

CECIL COUNTY PLANNING COMMISSION

Meeting Minutes

February 16, 2010

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

Absent: H. Clay McDowell, alternate.

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

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

1. Montgomery – Cecil Limited Partnership, Lots 1-148, Marley Road, Concept Plat Extension, Northern Bay Land Planning, Fifth Election District.

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

Discussion ensued as to why there has been a delay in the progress of the project.

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

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

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

Zoning: DR

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

The Concept Plat, proposing 148 lots on 148.89 acres, for a proposed density of 1/1.01, was approved by the Planning Commission on 3/18/02, conditioned on:

- 1) A Traffic Impact Study, including a signal warrant analysis for the Marley Road/ US 40 intersection, being complete prior to TAC review of the Preliminary Plat;
- 2) Road names being approved by the County's 911 Emergency Center prior to Planning Commission review of the Preliminary Plat;
- 3) Intermittent and perennial stream labeling and buffers being made consistent with the USGS Quad maps, and all intermittent streams being shown;
- 4) The JD being completed prior to Planning Commission review of the Preliminary Plat; and
- 5) Verification being received from MDE that the SuperFund site on the east side of Marley Road will not have adverse impacts on the proposed wells.

§4.0.9 of the Subdivision Regulations provided that Concept Plats shall be valid for two years from date of approval.

Therefore, one-year extensions of Concept Plat approval were granted on 1/22/04, 1/18/05, 1/17/06, 1/16/07, 12/17/07, and 2/17/09, extending the Concept Plat's validity until 3/18/10.¹

Should the Planning Commission grant another extension, it will be valid until 3/18/11. At that time, if necessary, the applicant may again request a subsequent one-year extension of Concept Plat approval.

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

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

Staff reports that there have been no such pertinent changes.²

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

The completion of the new Route 40 sewerage pump station removes the capacity issue previously delaying this development. The Department of Public Works has no objection to the Planning Commission granting a one-year extension to the concept plat approval for this project. With that said, all of the Department's comments made at the January 16, 2007 Planning Commission meeting remain applicable to this extension request. We will not re-read those comments at this time, but they will appear in the minutes for record. The applicant is reminded of the May 4, 2010 deadline for the new SWM and E&S Plans Ordinance.

1. A SWM plan; Road and Storm Drain plan; Sanitary Sewer Plan; and a Mass and Final Grading plan must be approved by the CCDPW prior to submittal for Final Plat Approval.
2. The downstream conveyance of storm water must be analyzed in accordance with Section 251-9 A. (5) of the county's SWM Ordinance.
3. If storm water discharge is directed off of the site on to adjacent properties it is the responsibility of the Developer to obtain appropriate easements from the owners of the affected properties per Section 251-13 of the Cecil County Stormwater Management Ordinance.
4. The 20' wide access, between Lots 99 & 100 serving the SWM facility adjacent to Lots 100-109 may need to be wider if it is also used for conveyance of storm water.
5. Re-submit the sight distance measurements for the proposed entrance locations prior to preliminary plat review by the TAC. Vegetative clearing will likely be necessary at both entrances. A knoll exists approximately 200' north of the southern entrance; this will likely have to be removed by the developer. Similarly, there is a knoll some half mile south of the southern entrance that will become increasingly of concern with the

¹ As of 8/21/07, extensions ran for one year from the anniversary date if the original approval rather than one year from the date of the granting of the extension.

² The zoning classification has **not changed**, the property is **not in** the Critical Area, and minor amendments to the Comprehensive Plan, the Zoning Ordinance, and the Subdivision Regulations have **no impact** upon the approved Concept Plat, and **no relevance** to its extension.

significant added traffic on Marley Road and the Applicant's Engineer must address it with a recommended solution.

