Plat, 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 North east Volunteer Fire Co. having had a chance to review and comment on the number and locations of fire hydrants;
- 10) The Forest Conservation Plan has been approved;
- 11) The Landscape Plan has been approved;
- 12) All typos having been corrected; and
- 13) The creation of a tot lot fund to be administered by the HOA.

The Section 1 Lots 1 & 2 Final Plat<sup>1</sup> was approved on 11/20/06, conditioned on:

- 1) Health Department requirements being met;
- 2) DPW requirements being met;
- 3) All lot acreages being expressed in square feet and all lots being shown to meet the 6500 ft<sup>2</sup> minimum size requirement on the Record Plat and on all subsequent Final Plats;
- 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 executive prior to recordation;
- 6) A Homeowners' Association for maintenance of common open space being established, with \$50 per recorded lot placed in escrow for improvements prior to recordation;
- 7) This section's Record Plat's clearly delineating the 2 lots approved today; and
- 8) A stream crossing permit being required prior to the recordation of the section that includes Bay View Woods Loop.

The Section 2 Lots 3-20 Final Plat<sup>2</sup> was approved on 2/20/08, 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 Landscape Agreement being executive prior to recordation;
- 5) The owners of these proposed lots becoming members of the Homeowners' Association that was established for the maintenance of common open space, with \$50 per recorded lot placed in escrow for improvements prior to recordation; and
- 6) A stream crossing permit being required prior to the recordation of the section that includes Bay View Woods Loop.

This Section 3 Lots 21-36 Final is generally consistent with the approved Concept, Preliminary, and Final Plats. Bay View Woods Lane is shown to connect to Montgomery Oaks Section 2.

Bay View Woods Lane is shown to connect to Montgomery Oaks Section 2.

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.

Permits are required from the (US Army) Corps of Engineers and MDE for any non-tidal wetland or stream impacts prior to recordation.

15% is common open space required; 22.01% is proposed. 20% landscaping of the development envelope is required in the DR zone. Sidewalks are recommended on both sides of all internal roads.

<sup>1</sup> The Section 1 Record Plat was signed on 10/2/07. That extended the Preliminary approval until 10/2/09.

<sup>2</sup> The Section 2 Record Plat was signed on 7/14/08. That extended Preliminary approval until 7/14/10.

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

An FSD for this site was approved on 10/11/02 and the PFCP was approved on 10/27/04.

The FFCP and Landscape Plan were approved on 11/2/06.

A Landscape Agreement must be executed prior to recordation.

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

It has been confirmed (8/14/09) that the Town's previously established water allocation for 2 proposed lots in 2006, 9 in 2007, 9 in 2008, and the final 16 in 2009 remains in effect.

The fire hydrant locations are acceptable to the North East Volunteer Fire Co.

The proposed road names have been approved.

The owners of these lots must become members of the Homeowners' Association that was established for maintenance of common open space, with \$50 per recorded lot being placed in escrow for improvements prior to recordation.

The owner, Wilmington Trust Company, has requested a setback modification in order to facilitate that sale of these lots. It would involve expanding the shown BRL's 10' in the front and rear. Staff has no objection to this modification.

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

All of Bay View Woods plans are approved. The I & M and PWA's must be re-accomplished with the current owner Wilmington Trust. With that said, the Department has no objection to the Final Plat as submitted conditioned on SWM revisions addressing water quality swales behind Lots 23-36 being approved by DPW. The department will not sign the Final Plat until the agreements are executed.

Mr. Wiggins, read the comments of the Health Department:

Valid water and sewer allocations have been received from the Department of Public Works and the Town of North East. Final Plat is satisfactory.

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

Mr. Di Giacomo read the recommendation of the staff:

APPROVAL, conditioned on:

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

- 5) The owners of these lots becoming members of the Homeowners' Association that was established for maintenance of common open space, with \$50 per recorded lot being placed in escrow for improvements prior to recordation;
- 6) A stream crossing permit being obtained prior to the recordation of this section that includes Bay View Woods Loop; and
- 7) The requested 10' front and rear BRL modification's being granted.

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

All approved. Motion carried.

At this time, Clara Campbell, Esq., arrived at the meeting.

