

**CECIL COUNTY PLANNING COMMISSION**

**Meeting Minutes**

**January 20, 2010**

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

**Absent:** None.

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

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

**1. Pines at Cherry Hill, Lots 1-90, Cherry Hill and Moliter Roads, Preliminary Plat Extension, Fair Hill Engineering, LLC, Third Election District.**

John Mascari, Fair Hill Engineering, LLC, 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'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: VR (Village Residential)

The Concept Plat for the Pines at Cherry Hill, with 90 lots on 37.6 acres with 38% common open space, was on approved 12/18/00, conditioned on:

- 1) The Preliminary Forest Conservation Plan (PFCP) being approved prior to Planning Commission review of the Preliminary Plat;
- 2) The final Forest Conservation Plan (FCP) being approved prior to Planning Commission review of the Final Plat;
- 3) The Landscape Plan, including street trees and bufferyards from roads, adjacent SR-zoned properties, and any properties in ag use, being approved prior to Planning Commission review of the Final Plat;
- 4) No street trees being planted within 20 of sewer laterals and cleanouts;
- 5) Confirmation of sewer allocation being received from the Cecil County DPW prior to Final Plat review by the Planning Commission;
- 6) Confirmation of water allocation being received from the Ceco Utilities prior to Final Plat review by the Planning Commission;
- 7) MDE verifying that Ceco Utilities has adequate capacity to serve these lots prior to Final Plat review by the Planning Commission;
- 8) MDE verifying that the GAP is adequate to serve these lots prior to Final Plat review by the Planning Commission;

- 9) Plans for the extension of water facilities demonstrating the ability to provide and maintain adequate quality and pressure, and being verified by MDE and the Cecil County Department of Public Works prior to Final Plat review by the Planning Commission;
- 10) A Homeowners' Association for maintenance of common open space being established with \$50 per recorded lot placed in escrow for improvements prior to recordation;
- 11) 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;
- 12) The woodline on the FCP matching the woodline on the Preliminary Plat presented for TAC review;
- 13) The gazebo and tennis courts being included in the Public Works Agreement;
- 14) A jurisdictional determination being done prior to Planning Commission review of the Preliminary Plat; and
- 15) The Maryland Department of the Environment being urged to carefully consider the impact on existing wells in their review of the Groundwater Appropriation Permit.

The Preliminary Plat was approved on 3/19/01, conditioned on:

- 1) That Health Department requirements be met;
- 2) That DPW requirements be met;
- 3) The final Forest Conservation Plan (FCP) being approved prior to Planning Commission review of the Final Plat;
- 4) The Landscape Plan, including street trees and bufferyards from roads, adjacent SR-zoned properties, and any properties in ag use, being approved prior to Planning Commission review of the Final Plat;
- 5) No street trees being planted within 20 of sewer laterals and cleanouts;
- 6) Confirmation of sewer allocation being received from the Cecil County DPW prior to Final Plat review by the Planning Commission;
- 7) Note # 11 indicating that it is Cecil County sewerage service being proposed;
- 8) Confirmation of water allocation being received from the Ceco Utilities prior to Final Plat review by the Planning Commission;
- 9) MDE verifying that Ceco Utilities has adequate capacity to serve these lots prior to Final Plat review by the Planning Commission;
- 10) MDE verifying that the GAP is adequate to serve these lots prior to Final Plat review by the Planning Commission;
- 11) Plans for the extension of water facilities demonstrating the ability to provide and maintain adequate quality and pressure, and being verified by MDE and the Cecil County Department of Public Works prior to Final Plat review by the Planning Commission;
- 12) A Homeowners' Association for maintenance of common open space being established with \$50 per recorded lot placed in escrow for improvements prior to recordation;
- 13) 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;
- 14) The gazebo and tennis courts being included in the Public Works Agreement; and
- 15) The rear lot lines for Lots 45 and 46 being modified to accommodate preservation of the specimen trees. Further, the developer is encouraged to provide a variety of housing models to avoid the appearance of identical subdivision types.

§4.1.17 provided that Preliminary Plats were valid for two years from date of approval unless any section of the Final Plat were recorded – which would extend Preliminary Plat validity for 2 years from the date of recordation.

The 3/19/01 Preliminary Plat approval was granted 1-year extensions on 2/24/03, 1/22/04, 1/18/05 and 1/17/06 – extending Preliminary Plat validity until 1/17/08. Those extensions were necessitated by the logistics of the implementation and approval of water and sewer infrastructure.

The Phase 1 Final Plat was approved on 10/17/05, but, since it would not be recorded prior to 1/18/06, the 1/17/06 extension was necessary. The Phase 1 Record Plat was signed and recorded on 4/25/06 – extending Preliminary approval until 4/25/08.

The Phase 2 Final Plat was approved on 1/17/07, and the Record Plat was signed on 2/18/08 and recorded on 4/1/08, extending Preliminary approval until 4/1/10.

If this extension is granted, then the Preliminary validity will be extended for 2 years from the date of such recordation, per §4.1.18, until 1/20/12.

§4.1.18 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.

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

The Department has no objection to the preliminary plat extension requested here.

Mr. Doordan read the comments of the Health Department:

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

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

Mr. Di Giacomo read the recommendation of the staff:

Granting of a Two (2) Year Extension of Preliminary Approval, to expire on 1/20/12.

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

The motion was seconded by Mr. Doordan.

All approve. Motion carried.

**2. Hillwood Manor (f/k/a Lands of Johnson & Merriman), Lots 2-11, Waibel Road, Preliminary Plat, Northern Bay Land Planning, Seventh Election District.**

Farron Pyles, Northern Bay Land Planning, appeared and presented an overview of the project.

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

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

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

Zoning: NAR

Density: The Concept Plat, invoking the density provisions of §2.4.1 to propose 2 minor & 9 major subdivision lots on 47.49 acres, for a proposed density of 1/5.28<sup>1</sup>, was approved on 11/20/06, conditioned on:

- 1) The boundary line survey being completed prior to the TAC's review of the Preliminary Plat;
- 2) Documentation of the completion of the JD being submitted prior to the Planning Commission's review of the Preliminary Plat;
- 3) The PFCP being approved prior to the Planning Commission's review of the Preliminary Plat; and
- 4) All road names being approved prior to the Planning Commission's review of the Preliminary Plat.

This property, part of a separate deed parcel, was originally part of the Merlyn Park Concept Plat, whose 1998 Concept Plat approval has expired.

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

The boundary line survey has been completed.

A Lot 1 Preliminary-Final Plat was approved on 8/18/08<sup>2</sup>, 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; and
- 4) The FCP/Landscape Plan being approved prior to Final Plat review.

There is currently a timber harvest on P. 26, but for a separate deed parcel.

Steep slopes have been shown on the plat.

The 110' perennial stream buffer has been shown on the plat.

A 25' buffer is required around all non-tidal wetlands and intermittent streams present. Permits are required from the (US Army) Corps of Engineers & MDE for all non-tidal wetland & 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 & revised on 1/16/96,<sup>3</sup> 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 & that finding is consistent with the details of County wetlands maps & 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 it is required to be completed prior to recordation.<sup>4</sup>

15% common open space is required; 18% is proposed. No landscaping is required and no sidewalks were recommended in the NAR zone.

This plat is consistent with the requirements of §4.1.22 (r).

---

<sup>1</sup> The NAR zone permitted a maximum base density of 1 du/ 5 ac. Bonus density is not an issue.