6. All off-site road improvements, associated with the proposed development, required in Section 3.07 of the Road Code and identified in the offsite road condition survey and improvements plan 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.
7. Section 3.07.15 of the Road Code requires that Marley Road be upgraded to a Minor Collector Road or equivalent standard for 100' either side of the proposed entrance locations. As Marley road has just been repaved the Department will identify 200' of road improvements on an adjacent road.
8. The design engineer must address the requirement for minimum acceleration, deceleration, and bypass lanes. Any right-of-way acquisition necessary shall be performed by the applicant and at the applicant's expense. The developer must make a legitimate good faith effort to obtain all ROW required to accomplish these improvements. This effort must conform to Section 3.07.15 of the Road Code Guidance Manual. The applicant may seek a variance to these requirements if after these efforts the applicant is unable to obtain the necessary ROW.
9. The addition of 148 homes to Marley Road (95% of which will likely access the Route 40 intersection) will add an estimated 1480 daily trip ends to Marley Road. As such, a Protocol 3 offsite road condition survey and improvements plan of Marley Road from the northern subdivision entrance to Route 40 must be submitted to the Department of Public Works prior to preliminary plat submittal to the Technical Advisory Committee. Applicant's engineer is encouraged to meet with the Department prior to preparing any road condition survey to establish an appropriate scope.
10. The proposed cul-de-sacs are in non-compliance with Standard Detail R-14 of the Road Code (bulb diameter).
11. Closed section road design is required per Section 2.07 of the Road Code. If open section street design is proposed, a substantiated Road Code variance request must be presented by the applicant.
12. Any applicable Road Code Variances must be requested prior to submittal for Preliminary Plat approval.
13. Per the Department's September 1, 2006 Memorandum the minimum pavement width is 30' for minor roads and 36' for minor collector roads when lot sizes are > 10,000sf <30,000sf.
14. Geo-technical analysis of all road crossings of wetlands/streams, to determine suitability of the sub-base to support a county road, is required. This analysis must be included in the road & storm drain design submittal.
15. If construction of this development is phased, the Department strongly recommends that the Planning Commission require the applicant to obtain the stream crossing permitting during the first phase to ensure that the connectivity will be achieved.
16. The minimum horizontal curvature radius for a Minor Road is 200'.
17. All lots with access to a cul-de-sac street must be denied access to the main street; these include Lots 11, 21, 25, 41, 33, 77, and 93.
18. Deny access to Lot 148 except for the northern 30' of frontage. Deny lot 72 on curved portion of frontage. Deny Lot 17 for Meadow Hall Road.
19. 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.

20. Where determined necessary by the utility companies, the owner, the designer, or DPW, utilities poles must be relocated at the Owner's expense.
21. Limits of fee simple ownership must be determined by the applicant for the two proposed entrances and dedication language must be added.
22. A school bus turnaround must be provided during the first phase of development.
23. If sidewalks are required by the Planning Commission, the Final Plats should include a note indicating that sidewalks maintenance will be required of the adjacent property owner, as required by the Cecil County Road Code.
24. In TAC, the Department required that the loop road connecting the two proposed entrances continue as a Minor Collector Standard throughout. Upon further evaluation, it may be permissible to transition from a 60' ROW to a 50' ROW at the western limit of Lot 93 and the western limit of Lot 21, with a 50' transition in pavement width. The applicant must address this in a substantiated Road Code Waiver request.
25. All lots proposed to access the internal minor collector subdivision streets must have provisions for on lot driveway turn-arounds on the final lot grading plans. Minor Collector streets are not intended to serve as primary access to abutting lots.
26. A Sanitary Sewer submittal must be approved by the DPW for the sewer improvements prior to submittal for Final Plat Approval.
27. Sewer capacity is not available at this time. The applicant must demonstrate that sufficient build-out capacity exists for the existing gravity sewer line along Route 40 (including consideration of other proposed projects) and the Route 40 SPS must be upgraded before sewer allocation can be made for this and other similar projects along the corridor.
28. An Inspection and Maintenance Agreement will be required for the SWM facilities.
29. A PWA will be required for internal streets, stormdrains, sanitary sewers, and any private utility improvements.

Mr. Doordan read the comments of the Health Department:

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

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 one-year extension of Concept Plat approval, to expire on 3/18/11.

A motion for the granting of a one-year extension was made by Mr. Janusz and seconded by Mr. Doordan.

All approve. Motion carried.

2. Kirks Mill Manor, Phase II, Lots 1-3, Kirks Mill Lane, Final Plat, American Engineering and Surveying, Inc., Ninth Election District.

Stan Granger and Kordell Wilen, American Engineering and Paul Granger, 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

The original Concept Plat proposing a total of 15 lots on 96.36 acres, for a proposed density of 1/6.42, was originally approved on 12/19/05, conditioned on:

- 1) The boundary line survey being completed prior to the TAC's review of the Preliminary Plat;
- 2) The JD being completed prior to the Planning Commission's review of the Preliminary Plat;
- 3) Common open space being labeled and referenced as such;
- 4) Fee simple access to the proposed common open space being shown on the Preliminary Plat.
- 5) All bufferyards being shown on the Preliminary Plat;
- 6) The proposed Paul's Court being labeled a private mini-road on the Preliminary Plat; and
- 7) The contiguous operating farms notice being provided on the Preliminary Plat.