## **2. Larson's Estates of Skyview, Lots 1-11, Skyview Road, Preliminary Plat Extension and Request for an Intermediate Stream Buffer Waiver, Frederick Ward Associates, Third Election District.**

Kevin Small and Lou Shaffer, Frederick Ward Associates Daryl Craig, Larson's Investments and Dwight Thomey, Esq., appeared and presented an overview of the project.

Discussion ensued regarding the expiration of this project.

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

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

Zoning: NAR

Density: The NAR zone now permits a density of 1 du/10 ac. A maximum base density of 1 du/ 5 ac. was permitted when, on 5/17/06, the Concept Plat, proposing 6 major subdivision lots (and 5 minor subdivision lots on 8.73 acres) on 30.60 (subsequently 39.4149) acres, was approved at a density of 1/5.1<sup>3</sup>, conditioned on:

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

The Preliminary Plat was approved on 2/20/07, conditioned on:

- 1) Health Department requirements being met;
- 2) DPW requirements being met;
- 3) The FCP and Landscape Plan being approved prior to the Planning Commission's review of the Final Plat;
- 4) The adjacent agricultural operation notice being placed on the Final and Record Plats;

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<sup>3</sup> Bonus density was not sought.

- 5) Deed restrictions for the long-term protection of the Forest Retention/Afforestation Areas (FRAs) being recorded and noted on the plat prior to recordation, with the metes and bounds description of the FRA being shown on the Final and Record Plats;
- 6) As there is currently no resolution to the JD issue, documentation of the completed JD be submitted if JDs are once again performed, prior to Final Plat approval; and
- 7) Note # 1 being corrected.

At that time, §4.1.17 stipulated that Preliminary Plat approvals were valid for two years. Therefore, the 2/20/07 Preliminary Plat approval expired on 2/20/09.

Had it not expired, the Planning Commission would be guided by §4.1.18, which 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.”<sup>4</sup>

The Subdivision Regulations are silent on expired Preliminary Plat extensions; however, the project currently has no standing. Only currently-valid Preliminary Plats are eligible for extensions.

§4.1.20 stipulates that a “voided Preliminary Plat has no status.” Thus, per §4.1.20, “any further consideration or review submission shall be treated as a new application.” This language was changed to tighten the Subdivision Regulations with regard to the consideration of expired plats.

Essentially, the 5/17/06 Concept approval, which was kept alive by the Preliminary approval, also ceased to have standing at the point when the Preliminary Plat was allowed to expire.

The secondary issue of the intermittent stream buffer waiver is moot because there is, at this time, no valid Concept or Preliminary Plat.

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

All outstanding comments from the February 20<sup>th</sup>, 2007 Planning Commission meeting still apply. They will be included in the minutes but not be read at this time. The Road and SWM plans are significantly complete but not yet technically complete. The Applicant must be aware that if the SWM and E&S plans for this project are not approved (i.e. signed) by May 4<sup>th</sup> 2010 the new SWM Ordinance will apply and the SWM plan must be designed to meet its requirements:

1. A SWM plan, Road & Storm Drain plan, and a Mass and Final Grading plan must be approved by the CCDPW prior to submittal for Final Plat Approval. The fees for design review of this project must be provided at the time of first design submittals.
2. Any Road Code Variances sought must be requested prior to submittal for Preliminary Plat approval.
3. Lots 1 & 2 are denied access to Skyview Road. Add note to preliminary and final plat.
4. Label the right-of-way dedication as ‘30’ wide strip to be dedicated in fee simple to the Board of County Commissioners of Cecil County’. The right-of-way dedication along Skyview Road is scaled from the physical road centerline and offsite areas, i.e. areas of other ownership, should not be shown unless those owners have indicated their willingness to dedicate the right-of-way in fee simple as part of this project and plat. Provide additional right-of-way dedication at the

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<sup>4</sup> If the Planning Commission chooses to be guided by §4.1.18, then staff reports no such changes relating to Preliminary Plats since the 2/20/07 approval.

Skyview Road cul-de-sac just north of Interstate-95. Right-of-way radius at this cul-de-sac should be 75’.

