

# CECIL COUNTY PLANNING COMMISSION

## Meeting Minutes

October 19, 2009

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

**Absent:** Bill Mortimer, Chairman; Tony Di Giacomo.

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

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

### **1. Elk Nest, Lots 1-24, West Shady Beach and Hances Point Roads, Final Plat, McCrone, Inc., Fifth Election District.**

Bud Felty, McCrone, Inc., and Mike Pugh, Corridor Land Services, appeared and presented an overview of the project.

Discussion ensued regarding the proposed pump station and Critical Area Commission requirements.

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

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

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, MB & LDA Density: The SR zone permits a density of 2/1 with community facilities. The LDA zone permits 3.99/1 or the underlying density (2/1), whichever is the more restrictive.

The Concept Plat was approved for 26 Lots at a density 1.4/1 on 6/21/04, conditioned on:

- 1) The Jurisdictional Determination being completed prior to the Planning Commission's review of the Preliminary Plat;
- 2) A boundary line survey being completed in the preparation of the Preliminary Plat for density calculation purposes; and
- 3) A study to determine the appropriate termination of the County owned portion of West Shady Beach Road, agreeable to the Planning Commission/Department of Public Works.

The Preliminary Plat, also proposing 26 lots, was approved on 1/18/05, conditioned on:

- 1) Health Department requirements being met;
- 2) DPW requirements being met;
- 3) The FCP being approved prior to Final Plat review;
- 4) Landscape Plan being approved prior to Final Plat review;
- 5) Environmental Assessment being approved prior to Final Plat review;
- 6) Details of the Final Plat and FCP matching up, including clarification of the Forest Retention lines and their identification on both the Final Plat and the FCP.

Pursuant to §4.1.18, a 1-year extension was granted on 12/18/06.

On 2/20/07, per a request for relief of §7.6, the Planning Commission exercised its powers under §3.5 to allow the 1/1 tree replacement outside the Critical Area, conditioned on:

- 1) The exact location being determined;
- 2) The location and planning being part of the FCP/Final Environmental Assessment that must be approved by staff prior to the Planning Commission's review of the Final Plat; and
- 3) A courtesy proposal being submitted to the Critical Area Commission staff for their review and comments.

Additional 1-year extensions of the Preliminary Plat's validity were granted on 11/19/07 and 10/20/08 (It will expire tomorrow, on 10/20/09.).

A Final Plat was TABLED by the Planning Commission on 2/17/09, until after the Variance issues<sup>1</sup> had been resolved.

A Variance (Edwards Manor Section III & Fielder Property; Case # 3481) relating to impacts within the Buffer was approved by the Board of Appeals on 9/29/09.

This Final Plat for only 24 proposed lots is generally consistent with the approved Concept and Preliminary Plats.

The FSD was approved on 6/4/04. The portion of the project located in the Critical Area LDA zone is exempt under §3.2B.

The Preliminary Environmental Assessment was conditionally approved on 1/18/05, as was the PFCP. There are no habitats of rare, threatened, and endangered species on site.

The FFCP/Landscape Plan/FEA was conditionally<sup>2</sup> approved on 1/15/09. The revised FFCP/Landscape Plan/FEA has not yet been approved only because Critical Area Commission's staff (who supported the 9/29/09 Variance) comments have not been received.

No more than 15% of the surface area can be converted to "lot coverage" in the LDA. No more than 20% of the forest or developed woodland may be removed. In the critical area, no structure shall exceed 35' in height. The site contains no slopes 15% or greater.

Permits are required from the (US Army) Corps of Engineers and MDE for any non-tidal wetland and stream impacts prior to recordation. The Jurisdictional Determination (JD) has been completed.

15% common open space is required; 21.56% (was 18.96%) is proposed. The sensitive area thresholds were calculated and included on the Preliminary Plat.

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

Sidewalks were not recommended in order to limit the amount of impervious cover.

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<sup>1</sup> There were several issues associated with the Preliminary Plat that appeared to require a Variance, including:

- The impact of the 50' stream buffer on a SWM area location, where a 110' Buffer is required;
- The impact of the 50' stream buffer on the pump station's location, where a 110' Buffer is required;
- The impact of the 50' stream buffer on proposed Lot 26, where a 110' Buffer is required; and
- Forestry issues.

<sup>2</sup> The conditions were: 1) The Planning Commission must approve the 50' Buffer in lieu of the 110' Buffer for the tributary stream running through the property; 2) The updated Natural Heritage Letter must be provided prior to Record Plat submittal; and 3) If the Buffer modification is not granted, the FEA, FFCP, and LP must be revised to show a 100' Buffer.

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

A Landscape Agreement must be executed prior to recordation.

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

The Master Water and Sewer Plan shows this as an S-3 area.

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

A Mini-road Maintenance Association for maintenance of the mini road must be established prior to recordation, with the owners of all lots accessing the proposed Elk View Court becoming members.

The Record Plat shall contain a statement signed by the Health Department approving authority; to the effect that use of the 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 sewer facilities will be available to all lots/homes offered for sale.

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. Wiggins read the comments of the Health Department:

A Groundwater Appropriation Permit has been issued by Maryland Department of the Environment for 26 lots.

Final Plat is satisfactory.

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

Mr. Sennstrom read the recommendation of the staff:

APPROVAL, conditioned on:

- 1) Health Department requirements being met;
- 2) DPW requirements being met;
- 3) A Homeowners' Association for maintenance of common open space being established with \$50 per recorded lot being placed in escrow for improvements prior to recordation;
- 4) A Mini-road Maintenance Association for maintenance of the mini road being established prior to recordation, with the owners of all lots accessing the proposed Elk View Court becoming members;
- 5) Deed restrictions for the long-term protection of the street trees and Forest Retention/ Afforestation Areas (FRAs) being recorded and noted on the plat prior to recordation, with the metes and bounds description of the FRA being shown on the Record Plat;
- 6) The Revised FFCP/Landscape Plan/FEA being approved prior to recordation;
- 7) The Landscape Agreement's being executed prior to recordation;

- 8) The Record Plat's containing a statement signed by the Health Department, approving authority, to the effect that use of the community sewerage system is in conformance with the Master Water and Sewer Plan,
- 9) The Record Plat's also containing a statement, signed by the owner, to the effect that sewer facilities will be available to all lots/homes offered for sale; and
- 10) Any necessary MDE/Corps Permit's being obtained prior to recordation.

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

All approve. Motion carried.

## **2. Elk Nest, Lots 1-26, West Shady Beach and Hances Point Roads, Preliminary Plat Extension, McCrone, Inc., Fifth Election District.**

### **WITHDRAWN**

#### **General Discussion:**

- **Dr. Diane Lane, Chair, Comprehensive Plan Oversight Committee, overview of the draft plan.**

Dr. Lane officially presented the Planning Commission with the Draft of the Comprehensive Plan.

- **Scott Flanigan, Director, DPW, overview of the proposal to convey the Town of Port Deposit's waste water to the NERAWWTP.**

Mr. Flanigan presented a Power Point presentation and fielded questions from the members of the Planning Commission as well as the public in regard to the proposal to convey the Town of Port Deposit's waste water to the NERAWWTP (Seneca Point). Comments were made by Ann Jackson, Donald Jackson, Commissioner Robert Hodge and Vernon Thompson, Director of Economic Development.

The October Planning Commission meeting adjourned at 1:56 p.m., motioned by Mr. Edwards and seconded by Mr. Wiggins.

Respectfully Submitted:

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*Jennifer Bakeoven*