The revised Concept Plat, with the same density but a significantly new layout was approved on 7/19/06, conditioned on:

- 1) The JD being completed prior to the Planning Commission's review of the Preliminary Plat;
- 2) Common open space being labeled and referenced as such;
- 3) The stream buffer being expanded as necessary;
- 4) All bufferyards being shown on the Preliminary Plat;
- 5) The Bufferyard A on proposed Lots 13-15 being reconfigured to be consistent with §187.3;
- 6) The contiguous operating farms notice being provided on the Preliminary Plat; and
- 7) Sight distance for the proposed Lot 1 access being approved prior to the TAC's review of the Preliminary Plat.

The Preliminary Plat was approved on 11/20/06, conditioned on:

- 1) Health Department requirements being met;
- 2) DPW requirements being met;
- 3) The FCP and Landscape Plan being approved prior to Final Plat review; and
- 4) Documentation of the completed JD being submitted prior to Final Plat if JDs are once again performed.

The Phase 1, Lots 5 & 15, Final Plat was approved on 9/15/08 and recorded 11/12/08 (extending Preliminary Plat approval until 11/12/10).

This Phase 2, Lots 1-3, Final Plat is generally consistent with the approved Concept and Preliminary Plats.

On slopes between 15 & 25%, good engineering practices shall be used to ensure sediment and erosion control and slope stabilization before, during and after disturbance activities.³

The 110' perennial stream 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'.

Stream and non-tidal wetland buffers have not been labeled.

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

³ The Cecil County Subdivision Regulations define steep slopes as "15 percent or greater incline." The Cecil County Zoning Ordinance defines steep slopes as consisting of a grade of 25% or more covering a contiguous area of 10,000 ft² or more. The Cecil County Forest Conservation Regulations define steep slopes as "areas with slopes greater than 25 percent slope."

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.

There are no habitats of rare, threatened, and endangered species on site. No landscaping of the development envelope is required in the NAR zone. Bufferyard Standard C is required, outside the right-of-way, along the road frontages of MD 274.

The FSD has been approved. The PFCP was approved on 9/15/06.

The FCP/Landscape Plan was approved on 1/22/10. What is the nature of the §3.2N exemption claimed in General Note # 6? Mr. Granger said the note should not be on the plat.

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 Record Plats.

15% common open space is required; approximately 17% (was almost 25%) was proposed. In what phase is the common open space proposed to be included? Mr. Granger said it would be in Phase 3.

Add-on Parcels A & B have not been identified on the Plat.

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.

The lot boundaries depicted on sheets 1 & 3 do not match those on sheet 2. Which configuration is correct?

The contiguous operating farms notice has not been provided on the plat, as it was for Phase 1.

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:

All required plans are technically complete and only administrative issues, including agreements and fees remain outstanding. Submit a check print prior to submitting the record plat for signature.

Mr. Doordan read the comments of the Health Department:

A Groundwater Appropriation Permit Exemption has been filed with Maryland Department of the Environment. Final plat can be satisfactory with submission of a revised 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 Department requirements being met;
- 2) DPW requirements being met;
- 3) The Landscape Agreement's being executed prior to Final Plat recordation;
- 4) 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 & bounds description of the FRA being shown on the Record Plat;
- 5) 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;
- 6) The discrepancy in lot boundaries being corrected on the Record Plat;
- 7) The contiguous operating farms notice being provided on the Record Plat;
- 8) Add-on Parcels A & B being identified on the Record Plat;
- 9) The apparent discrepancy between FCP data and General Note # 6 being resolved prior to Recordation;
- 10) Stream buffers being labeled on the Record Plat; and
- 11) Non-tidal wetland buffers being labeled on the Record Plat.

Discussion ensued regarding the number of conditions of approval.

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

All approve. Motion carried.

3. Stoney Brook Knoll, Lots 1-40, Liberty Grove Road, Preliminary Plat Extension, McCrone, Inc., Sixth Election District.

Don Sutton, McCrone, Inc., and Steve Balderston, 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 and §3.9.1 regarding public notification.