5. A Dam Breach Analysis is required for the proposed SWM pond. Verify the hazard class of the pond due to the close proximity of the dwellings on the opposite side of Skyview Road.
6. With the extent of the roadside drainage ditching proposed it is important that the velocity in the channels not exceed SHA Design Manual guidelines
7. Show all private stormwater management and stormwater management outfall easements across the common open space on the final plat(s). Public Storm drainage easements must be separated from private stormwater management and access easements.
8. The applicant has submitted a Protocol 3 Road Condition Survey of Skyview Road. See the Department of Public Works November 2004 Guidance Document for the survey and reporting criteria. The extent of the survey shall cover Skyview Road, from the site’s entrance to 5<sup>th</sup> Avenue. The Department does not consider offsite road access as adequate under 2.7.1 of the subdivision regulations without this requirement being met. This survey information and an initial road improvements proposal are required prior to submittal for planning commission review of a preliminary plat. In regards to the required offsite road improvements, the applicant/developer is responsible for all right-of-way acquisition and any costs associated with the same.
9. The following standard notes and requirements apply to this plat and project: The details of these notes and requirements will be identified in the record but will not be read at this time:
  - 9.1 The Final Plat Lot Grading and Lot Grading Plan Construction Limits Notes.
  - 9.2 Compliance with Sections 251-9.A (5), 251-13, and 251-15.D. of the Cecil County Stormwater Management Ordinance.
  - 9.3 Compliance with Section 3.07.15 of the Cecil County Road Code.
  - 9.4 Requirements for Utility relocations.
  - 9.5 Requirements for Public Works Agreements.
  - 9.6 Requirements for Stormwater Inspection and Maintenance Agreements.
  - 9.7 Requirements for County Roads.
  - 9.8 Requirements for Driveways.
  - 9.9 Requirements for Stopping Sight Distance Measurements.

***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 here on. A site construction as built shall be submitted to the CCDPW prior to use and/or occupancy of any of the sites shown here on. 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 here on. 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 Skyview Road be upgraded to a Minor Road standard for 100’ either side of the proposed entrance locations. 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 constructions.
6. An Inspection & Maintenance Agreement is required for the private SWM facilities.
7. The street R.O.W. entrance tapers must be offset 25’ from the R.O.W. point of intersection and be straight lines, per 7.2.12.E.3 of the Subdivision Regulations. The internal street grade leaving Skyview Road may not exceed 5% within the limits of the intersection right-of-way.
8. All driveways must be paved at least to the right of way. The driveway paving must be complete for all lots at the time when the surface course for the internal roads is installed. This requirement includes any vacant but platted lots. Any driveway exceeding 5% up-gradient-slope from the roadway must be paved to the crest. If the development is phased

these requirements will apply to each phase when 80% of the lots are built-out. All of these requirements must be reflected on the Lot Grading Plan.

9. ~~Applicant must provide stopping sight distance measurements for the Skyview Road access locations to DPW prior to preliminary plat submittal. Mark the proposed entrance locations in the field by a survey stake or paint.~~

Mr. Wiggins read the comments of the Health Department:

A Groundwater Appropriation Permit Exemption must be applied for through Maryland Department of the Environment prior to final plat approval.

Show proposed septic tank on lot 5 100' from all wells. Show the proposed septic and pump tanks out of the created swale on lot 2.

The existing well in the Open Space must be abandoned and sealed by a licensed well driller prior to a final plat approval. The Cecil County Health Department has no objection to the extension of preliminary plat approval.

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

Mr. Janusz suggested that the extension request and the buffer waiver be voted on separately. The commission concurred.

Mr. Di Giacomo read the recommendation of the staff:

The recommendation must be not granting an extension of an approval that has already expired, and, therefore, has no standing.

A motion for NOT GRANTING the Preliminary Plat extension was made by Mr. Wallace. The motion was seconded by Mr. Wiggins.

Members in favor of NOT GRANTING the extension were Mr. Wiggins, Mr. Wallace and Mr. Edwards.

Mr. Janusz was the sole opponent to this motion.

Motion carried. Preliminary Plat extension NOT GRANTED.

Vice Chair Doordan announced that a vote for the buffer waiver is moot due to the extension not being granted.

### **3. Montgomery Oaks, Section 2, Lots 69-126, Pine Cone Drive, Preliminary Plat Extension, McCrone, Inc., Fifth Election District.**

Bud Felty, McCrone, Inc, appeared and presented an overview of the project.