<sup>2</sup> That Preliminary-Final Plat approval extended the validity of the Concept Plat until 8/18/10, per §4.0.9.

<sup>3</sup> Per the Planning Commission's policy, established on 3/20/95 and revised on 1/16/96, so long as the wetlands are in the common open space or the forest retention area or the large lot, a **JD** need not be done.

<sup>4</sup> Thus, the second condition of Concept Plat approval has been rendered moot.

Bufferyard Standard C is required, outside the right-of-way, along the road frontages of Burlin & Rock Run Roads, as depicted.

Rows of street trees with 10' planting easements are required, outside the right-of-way, along both sides of all internal roads, as shown.

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

The FSD was approved on 11/15/06. The PFCP for Lot 1 was approved on 7/10/08, and the remainder PFCP was approved on 12/8/09.

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

A Landscape Agreement must be executed prior to recordation.

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

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

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

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

1. A SWM plan, Road & Storm Drain plan, and a Mass and Final Grading plan must be approved by the CCDPW prior to submittal for Final Plat Approval.
2. The SWM plan must address the runoff directed on to Rock Run Road roadside ditching to assure both water quality & quantity requirements are being met.
3. The proposed entrance improvements shown on the plat meet the requirements of Section 3.07.15 of the Road Code.
4. Have you given any consideration as to how you will address SWM for this site?
5. 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:
  - 5.1 The Final Plat Lot Grading and the Lot Grading Plan Construction Limits Note.
  - 5.2 Compliance with Sections 251-9.A(5), 251-13, and 251-15.D. of the Cecil County Stormwater Management Ordinance.
  - 5.3 Requirements for Utility relocations.
  - 5.4 Requirements for Public Works Agreements.
  - 5.5 Requirements for Stormwater Inspection and Maintenance Agreements.
  - 5.6 Requirements for County Roads.
  - 5.7 Requirements for Driveways.

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

1. The Final Plat must include the Lot Grading Plan standard note and the Lot Grading Plan must include the standard construction limits note.
  - a. *Final Plat: "A lot grading plan has been approved by the CCDPW for the construction shown hereon. A site construction as built shall be submitted to the CCDPW prior to use and/or occupancy of any of the sites shown hereon. Any change to the Forest Retention, Forestation, and/or Reforestation will require a consistency review, of the SWM approval, with CCDPW."*
  - b. *Grading Plan: "No clearing or grading is permitted beyond the limits of disturbance show hereon. Any expanded clearing and/or grading in the absence of an approved revised lot grading plan may be considered*

- non-compliance with Chapter 251 of the Cecil County Code and either or both the developer and/or Builder may be subject to the enforcement of the penalty provisions therein.”*
2. The downstream conveyance of storm water must be analyzed in accordance with Section 251-9 A. (5) of the county’s SWM Ordinance. If stormwater discharge is directed off of the site on to adjacent property it is the responsibility of the Developer to obtain appropriate easements from the affected property owners per Sections 251-13 and 251-15.D of the Cecil County SWM Ordinance.
  3. 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 streets & storm drainage construction.
  5. An Inspection & Maintenance Agreement is required for the private SWM facilities.
  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. The internal street grade leaving Rock Run 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:

A Groundwater Appropriation Permit Exemption has been filed with Maryland Department of the Environment. 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 street trees & 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; and
- 4) The FCP/Landscape Plan being approved prior to Final Plat review.

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

The motion was seconded by Mr. Janusz.

All approve. Motion carried.

**3. Villages at North East, Phases 1-10 (Phases 1-3 and Pump Station received Final Approval May 21, 2007), Shady Beach Road, Preliminary Plat Extension, Taylor Wiseman Taylor, Fifth Election District.**

David Meiskin, 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 & NAR

Density: The original Concept Plat was approved at a density of 2/1 on 9/16/02, conditioned on:

- 1) The “potential roadway connection” being shown as an actual connection on the Preliminary Plat submitted for TAC review;
- 2) A boundary line survey being completed in the preparation of the Preliminary Plat for density calculation purposes;
- 3) Roadway names being approved prior to the Planning Commission’s review of the Preliminary Plat;
- 4) The Preliminary Plat including the details of the proposed recreation center, parking, and recreational facilities as required in §291 and Appendix A of the Zoning Ordinance;
- 5) The Preliminary Plat including proper identification of the adjacent Old York Estates;
- 6) A variance for the private roads being obtained from the Board of Appeals prior to the Planning Commission’s review of the Preliminary Plat;
- 7) The Elk Neck Trail being identified clearly on the plat as to what it is and its location;
- 8) A stub being shown to the 33 acres in the NAR portion;
- 9) Shady Beach Road being designed and upgraded, by and at the cost of the developer, from their southern boundary to MD Rte. 272; and
- 10) A Traffic Impact Study being completed prior to Technical Advisory Committee review of the Preliminary Plat.

§4.0.9 then provided that Concept Plats were valid for two years from date of approval. The 9/16/02 Concept Plat approval expired on 9/16/04, but was re-approved on 4/17/06.

The Preliminary Plat, proposing 707 lots on 354.77 SR-zoned acres<sup>5</sup>, for a proposed density of 1.99/1<sup>6</sup> was approved on 1/22/04, conditioned on:

- 1) Heath Department requirements being met;
- 2) Department of Public works requirements being met;
- 3) The walking/bike path along Vermeer Boulevard being changed to the west (or left) side of the road because of the high number of right turns anticipated at the intersection with Dali Avenue;
- 4) The final Forest Conservation Plan (FCP) and Landscape Plan being approved prior to Final Plat review;
- 5) The Final Plat including the remaining details of the proposed recreation center, parking, and recreational facilities as required in §291 and Appendix A of the Zoning Ordinance;
- 6) The developer, DPW, and SHA, prior to Final Plat review, determining 1) at what point of the build-out would traffic volumes trigger the unacceptable LOS (E or F), and 2) what specific improvements need to be implemented to bring the intersection to LOS D or higher (at full-build-out), as is consistent with the Comprehensive Plan;
- 7) The developer and DPW, prior to Final Plat review, determining and agreeing on 1) what specific Shady Beach Road improvements need to be implemented, and 2) when (in terms of the number of building permits) those improvements need to be implemented;
- 8) If the water source is the Town of North East, then verification of water allocation being received from the Town, and the water service area agreement between the County and the Town must be amended to include this parcel, prior to Final Plat review.
- 9) If the water source is an on-site private system, then verification that the proposed water system is capable of serving these proposed lots and recreation center being received from

---

<sup>5</sup> The completed **boundary line survey** resulted in a reduction of acreage (396 to 354 **SR** acres, and 33 to 35.6 **NAR** acres), a concomitant reduction in the number of lots (792 to 709), and the discovery that a portion of the property was located on the west side of Shady Beach Road.

<sup>6</sup> The **SR** zone permits a maximum base density of 1 du/ 1 acre. With community facilities, a density of 2/1 is permitted.

MDE and documentation of all approvals for the system and the operator required by the Public Service Commission must be submitted prior to Final Plat review;

- 10) If the water source is an on-site private system, then its being reviewed by DPW and the Health Department prior to Final Plat review. The details of any on-site private water system must be shown on the Final Plat;
- 11) The required amendments to the Master Water and Sewer Plans being complete prior to Final Plat review;
- 12) Verification of sewer allocation being received from the Department of Public Works prior to Final Plat review;
- 13) S. Monet Avenue being of sufficient width to accommodate whatever traffic volumes are generated by the future development on the NAR-zoned portion of the property;
- 14) The Elk Neck Trail greenway connecting with the adjacent, proposed Rhodes Mountain Estates;
- 15) The name will hence forward be the Villages at North East; and
- 16) All issues being resolved and questions answered relative to the greenway and Elk Neck Trail prior to Final Plat review.