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The Concept Plat, proposing 41 lots on 124.5 acres, was approved at the bonus density of 1/3.03 on 6/20/05, conditioned on:

- 1) The JD being completed prior to the Planning Commission's review of the Preliminary Plat;
- 2) The boundary line survey being completed prior to the TAC's review of the Preliminary Plat;
- 3) A Traffic Impact Study being completed prior to Preliminary Plat review by the TAC.

The Preliminary Plat, proposing 40 lots on 120.29 acres, at a density of 1/3.01, was approved on 5/15/06, conditioned on:

- 1) Health Department requirements being met;
- 2) DPW requirements being met;
- 3) All questions regarding the TIS being satisfactorily resolved prior to Final Plat review;
- 4) All details on the FSD, FCP, and Final Plat being consistent with one another;

- 5) The FCP and Landscape Plan being approved prior to Final Plat review;
- 6) The adjacent agricultural operation notice's appearing on the Final and Record Plats;
- 7) Deed restrictions for the long-term protection of the Forest Retention/Afforestation Areas (FRAs) being recorded and noted on the plat prior to recordation, with the metes and bounds description of the FRA being shown on the Final and Record Plats; and
- 8) The contiguous operating farms notice being provided on the Final and Record Plats.

§4.1.17 of the Subdivision Regulations provides that Preliminary Plats shall be valid for two years from date of approval. Therefore, extensions were granted on 4/21/08 and 3/16/09. Unless another is granted, or a Final Plat is approved and recorded in the interim, Preliminary Plat approval will expire on 3/16/10.

If another extension is granted, then the Preliminary Plat approval will be extended until 2/16/12.

§4.1.18 of the Cecil County Subdivision Regulations 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 the extension as requested. The previous comments from the May 15, 2006 Planning Commission meeting still apply and will be entered into the record but will not be read at this time. The applicant is reminded of the May 4, 2010 deadline for the new SWM Ordinance and the project will have to conform to the new Road Code requirements.

1. The revised TIS and a road condition survey of Liberty Grove Road have been submitted and have been reviewed. The Department has an issue with the distribution routing of site generated traffic in the TIS, specifically the assertion that 70% will take Liberty Grove Road south beyond Dr. Jack Road. There's a strong likelihood more traffic will use Dr. Jack Road to access MD 276. The Department does not foresee the need for offsite road improvements beyond those required for obtaining adequate sight distance and the requirements of Road Code Section 3.07.15.
2. 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.
3. The Deceleration lane and offsite road improvements under Road Code Section 3.07.15 to the south of the proposed Liberty Grove Road access location must accommodate and be extended to join the Liberty Grove Road improvements designed for the Murphy's Run subdivision.
4. New intersection/entrance signage will be required along Liberty Grove Road.
5. Extend the public closed storm drainage system outfalls between lots 34&35, 2&4, and 15&16 to stone outfall protections located beyond the rear yard and lot building envelopes. All common open space drainage swales, ditches, and constructed runoff conveyances designed for stormwater management shall be located within a private stormwater management and access easement, which must be shown on the final plat.
6. Show a private easement and dedication note for the fire company draft tank.
7. Any stormwater management facilities discharging to the Basin Run watershed shall be designed to meet Stream class III and IV standards in the 2000 Maryland Stormwater Design Manual (specifically addresses thermal impacts).

8. The fees for design review of this project must be provided at the time of first design submittals.
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:
 - 8.1 The Final Plat Lot Grading 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 Compliance with Section 3.07.15 of the Cecil County Road Code.
 - 8.4 Requirements for Utility relocations.
 - 8.5 Requirements for Public Works Agreements.
 - 8.6 Requirements for Stormwater Inspection and Maintenance Agreements.
 - 8.7 Requirements for Stopping Sight Distance measurements.
 - 8.8 Requirements for County Roads.
 - 8.9 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. Section 3.07.15 of the Road Code requires that Liberty Grove Road be upgraded to a Minor Collector Road standard 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 construction.
6. An Inspection & Maintenance Agreement is required for the private SWM facilities.
7. Applicant must provide stopping sight distance measurements for the Liberty Grove Road access to DPW prior to preliminary plat submittal. Please mark the proposed entrance location in the field by flagging or stake on the roadside bank.
8. 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.
9. All driveways must be paved at least to the right of way. The driveway paving must be complete for all lots at the time when the surface course for the internal roads is installed. This requirement includes any vacant but platted lots. Any driveway exceeding 5% up-gradient-slope from the roadway must be paved to the crest. If the development is phased these requirements will apply to each phase when 80% of the lots are built-out. All of these requirements must be reflected on the Lot Grading Plan.