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

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

With regard to the posting of plats on the County 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

Density: The original Section 1 Concept Plat was approved 9/21/92.<sup>5</sup> The Section 1 Preliminary Plat was approved 10/19/92. Subsequently, a number of Section 1 Final Plats have been incrementally approved, as Town of North East's water allocation has become available.

The Section 2 Concept Plat, proposing 79 lots (62-140) on 40.8 acres for a proposed Section 2 density of 1.94/1,<sup>6</sup> was approved on 8/15/05,<sup>7</sup> 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;
- 3) A TIS being completed prior to the TAC's review of the Preliminary Plat; and
- 4) A sensitive species survey being completed prior to the Preliminary Plat review by the TAC.

The Section 2 Preliminary Plat, proposing 58 lots (69-126)<sup>8</sup> on 26.46 acres for a proposed Section 2 density of 2.19/1, was approved on 9/18/06, conditioned on:

- 1) Health Department requirements being met;
- 2) DPW requirements being met;
- 3) Documentation of the completed JD being submitted if JDs are once again performed;
- 4) The FCP and Landscape Plan being approved prior to Final Plat review;
- 5) The Final and Record Plats containing a statement signed by the Health Department approving authority; to the effect that use of the community water supply and community sewerage system is in conformance with the Master Water and Sewer Plan; and
- 6) The Final and Record Plats containing a statement, signed by the owner, to the effect that such facilities will be available to all lots/houses offered for sale.

§4.1.17 of the Cecil County Subdivision Regulations provided that Preliminary Plats were valid for two years from date of approval, unless any section of a Final Plat is approved and recorded in the interim – in which case the Preliminary Plat approval shall be extended for an additional two (2) year period from the date of recordation. Therefore, per §4.1.18, the Planning Commission granted a one-year extension on 9/15/08, which is set to expire on 9/15/09.

§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 changes.

If granted, an extension will continue Preliminary approval until 8/17/11.

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

The Department has no objection to the extension requested. All outstanding comments from the September 21, 2006 Planning Commission meeting still apply. They will be included in the minutes but not be read at this time. The roads proposed will have to be designed to the current Road Code and the Applicant must be aware that if the SWM and E&S plans for this project are not approved

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<sup>5</sup> This property, formerly known as Piney Ridge Estates (formerly known as Stoney Run Acres), was zoned **R2** in 1992, which permitted a density of **1 du/1 ac.**, or **4/1** in locations with community facilities, which is consistent the current **DR** zone's permitted densities.

<sup>6</sup> Philips Acres (Lots 62-83) was also presented as “Section 2” when it was submitted for TAC review in January 2004.

<sup>7</sup> TAC review took place on 4/5/06.

<sup>8</sup> Proposed Lots 62-68 and 127-140 were shown as remaining lands.

(i.e. signed) by May 4<sup>th</sup> 2010 the new SWM Ordinance will apply and the SWM plan must be designed to meet its requirements:

1. It is the Department's understanding 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.
3. Any Road Code Variances must be sought prior to applying for Preliminary Plat approval to the Planning commission. No Variances have been received to date therefore the Department expects that the proposed streets will meet all road code requirements.
4. A line of sight easement will be necessary along the inner radius of the curve in Madison Paige Drive. Inner lane widening may also be necessary and must be addressed by the engineer.
5. Lot frontage dimensions dictate that closed section road is used. The pavement width must be 30' within the proposed 50' ROW. 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.
6. A Protocol Three offsite Road Condition Survey is required for Bailiff Road, from proposed BayView Woods Lane to Pine Cone Drive and must be submitted to the Department of Public Works along with any Initial Road Improvements Proposal prior to submittal of any onsite engineering plans to the Department.
7. Sewer services for lots 95 through 103 to connect to a new gravity collection main in Madison Paige Drive. Given the proposed proximity of lot 95 through 103 house foundations to the existing gravity sewer, applicant must engage a professional soil foundation/structural engineer to address the potential for house foundation impact to the gravity sewer, as well as to identify any potential for future foundation stability issues when maintenance excavations are needed along this section of gravity sewer main.
8. 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.
9. The following standard notes and requirements apply to this plat and project: The details of these notes and requirements will be identified in the record but will not be read at this time:
  - 9.1 The Final Plat Lot Grading, Sidewalk Maintenance, and Lot Grading Plan Construction Limits Notes.
  - 9.2 Compliance with Sections 251-9.A (5), 251-13, and 251-15.D. of the Cecil County Stormwater Management Ordinance.
  - 9.3 Compliance with Section 3.07.15 of the Cecil County Road Code.
  - 9.4 Requirements for Utility relocations.
  - 9.5 Requirements for Public Works Agreements.
  - 9.6 Requirements for Stormwater Inspection and Maintenance Agreements.
  - 9.7 Requirements for County Roads.
  - 9.8 Requirements for Driveways.
  - 9.9 Requirements for Final Plat - Public Water and Sewer Allocation.
  - 9.10 Requirements for Sewer Service Cleanouts – Location.