The Preliminary Plat approved on 1/22/04 expired on 1/22/06<sup>7</sup>, but was also re-approved on 4/17/06, conditioned on:

- 1) All previous conditions of the 1/22/04 Preliminary Plat approval remaining in effect, as appropriate; and
- 2) All previous agreements among the developer, SHA and the County regarding road improvements and their phased implementation continuing to be binding.

§4.1.17 provides that Preliminary Plats shall be valid for two years from date of approval. Therefore, the 4/17/06 Preliminary re-approval was extended on 2/20/08 and 1/21/09, but it will expire on 1/21/10, tomorrow, unless the requested extension is granted. If granted, this extension will expire on 1/20/12.

§4.1.18 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 were no such relevant changes.

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

The Department has no objection to extending the preliminary plat. All outstanding comments made at the April 17, 2006 Planning Commission meeting still apply. Those comments will be made part of the minutes but not be read at its time.

1. Sanitary Sewer allocation was previously granted conditioned on several factors (i.e. size of the Recreation Facility, the ability of the developer to convey sewage to Mauldin Avenue sewer line...etc.). The allocation expired w/ the expiration of the concept plat and must be renewed.
2. Applicant may update their request for public sanitary sewer allocation upon Preliminary Plat approval by the Planning Commission.

---

<sup>7</sup> Per §4.1.17.

3. This property is subject to the Mauldin Avenue Sewer Benefit Assessment of \$1,275.00/ELU in addition to connection fees.
4. The following submittals, at a minimum, must be approved by the Department of Public Works prior to submittal for Final Plat Approval: a storm water management submittal; a street and storm drain submittal; a water system submittal, a water distribution submittal, and a sanitary sewer submittal. The sanitary sewer submittal must also reflect the proposed water line locations and all proposed fire hydrant locations. Stub connection points for water line must be at both entrances. The engineer must demonstrate that adequate fire flow and pressure is available throughout the system.
5. DPW requires hydrants at each intersection (including entrances at Shady Beach Road) and along the internal streets at separation distances of no more than 600 feet
6. The SWM ponds proximity to recreation areas may need to be fenced depending on the slopes designed for the ponds.
7. If any of the existing ponds are intended to be used for SWM control they must be surveyed and their hazard classification must be established.  
The Dela Plaine Pump Station does not have excess capacity and will require upgrade or replacement at the Developers expense in total or in combination with other users.
8. Set the manhole located on South Monet Avenue at the turnaround and provide a capped stub for service to the future development in the NAR Zone.
9. A timeline and schedule for the required offsite road improvements to Shady Beach Road and the MD Rte 272/Shady Beach Road/Hance Point Road intersection was established by the Department of Public Works on August 25, 2005.
10. Note 10 says private water supply, but the plan is for the county to accept the system; why hasn't the note been updated? What is the plan? If the water system is to be a privately maintained water system, the design of the same must be submitted to the Department of Public Works and must be approvable to the Department of Public Works in accordance with the Cecil County Standard Specifications and Details for Water Mains and Sewer Mains. Additionally, departmental approval of the private water system design must be indicated by the owner by note on the final plat submitted for approval in accordance with Section 4.2.13(U) of the Cecil County Subdivision Regulations.
11. 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:
  - 11.1 *The Final Plat Lot Grading, Sidewalk Maintenance, and Lot Grading Plan Construction Limits Notes.*
  - 11.2 *Compliance with Sections 251-9.A(5), 251-13, and 251-15.D. of the Cecil County Stormwater Management Ordinance.*
  - 11.3 *Compliance with Section 3.07.15 of the Cecil County Road Code.*
  - 11.4 *Requirements for Utility relocations.*
  - 11.5 *Requirements for Public Works Agreements.*
  - 11.6 *Requirements for Stormwater Inspection and Maintenance Agreements.*
  - 11.7 *Requirements for County Roads .*
  - 11.8 *Requirements for Driveways.*
  - 11.9 *Requirements for Final Plat - Public Water and Sewer Allocation.*
  - 11.10 *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 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 Shady Beach Road be upgraded to a 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, private water and public sewer system 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 Shady Beach 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. Doordan read the comments of the Health Department:

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

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

Mr. Di Giacomo read the recommendation of the staff:

The GRANTING of a two (2) year extension, to expire on 1/20/12.

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

The motion was seconded by Mr. Wallace.

All approve. Motion carried.

#### **4. Clover Meadows, Lots 1-9, Weaver Meadows Road, Preliminary Plat Extension, RJK Engineering & Associates, Eighth Election District.**

Bob Blomquist, RJK Engineering & Associates and Bruce Vanderhoef, 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.

Zoning: NAR

Density: The Concept Plat, proposing 16 major- and 3 minor-subdivision<sup>8</sup> lots on 53.62 acres,<sup>9</sup> was approved on 4/17/06, conditioned on:

- 1) The Boundary line survey being completed prior to the TAC's review of the Preliminary Plat;
- 2) The JD completion documentation being received prior to the Planning Commission's review of the Preliminary Plat;<sup>10</sup> and
- 3) A sensitive species survey being completed prior to the Planning Commission's review of the Preliminary Plat.

The NAR density has changed. On 4/17/06, the NAR zone permitted a base density of 1 du/ 5 ac., and bonus density of 1/3. The Concept Plat was approved at a proposed density of 1/3.<sup>12</sup> On 1/1/07, the permitted NAR density changed to 1/10 and eliminated bonus density.

The Preliminary Plat was approved on 3/17/08, conditioned on:

- 1) Health Dept. requirements being met;
- 2) DPW requirements being met;
- 3) The add-on hooks showing the direction of the conveyance;
- 4) Covenants prohibiting the subdivision of the large lot must be noted on the Final Plat;
- 5) The FCP and Landscape Plan being approved prior to the submittal of the Final Plat;
- 6) The details of the FCP/Landscape Plan and the Final Plat matching up;
- 7) Deed restrictions for the long-term protection of the Forest Retention/Afforestation Areas (FRAs) being recorded & noted on the plat prior to recordation, with the metes and bounds description of the FRA being shown on the Final & Record Plats; and
- 8) A copy of the sealed McAllister May 2007 survey being submitted for the file prior to the submittal of the Final Plat.

§4.1.17 provided that Preliminary Plats would be valid for two years from date of approval. Therefore, unless the requested extension is granted, the 3/17/08 Preliminary approval will expire on 3/17/10.

If granted, then the extension will continue Preliminary approval until 1/20/12.

§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 pertinent changes.

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

The proposed property lines shown on this plat do not match those of the proposed Lot 1 (same dwelling) shown on the Clover Meadows, Phase 1- Lot1 final plat next on the agenda. If that final plat is approved and recorded how will you reconcile it with the boundaries proposed for the full

---

<sup>8</sup> §2.4.1 was not invoked.

<sup>9</sup> After deducting 3.73 acres for the proposed minor subdivision lots, a major subdivision bonus density of 1/3.12 was proposed.