Mr. Doordan read the comments of the Health Department:

The Health Department has no objection to preliminary plat extension. Applicant is reminded of previous Health Department comments which must be addressed.

Chairman Mortimer asked if anyone would like to speak in favor or in opposition of this project. Charles Hertzog, 56 McCush Drive, spoke in opposition of this project.

Mr. Di Giacomo read the recommendation of the staff:

The granting of a two- year extension of Preliminary Plat approval, to expire on 2/16/12.

A motion for the granting of an extension was made by Mr. Doordan and seconded by Mr. Edwards. The sole vote in opposition of the granting of an extension was made by Mr. Wallace.

Motion carried.

4. Glennas Heights, Lots 1025, Johnson Road, Preliminary Plat Extension, Stantec Consulting Services, Inc., Eighth Election District.

John Brants, Stantec Consulting Services, 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’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,⁴ proposing 25 lots on 70.26 acres, was approved on 6/21/04, conditioned on:

- 1) The JD being completed prior to Preliminary Plat review by the Planning Commission;
- 2) The mini road name being approved prior to Preliminary Plat review by the Planning Commission;
- 3) A sensitive species survey being completed prior to Preliminary Plat review by the TAC;
- 4) The acreages of all parcels and deed parcels being included on the plat prior to Preliminary Plat review by the TAC;
- 5) All streams and buffers being clearly delineated on the Preliminary Plat; and
- 6) The Final Plat reflecting that this project is in Cecil County.

The Preliminary Plat was approved on 10/18/04, conditioned on:

- 1) Health Department requirements being met;
- 2) DPW requirements being met;
- 3) All sensitive species protective buffers being shown on the Final Plat;
- 4) The FCP and Landscape Plan being approved prior to Final plat review;
- 5) The Details on the Final Plat and the FCP and Landscape Plan matching up; and
- 6) Per §174.1(a), no SWM facility outfall areas being located in any stream buffers.

§4.1.17 provides that Preliminary Plats shall be valid for two years from date of approval. Therefore, 1-year extensions of the 10/18/04 Preliminary Plat approval were granted on 5/16/06, 2/20/07, 2/20/08, and 2/17/09 the last of which will expire on 2/17/10. If granted, this extension would expire on 2/16/12.

§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:

⁴ It invoked the minor subdivision potential of 1 of the deed parcels. Therefore, 4 of the proposed lots could be minor subdivision lots, and the density was calculated as follows:

Total site area is	70.26 ac.
4 potential minor sub lots	<u>-4.00</u> ac.
Remaining site area	66.26 ac.

1 unit/3 acres: 66.26 /3	= 22 lots (density of 1/3.113, <u>1/3.155</u> for 21 lots)
Add minor subs	= 4 lots
TOTAL ALLOWED LOTS	= 26
TOTAL PROPOSED LOTS	= 25

- 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 July 16, 2007 Planning Commission meeting still apply. Those comments will be made part of the minutes but not be read at is time. The applicant is reminded of the May 4, 2010 deadline for the new SWM Ordinance.