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

1. The Final Plat must include the Lot Grading Plan standard note and a note indicating that sidewalk maintenance will be required of the adjacent property owner (if sidewalks are required). The Lot Grading Plan must include the standard construction limits note.
  - a. ~~*Final Plat: "A lot grading plan has been approved by the CCDPW for the construction shown here on. A site construction as built shall be submitted to the CCDPW prior to use and/or occupancy of any of the sites shown here on. 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 here on. 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 Bailiff Road be upgraded to a Minor Collector Road, Cecil County Road Code Standard R-7 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 Bethel Church Road may not exceed 5% within the limits of the intersection right-of-way.
  8. All driveways must be paved at least to the right of way. The driveway paving must be complete for all lots at the time when the surface course for the internal roads is installed. This requirement includes any vacant but platted lots. Any driveway exceeding 5% up-gradient-slope from the roadway must be paved to the crest. If the development is phased these requirements will apply to each phase when 80% of the lots are built-out. All of these requirements must be reflected on the Lot Grading Plan.
  9. Developer must request and obtain a public sewer allocation from the Department of Public Works before submitting a final plat to the Cecil County Planning Commission for approval.
  10. 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:

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

Vice Chair Doordan 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 8/17/11.

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

The motion was seconded by Mr. Janusz.

All approved. Motion carried.

#### **4. Warwick Orchards, Site 1-74, Camp Meeting Ground Road, Preliminary Plat Extension, McCrone, Inc., Seventh Election District.**

Bud Felty, McCrone, Inc., and Donald Warwick Jackson, owner, appeared and presented an overview of the project.

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

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

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

Current Zoning: BG, MH and NAR.

Density: The MH, or Manufactured Home, District permits a maximum base density of 2 du/ 1 ac., or up to 6 du/ 1 ac. if a manufactured home park, as stipulated in §'s 30 and 78 of the Cecil County Zoning Ordinance.

The Concept Plat was approved on 10/21/02 for 74 sites on 24.89 acres, yielding a density of 3.13/1, conditioned on:

- 1) All references to "bufferyard open space" being deleted;
- 2) The details of the privately owned community water and sewer systems being depicted on the Preliminary Plat submitted for TAC review;
- 3) The adjacent agricultural use notice being provided on the Preliminary Plat submitted for TAC review;
- 4) Density calculations being clarified on the Preliminary Plat submitted for TAC review; and
- 5) All zoning violations on the property being corrected prior to the Planning Commission's review of the Preliminary Plat.

The Preliminary Plat was approved on 10/20/03, conditioned on:

- 1) Health Department requirements being met;
- 2) DPW requirements being met;
- 3) The sewer capacity to serve these proposed sites being verified by the Department of Public Works prior to Final Plat review;
- 4) Water supply and sewer service notes, consistent with Sections 4.2.13 (t) & (u) of the Subdivision Regulations, appearing on the Final Plat stating that such services shall be made available to all sites;
- 5) The final Forest Conservation Plan (FCP) and Landscape Plan being approved prior to Planning Commission review of the Final Plat;
- 6) Receiving verification from MDE prior to Final Plat review that the proposed water system is capable of serving these proposed sites;
- 7) Deed restrictions for the long-term protection of the on-site and off-site 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 title block indicating that this is a manufactured home park prior to Final Plat review by the Planning Commission; and
- 9) All zoning violations on the property being corrected prior to the Planning Commission's review of the Final Plat.

§4.1.17 of the Subdivision Regulations provided that Preliminary Plats were valid for two years from date of approval. Therefore, one-year Preliminary extensions were granted on 9/19/05, 8/21/06, 8/20/07 and 8/18/08. Likewise, unless another extension is granted today, thus extending Preliminary Plat approval until 8/17/11, it will expire on 8/18/09.