<sup>10</sup> Based upon discussion with the Corps of Engineers, JD's will now be required in conjunction with permitting. If no permits are required, and if the project meets the policy standards established on 3/20/95 and revised on 1/16/96,<sup>10</sup> or if the FSD/Conceptual Environmental Assessment finds that there are to be no impacts to field-delineated wetlands or streams, 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.

build-out of Clover Meadows shown here? Mr. Blomquist said the Phase 2 Final Plat will reflect the new property lines.

With that said the Department has no objection to the extension requested. All outstanding comments from the March 17, 2008 Planning Commission meetings still apply but will not be read at this time. The Applicant is advised that if the SWM and E&S Control 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, Street and storm drainage plan, and a Mass and Final Grading plan must be approved by the CCDPW prior to submittal for Final Plat Approval.
2. Section 3.07.15 of the Road Code directs that Weaver Meadows Road must be upgraded to a Minor Road or equivalent Standard for a distance of 100' either side of the proposed entrance. Any right-of-way acquisition necessary shall be performed by the applicant and at the applicant's expense. The developer must make a legitimate good faith effort to obtain all ROW required to accomplish these improvements. This effort must conform to Section 3.07.15 of the Road Code Guidance Manual. The applicant may seek a variance to these requirements if after these efforts the applicant is unable to obtain the necessary ROW.
3. No Road Code Variances have been sought therefore the Department expects the road to be designed in full compliance with the Road Code.
4. All of the off-site road improvements, associated with the proposed development, required in Section 3.07 of the Road must be approved in concept by the Department of Public Works prior to submitting this project to the Planning Commission for preliminary plat review. The improvements need to be shown or described on the preliminary plat submitted for Planning Commission review.
5. Modify Note 9 to indicate that Lots 2 & 3 are denied access to Weaver meadows Road upon completion of Blarney Lane.
6. How will SWM be addressed for the entire site? In particular discuss how quantity control requirements will be met for storm water runoff from Lots 2-4, 6-10, & 17-19.
7. See the Health Department for any/all separation distances for SWM BMPs.
8. 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:
  - 8.1 The Final Plat Lot Grading Note and the Lot Grading Plan Construction Limits Note.
  - 8.2 Compliance with Sections 251-9.A (5), 251-13, and 251-15.D. of the Cecil County Stormwater Management Ordinance.
  - 8.3 Requirements for Utility relocations.
  - 8.4 Requirements for Public Works Agreements.
  - 8.5 Requirements for Stormwater Inspection and Maintenance Agreements
  - 8.6 Requirements for County Roads.
  - 8.7 Requirements for Driveways.
  - 8.8 Requirements for Stopping Sight Distance

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

1. The Final Plat must include the Lot Grading Plan standard note and the Lot Grading Plan must include the standard construction limits note.
  - a. *Final Plat: "A lot grading plan has been approved by the CCDPW for the construction shown hereon. A site construction as built shall be submitted to the CCDPW prior to use and/or occupancy of any of the sites shown hereon. Any change to the Forest Retention, Forestation, and/or Reforestation will require a consistency review, of the SWM approval, with CCDPW."*
  - b. *Grading Plan: "No clearing or grading is permitted beyond the limits of disturbance show hereon. Any expanded clearing and/or grading in the absence of an approved revised lot grading plan may be considered non-compliance with Chapter 251 of the Cecil County Code and either or both the developer and/or Builder may be subject to the enforcement of the penalty provisions therein."*
2. The downstream conveyance of storm water must be analyzed in accordance with Section 251-9 A. (5) of the county's SWM Ordinance. If stormwater discharge is directed off of the site on to adjacent property it is the responsibility of the

Developer to obtain appropriate easements from the affected property owners per Sections 251-13 and 251-15.D of the Cecil County SWM Ordinance.

3. 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 private mini road & storm drainage construction. A Public Works Agreement is required for the county streets & storm drainage constructions.
5. An Inspection & Maintenance Agreement is required for the private SWM facilities.
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. The internal street grade leaving Weaver Meadows Road may not exceed 5% within the limits of the intersection right-of-way.
7. For County Roads, 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.
8. Applicant must provide stopping sight distance measurements for the Weaver Meadows Road access location to DPW prior to preliminary plat submittal. Mark the proposed entrance locations in the field by a survey stake or paint.

Mr. Doordan read the comments of the Health Department:

The Health Department has no objection to extension of preliminary plat approval.  
Comments from March 17, 2008 Planning Commission still remain unresolved.

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

Mr. Di Giacomo read the recommendation of the staff:

The GRANTING of a two (2) year extension of Preliminary Plat approval, to expire on 1/20/12.

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

The motion was seconded by Mr. Edwards.

All approve. Motion carried.

### **5. Clover Meadows, Phase 1, Lot 1, Weaver Meadows Road, Final Plat, RJK Engineering & Associates, Eighth Election District.**

Bob Blomquist, RJK Engineering & Associates and Bruce Vanderhoef, 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.

Zoning: NAR

Density: Density: The Concept Plat, proposing 16 major- and 3 minor-subdivision<sup>11</sup> lots on 53.62 acres,<sup>12</sup> was approved on 4/17/06, conditioned on:

- 1) The Boundary line survey being completed prior to the TAC's review of the Preliminary Plat;

---

<sup>11</sup> §2.4.1 was not invoked.

<sup>12</sup> After deducting 3.73 acres for the proposed minor subdivision lots, a major subdivision bonus density of 1/3.12 was proposed.

- 2) The JD completion documentation being received prior to the Planning Commission's review of the Preliminary Plat;<sup>13</sup> and
- 3) A sensitive species survey being completed prior to the Planning Commission's review of the Preliminary Plat.

On 4/17/06, the NAR zone permitted a base density of 1 du/ 5 ac., and bonus density of 1/3. The Concept Plat was approved at a proposed density of 1/3.12. On 1/1/07, the permitted NAR density changed to 1/10 and eliminated bonus density.

The Preliminary Plat was approved on 3/17/08, conditioned on:

- 1) Health Dept. requirements being met;
- 2) DPW requirements being met;
- 3) The add-on hooks showing the direction of the conveyance;
- 4) Covenants prohibiting the subdivision of the large lot must being noted on the Final Plat;
- 5) The FCP and Landscape Plan being approved prior to the submittal of the Final Plat;
- 6) The details of the FCP/Landscape Plan and the Final Plat matching up;
- 7) Deed restrictions for the long-term protection of the Forest Retention/Afforestation Areas (FRAs) being recorded & noted on the plat prior to recordation, with the metes and bounds description of the FRA being shown on the Final & Record Plats; and
- 8) A copy of the sealed McAllister May 2007 survey being submitted for the file prior to the submittal of the Final Plat.

§4.1.17 provided that Preliminary Plats would be valid for two years from date of approval. Therefore, the requested extension was just heard.

General Note # 1 indicates that the boundary line survey was previously completed. Per condition # 8 of Preliminary Plat approval, a copy of the sealed McAllister May 2007 survey was to be submitted for the file prior to Final Plat review. Since this is only one lot, its importance is diminished. Nevertheless, the boundary line survey is an integral part of the process. Therefore, if approved, OPZ will not sign any Record Plat for Lot 1, and will not accept any Final Plat for any other lot(s), until a copy of the sealed McAllister May 2007 survey is submitted, or until another survey is completed in its stead.

The proposed large lot (#12) and the common open space together total 32.79 acres, or 63.14% of the 51.93 acres. Bonus density eligibility must be maintained.