1. A SWM plan, Road & Storm Drain plan, and a Mass & Final Grading plan must be approved by the CCDPW prior to submittal for Final Plat Approval. The Final Plat must include the standard note recognizing the applicability of the Lot Grading Plans, which will appear in the minutes but will not be read at this time. (“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 Reforestation will require a consistency review, of the SWM approval, with CCDPW.”)
2. The Lot Grading Plan must include the standard note addressing the limits of construction, which will appear in the minutes but will not be read at this time. (“No clearing or grading is permitted beyond the limits of disturbance show hereon. Any expanded clearing and/or grading in the absence of an approved revised lot grading plan may be considered non-compliance with Chapter 251 of the Cecil County Code and either or both the developer and/or Builder may be subject to the enforcement of the penalty provisions therein.”)
3. The stream you propose to discharge the pond to be a tributary of the Octoraro Creek, which has a Stream Segment Use Designation of IV-P (Recreational Trout Waters). The Engineer is cautioned that Chapter 3, Section 3.1.1 of the 2000 Maryland Stormwater Design Manual, Volume I states “The use of stormwater ponds on coldwater streams capable of supporting trout (Use III and IV) may be prohibited. Stormwater ponds located in Use III and IV watersheds should be designed to significantly reduce and/or eliminate thermal impacts. Refer to Chapter 4, Section 4.1 of the 2000 Maryland Stormwater Design Manual, Volume I.”
4. If stormwater discharge is directed off of the site on to adjacent property it is the responsibility of the Developer to obtain appropriate easements from the affected property owners per Section 251-13 of the Cecil County SWM Ordinance.
5. The downstream conveyance of storm water must be analyzed in accordance with Section 251-9 A. (5) of the county’s SWM Ordinance.
6. Sight distance measurements must be provided to the DPW to establish compliance with the Cecil County Road Code.
7. Sight distance measurements for the proposed entrance have been submitted and are acceptable.
8. Section 3.07.4 of the Cecil County Road Code requires that Cobble Drive intersect Johnson Road at 90°. An intersecting angle between 70° and 90° can be accepted if adequately justified by the designer. This justification has not yet been made, to our knowledge. Perhaps the designer can address that at this time?
9. Where determined necessary by the utility companies, the owner, the designer, or DPW, utilities poles must be relocated at the Owner’s expense.
10. Section 3.07.15 of the Road Code nominally directs that Johnson Road be upgraded to a Minor Collector Standard for a distance of 100’ either side of the point of intersection between Johnson Road and Cobble Drive.

11. However, the Department anticipates that the addition of some 230 trips per day will require substantial off-site roadwork beyond the limits set by Section 3.07. 15. Existing wetlands may complicate this off-site work.
12. The Developer must address improvements to Johnson Road extending 900' west and 1,300' east of the proposed entrance. The improvements will require repair of areas of failed sub-grade identified by the Department, installation and or replacement of cross culverts, re-establishment of adequate roadside drainage, and overlay of Johnson Road at a minimum 1¹/₂" at the edges effecting a 3% cross slope for the entire 2,200'.
13. The Department will require substantial Geo-tech investigation of the suitability of the sub-grade, along the proposed roadway, to support a County road. The area of this investigation runs from the area of the proposed SWM facility to the intersection with Johnson Road.
14. Regardless of phasing, the Department will not accept the internal roads until 80% of all the lots are complete, unless the Developer includes a separate, dedicated construction entrance beyond the first phase of construction.
15. The island within the Cobble Drive cul-de-sac bulb must be outside of the County ROW and so indicated as is done with the intermediate turnaround.
16. The requirements of Section 4.1.22 m & n must be addressed on the preliminary plat.
17. The private mini-road proposed must meet the requirements spelled out in Section 2.13 of the Road Code. These requirements include placing a statement, on the approved Final Plat that clearly outlines the responsibilities of the Mini-Road Maintenance Association in the maintenance of roads and storm drainage systems. The recommended wording will appear in the minutes, but will not be read at this time: (The proposed internal roads will not be dedicated for public ownership or maintenance. The Mini-Road Maintenance Association shall retain title to the road and all maintenance responsibilities.).
18. The Private Mini-Road must be terminated in a cul-de-sac in accordance with Road Code Standard R-15.
19. The Developer must provide evidence of BG&E's approval of the mini-road design and crossing prior to Final Plat approval.
20. The BGE gas line must be identified on the plat.
21. The cul-de-sac does not meet the radius requirements of Road Code Standard (R-14). The radius of the ROW line must be 75' verses the 65' graphically shown.
22. The length of Cobble Drive requires that an intermediate turnaround be provided. Is the island median section of road adjacent to Lot 23 proposed to meet this requirement? Road Code Standard R-16 details the approved geometry for this. However the Department is open to possible alternatives if substantiated by a Road Code Variance request.
23. Any applicable Road Code Variance must be requested prior to submittal for Preliminary Plat approval.
24. All driveways as well as the mini-road connection to the cul-de-sac must be paved at least to the right of way and this must be so indicated on the Lot Grading Plan.
25. It appears that the property line bisects two existing structures on Lot 24. What is proposed for these structures?
26. The 2003 aerial photo of this site indicates that there are existing drives interconnecting Lot 24 with the Lands of Halsey. Please clarify what is proposed for these.
27. An Inspection and Maintenance Agreement will be required for the SWM facilities.
28. A PWA will be required for internal streets and storm drains.

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: the Groundwater Appropriation Permit has expired. A new Groundwater Appropriation Permit must be issued prior to final plat approval.