§4.1.18 now stipulates, "The Planning Commission may, at their regular monthly meeting, grant an extension of the Preliminary approval for two (2) years upon application of the developer. If granted, said extension shall run for two (2) years from the date said extension is granted. In connection with such request, the Commission shall consider the following:

- a) Change of adjoining land use.
- b) Change in street or highway plan.
- c) Change in zoning or subdivision regulations."

There have been no such changes affecting this project.

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

The Department has no objection to the extension requested. However we request that the Planning Commission approval be conditioned on the following:

1. Item 2 of this Department's July 25, 2008 letter to McCrone apply and the Developer will be responsible for the required intersection improvements to Camp Meeting Ground Road at the proposed entrance.

Lastly all outstanding comments from the September 19, 2005 Planning Commission meeting still apply. Our previous comments will be included in the minutes but not read at this time. The Applicant must be aware that if the SWM and E&S plans for this project are not approved (i.e. signed) by May 4<sup>th</sup> 2010 the new Ordinance will apply and the SWM plan must be designed to meet its requirements:

1. A SWM plan; a street and storm drain plan; sanitary sewer & water plan; and a Mass and Final Grading plan must be approved by the Department prior to submittal for Final Plat Approval. The Final Plat must include a note recognizing the applicability of the Lot Grading Plans. ("A final lot grading plan has been approved by the Cecil County Department of Public Works for residential construction on the lots shown here on. A site construction as-built, where required, shall be submitted to the Cecil County Department of Public Works prior to use and /or occupancy of any of the sites shown here on.")
2. The developer shall upgrade Camp Meeting Ground Road for a distance of 100' either side of the point of intersection between the proposed entrance and Grove Neck Road. The developer must make a legitimate good faith effort to obtain all ROW required to accomplish these improvements. This effort must conform to Section 3.07.15 of the Road Code Guidance Manual. The applicant may seek a variance to these requirements if after these efforts the applicant is unable to obtain the necessary ROW.
3. The downstream conveyance of stormwater must be analyzed in accordance with Section 251-9 A. (5) of the county's SWM Ordinance. If it is directed off of the site on to adjacent property owners it is the responsibility of the Developer to obtain appropriate easements from the affected property owners per Section 251-13 of the Cecil County SWM Ordinance.
4. Careful analysis of the proposed SWM area between Lots 9 & 10 will be required due the routing of pond discharge over the properties of James M. & Marcia Dickerson, Ernest J. & Thelma G. Dickerson, and Robert N. & Margaret Hollowell. This analysis must address the impact on the existing culvert under Camp Meeting Ground Road.
5. A similar analysis is required for the SWM area adjacent to Lots 19-24 and its impact on the property of Barry Montgomery as well as the existing culvert under Principio Road to which it will drain.
6. The potential for inclusion of "dry Hydrants" should be discussed with the serving fire company. This is all predicated on whether the SWM facilities are designed as wet ponds of sufficient volume to support dry hydrants.
7. Water and sewer facilities will require permits from MDE.
8. Due to the remote possibility of Cecil County having to take over the operation of these private utilities the Department requires that the wastewater treatment plant and the water plant designs be submitted for review.
9. Sight distance measurements must be provided to the DPW to establish compliance with the Cecil County Road Code. The centerline of the entrance should be marked on Camp Meeting Ground Road to facilitate review and verification of the sight distances provided.
10. Adequate off street parking must be provided for the clubhouse.
11. Where determined necessary by the utility companies, the owner, the designer, or DPW, utilities poles must be relocated at the Owner's expense.
12. An Inspection and Maintenance Agreement will be required for the SWM facilities.
13. A PWA will be required for internal streets and storm drains.

Mr. Wiggins read the comments of the Health Department:

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

Vice Chair Doordan 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-year extension of Preliminary Plat approval, to expire on 8/17/11 conditioned on all concerns of DPW being adequately addressed.

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

The motion was seconded by Mr. Wiggins.

All approved. Motion carried.

General Discussion: There were no general discussion items.

The August Planning Commission meeting adjourned at 12:50 p.m., motioned by Mr. Wiggins and seconded by Mr. Janusz.

Respectfully Submitted:

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*Jennifer Bakeoven*