Dwellings or impervious surfaces shall not occur on slopes with a grade of 25% or more covering a contiguous area of 10,000 ft<sup>2</sup> or more. On slopes between 15 and 25%, good engineering practices shall be used to ensure sediment and erosion control and slope stabilization before, during and after disturbance activities.<sup>14</sup>

A 110' perennial stream buffer is required from all perennial streams present. This buffer shall be expanded to include contiguous areas of hydric soils, highly erodible soils, and soils on slopes greater than 15% -- to a maximum distance of 160'.

A 25' buffer is required around all non-tidal wetlands and intermittent streams present. Permits are required from the (US Army) Corps of Engineers and MDE for all non-tidal wetland and stream

---

<sup>13</sup> Based upon discussion with the Corps of Engineers, JD's will now be required in conjunction with permitting. If no permits are required, and if the project meets the policy standards established on 3/20/95 and revised on 1/16/96,<sup>13</sup> or if the FSD/Conceptual Environmental Assessment finds that there are to be no impacts to field-delineated wetlands or streams, 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.

<sup>14</sup> The Cecil County Subdivision Regulations define steep slopes as "15 percent or greater incline." The Cecil County Zoning Ordinance defines steep slopes as consisting of a grade of 25% or more covering a contiguous area of 10,000 ft<sup>2</sup> or more. The Cecil County Forest Conservation Regulations define steep slopes as "areas with slopes greater than 25 percent slope."

impacts 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.<sup>15</sup> What is the status of the JD? Mr. Blomquist said a JD is not required for this project.

Landscaping is not required, and sidewalks are not recommended, in the NAR zone. A Bufferyard Standard C is required, outside the right-of-way, along the road frontages of Weaver Meadows Road.

Rows of street trees with 10' planting easements are required, outside the right-of-way, along both sides of all internal roads, as shown. Where feasible, the natural vegetative equivalent may be used to satisfy the bufferyard and street tree requirements.

The FSD was approved on 4/5/06. The PFCP has been approved, and the sensitive species survey, completed.

The FCP/Landscape Plan was approved on 12/17/09.

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.

The proposed road name, Blarney Lane, has been approved.<sup>16</sup>

Covenants prohibiting the subdivision of the large lot must be noted on the Final and Record Plats and recorded prior to recordation.

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

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

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

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

1. As the purpose of this subdivision is to create a lot around an existing dwelling this project is exempt from Stormwater Management (SWM) requirements.
2. The final plat must contain a note stating that any future development on the new lot and/or the remaining lands will require a SWM submittal. The Department will not sign the final plat until this is addressed to our satisfaction.
3. The proposed property lines shown on this plat do not match those of the proposed Lot 1 (same dwelling) shown on the preliminary plat just presented for Clover Meadows. If this final plat is

---

<sup>15</sup> Per the Planning Commission's policy, established on 3/20/95 and revised on 1/16/96, so long as the wetlands are in the common open space or the forest retention area or the large lot, a **JD** need not be done.

<sup>16</sup> Mr. Citrano, an adjacent property owner, previously requested connectivity to the proposed Blarney Lane.

approved and recorded how will you reconcile it with the boundaries proposed for the full build-out of Clover Meadows?

Mr. Doordan read the comments of the Health Department:

A Groundwater Appropriation Permit Exemption has been filed with Maryland Department of the Environment.

Final Plat is slightly different than preliminary plat (sewage area, rear property line). Final plat can be satisfactory with submission of matching preliminary plat.

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 Dept. requirements being met;
- 2) DPW requirements being met;
- 3) The Landscape Agreement being executed prior to Recordation;
- 4) 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;
- 5) Deed restrictions for the long-term protection of the street trees and Forest Retention /Afforestation Areas (FRAs) being recorded & noted on the plat prior to recordation, with the metes and bounds description of the FRA being shown on the Record Plats;
- 6) A copy of the sealed McAllister May 2007 survey being submitted for the file prior to Lot 1's Recordation or the submittal of any Final Plat for any other lot(s), or until another survey is completed and submitted in its stead; and
- 7) The details of the Phase 2 or any subsequent Final Plat matching the details of this Lot 1 plat.

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

The motion was seconded by Mr. Wallace.

All approve. Motion carried.

## **6. Saddlebrook, Lots 1-9, Nottingham Road, Preliminary Plat Extension, McCrone, Inc., Fifth Election District.**

Don Sutton, McCrone, Inc., 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: SR

Density: The Concept Plat, proposing 10 lots, common open space, and road right-of-way on 21.59 acres, for a proposed density of 1/2.16, was approved on 8/15/05, conditioned on:

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

3) DPW requirements being met prior to the TAC's review of the Preliminary Plat.

The Preliminary Plat was approved on 5/17/06, conditioned on:

- 1) Health department requirements being met;
- 2) DPW requirements being met;
- 3) The FCP and Landscape Plan being approved prior to the Planning Commission's review of the Final plat; and
- 4) Deed restrictions for the long-term protection of the Forest Retention/Afforestation Areas (FRAs) being recorded and noted on the plat prior to recordation, with the metes and bounds description of the FRA being shown on the Final and Record Plats.

§4.1.17 of the Subdivision Regulations provided that Preliminary Plats would be valid for two years from date of approval. Therefore, extensions were granted on 3/17/08 and 2/17/09. Unless a two-year extension is granted, or a Final Plat is approved and recorded in the interim, the Preliminary Plat approval will expire on 2/17/10.

If granted, then the extension will continue Preliminary approval until 1/20/12.

§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 pertinent changes.

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

The Department has no objection to granting an extension as requested. The outstanding comments from the May 15, 2006 Planning Commission meeting still apply and will be made a part of the record but not be read at this time.

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. No Road Code Variances have been sought therefore the Department expects the design of the entrance and internal street to meet County Road Code standards without variation. Why is there no right-of-way interconnection proposed to lands of Clark or to lands of Wink?
3. Show any existing Nottingham Road cross culverts along the site's Nottingham Road frontage on the preliminary plat and include relevant drainage easements.
4. Why are Lots One and Two not denied access to Nottingham Road, with access by way of London Lane? Deny access to Nottingham Road for lot 2 frontage, except the existing driveway location, and along the first 75' of the London Lane frontage.
5. The County will be replacing the CSX bridge to the east of this site and the increase in height will require vertical realignment of the approaches. This must be taken into consideration for the entrance design for this project.
6. 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:
  - 6.1 The Lot Grading Plan Construction Limits Note.
  - 6.2 Compliance with Sections 251-9.A(5), 251-13, and 251-15.D. of the Cecil County Stormwater Management Ordinance.
  - 6.3 Compliance with Section 3.07.15 of the Cecil County Road Code.
  - 6.4 Requirements for Utility relocations.
  - 6.5 Requirements for Public Works Agreements.

- 6.6 Requirements for Stormwater Inspection and Maintenance Agreements
- 6.7 Requirements for County Roads.
- 6.8 Requirements for Driveways.
- 6.9 Requirements for Stopping Sight Distance

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

1. The Lot Grading Plan must include the standard construction limits note.
  - a. *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 directs that Nottingham Road must be upgraded to a Minor Collector Road Standard for a distance of 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 county streets & storm drainage constructions and a Public Works Agreement is required for the Private Mini Road.
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 Weaver Meadows Road may not exceed 5% within the limits of the intersection right-of-way.
8. For County Roads, 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 Nottingham Road access location to DPW prior to preliminary plat submittal. Mark the proposed entrance locations in the field by a survey stake or paint.

Mr. Doordan read the comments of the Health Department:

The Cecil County Health Department has no objection to the extension of preliminary plat approval. Please note: A Groundwater Appropriation Permit Exemption must be filed with Maryland Department of the Environment prior to final plat approval.