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- year extension of Preliminary Plat approval, to expire on 2/16/12.

A motion for the granting of an extension was made by Mr. Doordan and seconded by Mr. Janusz.

All approve. Motion carried.

5. Racine Property, Lots 1-54, Washington Schoolhouse and Theodore Roads, Final Plat, Wilson Deegan & Associates, Inc., Fifth Election District.

Jeff Deegan, Wilson Deegan & 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 Concept Plat⁵ (60 lots on 180.77 acres, at a density of 1/3.01) was approved on 8/19/02, conditioned on:

- 1) The calculations and LOS projections being revised (to take the athletic fields on Bard Cameron Road into account) the prior to the submission of the Preliminary Plat for TAC review;
- 2) A boundary line survey being done prior to submission of the Preliminary Plat;
- 3) Discrepancies in the depictions of wetland and wooded areas being rectified prior to the submission of the Preliminary Plat for TAC review;
- 4) General and Legend Notes being corrected prior to the submission of the Preliminary Plat for TAC review;
- 5) Proposed Road names being approved prior to the submission of the Preliminary Plat for Planning Commission review;
- 6) A Jurisdictional Determination being done prior to Preliminary Plat review by the Planning Commission; and
- 7) An area table being included in the Preliminary Plat submitted for TAC review.

The Preliminary Plat, proposing only 54 lots on 181.71 acres, was approved on 7/19/04, conditioned on:

- 1) Health Department requirements being met;
- 2) DPW requirements being met;
- 3) A Final Plat check print being approved prior to submission of the Final Plat for Planning Commission review;
- 4) All acreage discrepancies being resolved on the Final Plat;

⁵ A similar Concept Plat proposal was tabled by the Planning Commission on 7/16/01, pending:

- 1) Receipt of the Natural Heritage letter and the approval of the Forest Stand Delineation, and
- 2) A Traffic Impact Study being performed on Theodore Road and Washington Schoolhouse Road in the vicinity of the proposed development.

Subsequently, that similar Concept Plat proposal was DISAPPROVED on 6/17/02. The Planning Commission wanted the developer to relocate the entrance to Drive B from Washington Schoolhouse Road to Theodore Road.

- 5) The FRAs being depicted on the Final Plat;
- 6) A note to the effect that proposed Lot 37 must be denied access to Washington Schoolhouse Road being included on the Final Plat;
- 7) A note to that effect that proposed Lot 36 cannot be further subdivided appearing on the Final Plat;
- 8) The FCP and Landscape Plan being approved prior to Final Plat review;
- 9) All details of the FCP and Landscape Plan matching those of the Final Plat;
- 10) Documentation of any required formal agreement between the developer and the utility to cross the utility easement being received prior to Final Plat approval;
- 11) Consistent with §186.1, the 10' street tree planting easement being depicted and/or noted on the Final Plat; and
- 12) A mid-block turnaround being included on the Final Plat design for Farmstead Drive.

§4.1.17 of the Subdivision Regulations provides that Preliminary Plats shall be valid for two years from date of approval. Therefore, per §4.1.18, the 7/19/04 Preliminary Plat approval was granted one year extensions on 5/15/06, 5/21/07, 5/19/08, and 5/18/09 (set to expire on 5/18/11).⁶

Regarding §2.6, is “Racine Property” the name by which this subdivision shall be known? Mr. Deegan said yes.

This Final Plat is generally consistent with the approved Concept and Preliminary Plats.

The proposed large lot (36) is 50.44 acres, or 27.52% of the total area. The total proposed common open space is 34.2%; thus bonus density eligibility has been maintained.

All common open space areas have been labeled as “common open space” on all sheets.

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

Rows of street trees with 10' planting easements are required, outside the right-of-way, along both sides of all internal roads. The 10' street tree planting easement for proposed Lots 32-35 must be labeled on the recordation plat.

Bufferyard Standard A is required to be planted along the lot lines of proposed lots 45-47 to buffer adjacent agricultural uses. The appropriate 100' setback is not shown on Lot 45.

The contiguous operating farm notice is included as Note # 4.

The FSD was approved on 6/5/02; the PFCP was been approved on 7/16/05 and revised on 11/4/05.

The FCP was approved on 3/14/08 and Landscape Plan was approved on 3/7/08.

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.

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

⁶ Even if this Final Plat is approved today, unless it is recorded by 5/19/09, the Preliminary Plat technically will expire on 5/19/09.