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

Mr. Di Giacomo read the recommendation of the staff:

The GRANTING of a two (2) year extension of Preliminary Plat approval, to expire on 1/20/12.

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

The motion was seconded by Mr. Doordan.

All approve. Motion carried.

The applicants for agenda item #7 respectfully asked Chairman Mortimer if their project could be heard as the last submittal due to the late arrival of one of their representative. Chairman Mortimer obliged.

**8. Larson's Estates of Skyview, Lots 1-8, Skyview Road, Concept Plat, Frederick Ward Associates, Third Election District.**

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

Discussion ensued regarding the logic of having 5 minor subdivision lots and 3 major subdivision lots that make up the density 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 permits a density of 1 du/ 10 ac. 5 of the 8 proposed lots are minor subdivision lots. Their accessing the proposed interior roadway suggests the invocation of §2.4.1 of the Subdivision Regulations, although that is not specified on the plat, and the Lot Area Table suggests accounting for the minor subdivision acreage in the normal fashion.

The total acreage is 39.41 acres.

A maximum base density of 1 du/ 5 ac. was permitted when, on 5/17/06, the original 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>17</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.

Subsequently, a 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;
- 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. Therefore, all previous approvals are null and void.

No common open space is required; 1.54 are proposed for stormwater management.

---

<sup>17</sup> Bonus density was not sought.

Per Note # 1 the boundary line survey has been completed.

Dwellings or impervious surfaces shall not occur on slopes with a grade of 25% or more covering a contiguous area of 10,000 ft<sup>2</sup> or more. On slopes between 15 and 25%, good engineering practices shall be used to ensure sediment and erosion control and slope stabilization before, during and after disturbance activities.<sup>18</sup>

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

A 110' perennial stream buffer is required from all perennial streams present. This buffer shall be expanded to include contiguous areas of hydric soils, highly erodible soils, and soils on slopes greater than 15% -- to a maximum distance of 160'.

A 25' buffer is required around all non-tidal wetlands and intermittent streams present. Permits are required from the (US Army) Corps of Engineers and MDE for all non-tidal wetland and stream impacts prior to recordation. JD's are required in conjunction with permitting. If no permits are required, and if the proposed project meets the policy standards established on 3/20/95 and revised on 1/16/96, or if the FSD/Conceptual Environmental Assessment finds that there are to be no impacts to field-delineated wetlands or stream impacts, or if the FSD/Conceptual Environmental Assessment finds that there are no wetlands or streams and that finding is consistent with the details of County wetlands maps and USGS quad maps, then no JD is required. If required, then a JD is recommended to be done prior to Final Plat review by the Planning Commission, but required to be completed prior to recordation.

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

No landscaping of the development envelope is required in the NAR zone, and sidewalks are not recommended.

Skyview Road is functionally classified as a local Road. Therefore, no Bufferyard Standard C is required along its frontage.

A Bufferyard Standard A will be required adjacent to any adjoining parcel with an agricultural operation being conducted thereon.

Rows of street trees with 10' planting easements are required, outside the right-of-way, along both sides of all internal roads. The 10' street tree planting easement has been included on the plat. Where feasible, the natural vegetative equivalent may be used to satisfy the bufferyard and street tree requirements.

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

The FSD was approved on 5/2/06.

The Preliminary Forest Conservation Plan (PFCP) was approved on 8/28/06.

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

A Landscape Agreement must be executed prior to recordation.

---

<sup>18</sup> The Cecil County Subdivision Regulations define steep slopes as "15 percent or greater incline." The Cecil County Zoning Ordinance defines steep slopes as consisting of a grade of 25% or more covering a contiguous area of 10,000 ft<sup>2</sup> or more. The Cecil County Forest Conservation Regulations define steep slopes as "areas with slopes greater than 25 percent slope."

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 Final and Record Plats.

The proposed road name Larson's Way has been approved.

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

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

Lots 1 and 2 must be denied access to Skyview Road, as cited in Note # 9.

There are no 100-year floodplains associated with this site, as stated in note #5.

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

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

1. A SWM plan, Road & Storm Drain plan, 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 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 offsite road improvements requirements have been agreed to by the Department.
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. Doordan read the comments of the Health Department:  
Concept 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) Any application, outstanding conditions of the prior approval being met.

A motion for approval with one condition was made by Mr. Doordan.  
The motion was seconded by Mr. Edwards.

All approve. Motion carried.

**9. Larson's Estates of Skyview, Lots 1-8, Skyview Road, Preliminary Plat, Frederick Ward Associates, Third Election District.**

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

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

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

Zoning: NAR

Density: The NAR zone permits a density of 1 du/ 10 ac. 5 of the 8 proposed lots are minor subdivision lots. Their accessing the proposed interior roadway suggests the invocation of §2.4.1 of the Subdivision Regulations, although that is not specified on the plat, and the Lot Area Table suggests accounting for the minor subdivision acreage in the normal fashion.

The total acreage is 39.41 acres.

A maximum base density of 1 du/ 5 ac. was permitted when, on 5/17/06, the original 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>19</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.

Subsequently, a 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;
- 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. Therefore, all previous approvals are null and void.

No common open space is required; 1.54 are proposed for stormwater management.

Per Note # 1 the boundary line survey has been completed.

Dwellings or impervious surfaces shall not occur on slopes with a grade of 25% or more covering a contiguous area of 10,000 ft<sup>2</sup> or more. On slopes between 15 and 25%, good engineering practices shall be used to ensure sediment and erosion control and slope stabilization before, during and after disturbance activities.<sup>20</sup>

Areas of steep slopes have been shown.

---

<sup>19</sup> Bonus density was not sought.

<sup>20</sup> The Cecil County Subdivision Regulations define steep slopes as "15 percent or greater incline." The Cecil County Zoning Ordinance defines steep slopes as consisting of a grade of 25% or more covering a contiguous area of 10,000 ft<sup>2</sup> or more. The Cecil County Forest Conservation Regulations define steep slopes as "areas with slopes greater than 25 percent slope."

A 110' perennial stream buffer is required from all perennial streams present. This buffer shall be expanded to include contiguous areas of hydric soils, highly erodible soils, and soils on slopes greater than 15% -- to a maximum distance of 160'.

A 25' buffer is required around all non-tidal wetlands and intermittent streams present. Permits are required from the (US Army) Corps of Engineers and MDE for all non-tidal wetland and stream impacts prior to recordation. JD's are required in conjunction with permitting. If no permits are required, and if the proposed project meets the policy standards established on 3/20/95 and revised on 1/16/96, or if the FSD/Conceptual Environmental Assessment finds that there are to be no impacts to field-delineated wetlands or stream impacts, or if the FSD/Conceptual Environmental Assessment finds that there are no wetlands or streams and that finding is consistent with the details of County wetlands maps and USGS quad maps, then no JD is required. If required, then a JD is recommended to be done prior to Final Plat review by the Planning Commission, but required to be completed prior to recordation.

§174.2.b (1) empowers the Planning Commission to grant the waiver if the disturbance is minimized. Staff finds the request consistent with §174.2.b (1) and, therefore, offers no objection.

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

No landscaping of the development envelope is required in the NAR zone, and sidewalks are not recommended.

Skyview Road is functionally classified as a local Road. Therefore, no Bufferyard Standard C is required along its frontage.

A Bufferyard Standard A will be required adjacent to any adjoining parcel with an agricultural operation being conducted thereon.

Rows of street trees with 10' planting easements are required, outside the right-of-way, along both sides of all internal roads. Where feasible, the natural vegetative equivalent may be used to satisfy the bufferyard and street tree requirements.

The FSD was approved on 5/2/06.

The Preliminary Forest Conservation Plan (PFCP) was approved on 8/28/06.

The final Forest Conservation Plan (FCP) and Landscape Plan must be approved prior to Planning Commission review of the Final Plat (§6.3.B(1)(a), Forest Conservation Regulations). A revised FCP was submitted on 6/12/09; comments were sent out on 6/18/09.

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 Final and Record Plats.

The proposed road name Larson's Way has been approved.

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

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

Lots 1 and 2 must be denied access to Skyview Road, as cited in Note # 9.

There are no 100-year floodplains associated with this site, as stated in note #5.

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

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

1. A SWM plan, Road & Storm Drain plan, 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 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 offsite road improvements requirements have been agreed to by the Department.
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.
  - c. *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."*
  - d. *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. Doordan read the comments of the Health Department:

A Groundwater Appropriation Permit Exemption has been filed with Maryland Department of the Environment (Note 15 is technically incorrect as written).

Preliminary 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) 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;
- 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; and
- 6) The §174.2.b (1) waiver being granted.

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

The motion was seconded by Mr. Edwards.

Discussion ensued regarding whether a Concept and Preliminary Plat should have consecutive reviews at the same Planning Commission meeting.

At this point, Mr. Shaffer explained the waiver request for §174.2.b (1).

Motion for approval carried with Mr. Wallace casting the sole opposing vote.

## **7. Baldwin Mill, Lots 1-254, Elk Mills Road, Preliminary Plat, McCrone, Inc., Third Election District.**

Mike Burcham, McCrone, Inc., Mike Pugh, Ronald Myers and Jay Young, Esq., 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 Concept Plat, proposing 256 lots on 243.4 acres, for a proposed density of 1.05/1<sup>21</sup>, was approved on 2/20/07, conditioned on:

- 1) The boundary line survey being completed prior to the TAC's review of the Preliminary Plat;
- 2) Documentation of the completed JD being submitted prior to the Planning Commission's review of the Preliminary Plat;
- 3) The PFCP's being approved prior to the Planning Commission's review of the Preliminary Plat;
- 4) The completion of a TIS prior to the TAC's review of any Preliminary Plat;
- 5) The exact limits of the floodplain being established on the plat prior to the TAC's review of any Preliminary Plat; and
- 6) The applicant consulting with the CSX Railroad to inform them of the intention of the use of the emergency access and provide documentation thereof to all departments involved as well as the Planning Commission with the easement information prior to the Planning Commission's review of the Preliminary Plat.

At that time, per §4.0.9, Concept Plat approvals remained valid for two years. Therefore, the Concept Plat's validity was set to expire on 2/20/09. Therefore, an extension was granted on 1/21/09, extending the Concept's validity until 2/20/10.

The boundary line survey has been completed, and that has rendered some changes necessary. This Preliminary Plat remains generally consistent with the approved Concept plat.

The design, or layout, remains essentially the same, except that the proposed roads Feeder Canal Lane and Hoagland Lane have been eliminated.

Dwellings or impervious surfaces shall not occur on slopes with a grade of 25% or more covering a contiguous area of 10,000 ft<sup>2</sup> or more. On slopes between 15 and 25%, good engineering practices shall be used to ensure sediment and erosion control and slope stabilization before, during and after disturbance activities.<sup>22</sup>

Slopes greater than 25% have been shown.

A 110' perennial stream buffer is required from all perennial streams present. This buffer shall be expanded to include contiguous areas of hydric soils, highly erodible soils, and soils on slopes

---

<sup>21</sup> The **SR** zone permits a maximum base density of 1 du/ 1 ac., or 2/1 with community facilities.

<sup>22</sup> The Cecil County Subdivision Regulations define steep slopes as "15 percent or greater incline." The Cecil County Zoning Ordinance defines steep slopes as consisting of a grade of 25% or more covering a contiguous area of 10,000 ft<sup>2</sup> or more. The Cecil County Forest Conservation Regulations define steep slopes as "areas with slopes greater than 25 percent slope."

greater than 15% -- to a maximum distance of 160'. Segments of the perennial stream still appear outside the floodplain. How were the elevations arrived at? Mr. Pugh said the floodplain boundaries are based on their best estimate of flood elevation from field run topography.

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. The JD has been completed.

The limits of the 100-year floodplain still have not been labeled on Sheet 1 of 5.

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

15% common open space is required; 55.1% is proposed. At a minimum, 15% of the required open space shall not consist of perennial or intermittent stream buffers, nontidal wetlands or buffers, steep slopes, or habitats of rare, threatened and endangered species. No more than 40% of the common open space required shall consist of those areas designated as nontidal or tidal wetlands. The C.O.S. sensitive areas thresholds have been calculated and included.

20% landscaping of the development envelope is required in the SR zone. Sidewalks are recommended on at least one side of all internal roads.

Bufferyard Standard C is required, outside the right-of-way, along the road frontages on Elk Mills Road.

Rows of street trees with 10' planting easements are required, and must be depicted, 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.

The Forest Stand Delineation (FSD) was approved on 2/16/07. The PFCP was approved on 12/16/09.

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

A Landscape Agreement must be executed prior to recordation.

Deed restrictions for the long-term protection of the street trees & Forest Retention /Afforestation Areas (FRAs) must be recorded 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.

All road names have been approved.

The Traffic Impact Study (TIS) has been submitted and reviewed. 256 lots with only one entrance raises design and emergency service response questions. Should an emergency incident include an incapacitated train blocking the Johnson Lane grade crossing, then portions of this development could be rendered inaccessible. The TIS verifies that the proposed Wheel Gate Lane entrance would have adequate queuing capacity at the peak hours, as now designed. Any SHA requirements will be conditions of Final Plat approval.

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

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

The Master Water & Sewer Plan has been amended.

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

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.

Fire hydrant locations have been shown.

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

Discussion ensued regarding the possible number of units this project could have produced if it were not being engineered under the new SWM regulations.

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

1. A SWM plan, Public Water Distribution and Sewer Collection System 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.
2. The Applicant must be aware that if the SWM and E&S plans for this project are not approved (i.e. signed) by May 4<sup>th</sup> 2010 the new Ordinance will apply and the SWM plan must be designed to meet its requirements.
3. Vehicle & equipment access must be provided to the SWM Facility located behind Lots 117-124. If you propose combining access with a conveyance easement, 20' may not be wide enough depending on the type of conveyance used.
4. There is no county sanitary sewer service in the immediate area. Connection to the Meadowview WWTP will be the Developer's responsibility including obtaining all required easements and the installation of the sewer main between the site and the nearest existing manhole. The applicant is also responsible for all costs in doing so.
5. The potential sewer capacity required for this development will take the Meadowview WWTP beyond the 80% usage limit set by the County. Therefore unless and until the Meadowview WWTP is upgraded allocation for the full build out of the development is not available.
6. The Developer must also analyze the existing sanitary sewer main from the proposed point of connection to the WWTP to determine if adequate capacity exists in the line. This analysis must be submitted prior to the sanitary sewer plan submittal.
7. The ability of the existing water distribution system, together with the proposed service extensions, to provide adequate fire flow and pressure must be demonstrated through an update to the Engineering Report of Meadow View – Highlands Water System Analysis prepared by George, Miles, & Buhr, LLC and dated October 2004. The Developer must engage a Maryland licensed professional engineer, at the Developer's cost, to upgrade the water system model.
8. Both the sewer and water mains proposed along Fletchwood and Elk Mills Roads must be designed to provide for future connections from adjoining properties.
9. Has any consideration been given to the providing all or some portion of the potable water needs for this development on site (i.e. Aston Pointe or Villages at North East)?
10. The engineer's preliminary layout for the subdivision public water & sewer was submitted and has been reviewed. In that regard why have no pumping and tankage been shown for the water system in the development? Where are the fire hydrants?
11. The water distribution system proposed should provide for possible future connection capability to the lands west of this development.