Per previous comments & conditions, the utility easement's owner (AT&T) is provided on the Final Plat, and documentation related to a formal agreement (between the developer and AT&T) to cross the utility easement was received on 4/14/08.

Covenants prohibiting the subdivision of the large lot must be recorded and noted on the plat prior to recordation. Note # 8 on Sheet 6 of 7 will suffice on the plat.

A groundwater appropriation and use permit (GAP) has been obtained.

Proposed Lot 37 must be denied access to Washington Schoolhouse Road. A note to that effect must appear on the Record Plat.

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.

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

All plans are technically complete and only administrative issues remain outstanding. All easements identified on the design plans must be reflected on the record plat. Submit a record plat check print to the Department for continuity review prior to submitting the mylars for signature. The DPW will not sign the record plat until these issues have been addressed to the satisfaction of the Department and an approved GAP has been granted by the MDE. The Applicant must be aware that if the SWM and E&S plans for this project are not approved (i.e. signed) by May 4th 2010 the new Ordinance will apply and the SWM plan must be re-designed to meet its requirements.

Mr. Doordan read the comments of the Health Department:

A Groundwater Appropriation Permit has been issued by Maryland Department of the Environment for 54 lots.

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 appropriate 100' building setback again being shown on Lot 45 on the Record Plat;
- 4) The note to the effect that proposed Lot 37 is denied direct access to Washington Schoolhouse Road being repeated on the Record Plat;
- 5) Deed restrictions prohibiting any further subdivision of Lot 36 being recorded and noted on the plat prior to recordation;
- 6) Recordation of any required formal agreement between the developer and the utility to cross the utility easement being received prior to recordation;
- 7) The 10' street tree planting easement again being depicted and/or noted on the Record Plat for all lots, including clear labeling of the 10' street tree planting easement for proposed Lots 32-35;
- 8) Deed restrictions for the long-term protection of the street trees and Forest Retention/Afforestation Areas (FRAs) being recorded and noted on the plat prior to recordation, with the metes and bounds description of the FRA being shown on the Record Plat;
- 9) 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;
- 10) The contiguous operating farm notice again being included on the Record Plat;
- 11) The Landscape Agreement being executed prior to recordation;

- 12) Any required CoE/MDE permits being obtained prior to recordation; and
- 13) The record Plat's being signed and sealed.

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

Discussion ensued regarding the number of conditions of approval.

All approve. Motion carried.

6. Draft Comprehensive Plan recommendation to the Board of County Commissioners.

Mr. Wallace made a motion to propose a 75 ft. buffer around non-tidal wetlands larger than 2500 sq. ft. in all areas outside the designated growth area and for the appropriate changes to be made to in all sections of Chapter 7 relating to this buffer size.

The motion was seconded by Mr. Wiggins.

Members in favor of the motion include, Mr. Wallace, Mr. Wiggins and Mr. Janusz.

Members in opposition of the motion include, Mr. Doordan, Mr. Edwards and Chairman Mortimer.
No decision was made.

Mr. Doordan made a motion to recommend an approval for the adoption of the Draft Comprehensive Plan with the final compendium changes. No second was made; motion died for lack of second.

Mr. Edwards made a motion to propose a 75 ft. buffer around non-tidal wetlands larger than 5000 sq. ft. in all areas outside the designated growth area and for the appropriate changes to be made to in all sections of Chapter 7 relating to this buffer size. The motion was seconded by Mr. Janusz.

Members in favor of the motion include, Mr. Edwards, Mr. Wallace, Mr. Janusz and Mr. Wiggins.

The sole vote in opposition was made by Mr. Doordan.

Motion carried.

Mr. Wallace made a motion for approval of the Draft Comprehensive Plan with the compendium of changes, as amended by Mr. Edwards' motion and to recommend that the Board of County Commissioners adopt the draft as amended by the compendium.

At this time, a member of the audience asked if public comment would be heard. Chairman Mortimer explained that the next public comment opportunity would be heard at the Board of County Commissioners meeting, in March.

The motion was seconded by Mr. Edwards.

Members in favor of the motion include, Mr. Edwards, Mr. Wallace, Mr. Janusz and Mr. Wiggins.

The sole vote in opposition was made by Mr. Doordan.

The February Planning Commission meeting adjourned at 12:54 p.m., motioned by Mr. Doordan and seconded by Mr. Wallace.

Respectfully Submitted:

Jennifer Bakeoven