12. The Developer is responsible to have the serving fire company review fire hydrant spacing and locations prior to final engineering drawings submittal.
13. If and/or when Artesian Water Company takes control of the Meadowview WWTP & WTP utility easements will be required for the water & sewer lines located within the County ROW.
14. A utility easement will be required for the sewer line routed between Lots 165/166 running to lot 106. This easement must be between the owner of the utility and the HOA.
15. An SHA access permit is required for the MD Rte 277 entrance. Any and/or all SHA required off-site road improvements must be approved by SHA prior to the Department signing the final plat.
16. Due to the size and length of road frontage proposed Section 2.07 & Standard Detail R-35 of the Road Code specifies all proposed minor roads must be closed section with a minimum 30' pavement width and all proposed minor collector roads must be closed section with a minimum 32' pavement width. You have instead proposed open section road. The use of open section road proposed here requires a variance to the Road Code. The Department's policy is that all such variance requests be submitted and approved before the preliminary plat review by TAC. No variances have been sought!
17. Lots 2 & 3 are denied direct access to Wheel Gate Lane.
18. All lots must access the less major road frontage and be denied direct access to the more major road.
19. The TIS provided for this development addresses the queuing for the proposed entrance. In reviewing the TIS the Department has some questions concerning the queuing analysis used.
20. Pre-design geotechnical evaluation and borings along the proposed road stream and wetlands crossings is required, along with specific remedial recommendations for subsurface drainage and street sub grade placement.
21. The structure on Baldwin Mill Way crossing over the unnamed perennial stream must be approved as part of the road plan approval passing the 100 year storm without overtopping. A re-mapping of the 100-year flood plain onsite and a hydraulic analysis of the new stream crossing must be submitted by the applicant's engineer as part of the crossing design.
22. Likewise the structures crossing the intermittent stream on Baldwin Mill Way and Elk Forge Way must be approved as part of the road plan approval passing the 25 year storm without overtopping.
23. What is envisioned for the proposed 25' wide emergency access? The HOA must maintain this area.
24. Show any private stormwater management and stormwater management outfall easements across common open space on preliminary and final plats.
25. What is the proposed disposition of the structures and driveway on Lots 231 & 232?
26. 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:
  - 26.1 The Final Plat Lot Grading, Sidewalk Maintenance, and Lot Grading Plan Construction Limits Notes.
  - 26.2 Compliance with Sections 251-9.A (5), 251-13, and 251-15.D. of the Cecil County Stormwater Management Ordinance.
  - 26.3 Requirements for Utility relocations.
  - 26.4 Requirements for Public Works Agreements.
  - 26.5 Requirements for Stormwater Inspection and Maintenance Agreements.
  - 26.6 Requirements for County Roads.
  - 26.7 Requirements for Driveways.
  - 26.8 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 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 streets & storm drainage and public water & sewer system constructions.
  5. An Inspection & Maintenance Agreement is required for the private SWM facilities.
  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. The internal street grade leaving Elk Mills 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.
  8. All sewer service cleanouts must be designed to be outside of all paved or concrete areas on each lot and this must be shown on the utility plans.

Mr. Doordan read the comments of the Health Department:

Project must be included in the County Master Water and Sewer Plan. A March 5, 2009 letter from Maryland Department of the Environment to the Cecil County Commissioners indicated that Maryland Department of the Environment approval of the map amendment could not be granted. Additional information was requested. No further correspondence on this issue can be found. Environment Article 9-507 requires Maryland Department of the Environment approval of revisions to the Water and Sewer Plan. The status of this revision must be resolved prior to Final Plat review.

Final and Record plats are required to have the following statements:

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

In addition, if a public water system or sewer system is to be constructed or upgraded to serve the community, an additional note stating *“Plans for the water or sewer system have been approved by Maryland Department of the Environment”* must be added by the owner’s signature.

A permit to construct a sewerage pump station must be issued by Maryland Department of the Environment prior to record plat approval.

Water and sewer allocations adequate for the proposed number of lots must be approved by the appropriate entity prior to record plat approval.

The existing well must be abandoned and sealed by a licensed well driller and the existing septic tank must be pumped by a licensed septic hauler and filled with earth prior to record plat approval.

Chairman Mortimer asked if anyone would like to speak in favor or in opposition of this project. Owen Thorne, 20 Hillwood Road, Elkton, MD, spoke in opposition of this project.

Mr. Di Giacomo read the recommendation of the staff:

APPROVAL, conditioned on:

- 1) Health Dept. requirements being met;
- 2) DPW requirements being met;
- 3) Documentation of water allocation being provided by the applicant prior to the Planning Commission's review of the Final Plat;
- 4) Documentation of adequate sewer capacity being provided by the applicant prior to the Planning Commission's review of the Final Plat;
- 5) The limits of the 100-year floodplain being labeled on all sheets;
- 6) 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 and bounds description of the FRA being shown on the Final and Record Plats;
- 7) The FCP and Landscape Plan being approved prior to Planning Commission review of the Final Plat; and
- 8) MDE approval of the Board of County Commissioner's amendment to the MW&SP being completed prior to the Planning Commission review of the Final Plat.

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

The motion was seconded by Mr. Janusz.

All approve. Motion carried.

**General Discussion:**

Chairman Mortimer asked staff to compile an agenda for future worksessions with the following items on the agenda:

- Clustering in the NAR & SAR with Harlan Williams.
- Minor subdivisions discussion with staff present in the NAR & SAR.
- Multiple submissions being reviewed consecutively.
- Height requirements in the growth corridor.
- Architectural standards.

Chairman Mortimer requested that the Planning Commission members receive updates from Ms. Campbell regarding current appeals in regards to Planning Commission decisions. Chairman Mortimer also stated that he is not proposing a vote today on anything without more discussion. Reflections on the Public Hearing should also be a point of discussion. Chairman Mortimer suggested the commission conduct one (1) to two (2) additional worksessions prior to giving their recommendation to the Board of County Commissioners. Some other points of interest for discussion are buffering, density, zoning training and 10% - 20% requirement in the North East corridor. Mr. Janusz asked staff to email the members the link to the states training material and Mr. McDowell asked Mr. Di Giacomo to email the Planning Commission members with a list of all the buffers included in the regulations. Discussion ensued regarding the scheduling and advertisement of future worksessions.

Additional worksessions will be held on Monday, January 25, 2010 at 6:00 p.m. and Monday, February 1, 2010 at 6:00. Both meetings to be held in the Elk Room at the County Administration Building.

Mr. Janusz proposed that the commission vote on each issue at the worksession to be held on February 1, 2010. Chairman Mortimer agreed.

The January Planning Commission meeting adjourned at 2:16 p.m., motioned by Mr. Wallace and seconded by Mr. Edwards.

Respectfully Submitted:

---

Jennifer Bakeoven