

CECIL COUNTY PLANNING COMMISSION

Meeting Minutes

March 15, 2010

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

Absent: Bill Mortimer, Chairman.

Call to Order: Vice Chair Doordan called the meeting to order at 12:01 p.m.

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

1. FY 2011-2015, Capital Improvement Program, Craig Whiteford.

Alfred C. Wein, County Administrator, along with Craig Whiteford, Budget Manager and Scott Flanigan, Director of Public Works, presented the Capital Improvements Program. Mr. Whiteford made reference to various sections of the summary that was provided to the commission members. Mr. Whiteford also explained that, when looking at the figures, the further out you go, the less likely it is to happen that way. This proposal will be considerable less than the commission has seen in some time. This is based on the county's best analysis of economic conditions at the present time and what they project those to be in the future. Mr. Whiteford stated that it is safe to say that the county will realize some revenue declines in FY 2011 and beyond. They are projecting minimal, if any economic growth. The real estate market continues to be suppressed and that negatively impacts our new construction and recordation revenues. Assessment data reflects an overall 14% decline in value for the assessed areas. Revenues are expected to remain neutral for 2011. Mr. Whiteford explained that other counties in Maryland have reported declines in income tax receipts but in Cecil County, a combination of conservative budgeting and what appears to be, better than many subdivision receipts, say that we will still make about 98% of our budget there.

At this point, Mr. Whiteford went over some items that are not necessarily reflected in this CIP or in the projections going forward. They are as follows: the potential impact of some legislation, the legislators are dealing with legislation that could limit setting tax raise beyond the constant yield tax rate. There is also budgetary actions proposed that may pass a portion of the teachers pensions back to the county. If that were to happen, the county would scale back the CIP further. This proposal also does not take into account a potential budget balancing action to eliminate our revenues or reimbursements associated with our Live In / Work Out program at the jail.

At this point, the commission asked questions regarding the proposals concerning bridges, wastewater projects, sewage extensions along MD Route 40, Public School renovations, Perryville Elementary Special Education program, with Perry Willis, CCPS, providing input.

No comments required from DPW and the Health Department.

Vice Chair Doordan asked if anyone would like to speak in favor or in opposition of the CIP, as proposed. No one spoke.

Mr. Sennstrom stated that staff recommends the approval of the CIP as proposed.

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

All approve. Motion carried.

(A copy of the proposal can be found in the Office of Planning and Zoning.)

2. Larson's Estates of Skyview, Lots 1-8, Skyview Road, Final 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.

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 1/5.1¹, 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.

Zoning: NAR

Density: The NAR zone permits a density of 1 du/ 10 ac. 5 of the 8 proposed lots are minor subdivision lots. The total acreage is 39.41 acres.

The new Concept Plat was approved on 1/20/10, conditioned on:

¹ Bonus density was not sought.

- 1) Any applicable, outstanding conditions of the prior approval being met.

The new Preliminary Plat was also approved on 1/20/10, 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.

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

No common open space is required; 1.6288 are proposed for stormwater management and the cul-de-sac bulb.

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 ft² 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.²

Areas of steep slopes 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 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) empowered the Planning Commission to grant the requested waiver, since the proposed disturbance is minimized.

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.

² The Cecil County Subdivision Regulations define steep slopes as "15 percent or greater incline." The Cecil County Zoning Ordinance defines steep slopes as consisting of a grade of 25% or more covering a contiguous area of 10,000 ft² or more. The Cecil County Forest Conservation Regulations define steep slopes as "areas with slopes greater than 25 percent slope."

A 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 10' street tree planting easement has been shown.

The FSD was approved on 5/2/06. The Preliminary Forest Conservation Plan (PFCP) was approved on 8/28/06.

The revised final Forest Conservation Plan (FCP) /Landscape Plan was approved on 11/30/09.

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.

The two areas subject to prior agreements of sale must be shown with add-on hooks.

The contiguous operating farms notice has been provided on the plat as General Note #13.

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

All required plans are technically complete and only administrative issues remain outstanding. The Department will not sign the final plat until all these issues are satisfactorily addressed. Submit a check print prior to submitting the record plat for signature.

Mr. Wiggins read the comments of the Health Department:

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

The existing well on lot 8 must be abandoned and sealed by a licensed well driller prior to record plat approval.

The Health Department cannot approve the creation of free-standing "out-parcels". Plat can be satisfactory if the record plat shows these areas being legally added to adjoining parcels.

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

Mr. Di Giacomo read the recommendation of the staff:

APPROVAL, conditioned on:

- 1) Health Department requirements being met;

- 2) DPW requirements being met;
- 3) The adjacent agricultural operation notice again being placed on the Record Plat;
- 4) 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 Plats;
- 5) The Landscape Agreement's being executed prior to recordation;
- 6) The Homeowners' Association being established, with \$50 per recorded lot being placed in escrow for improvements, prior to recordation; and
- 7) The two areas subject to prior agreements of sale being shown with add-on hooks on the Record Plat.

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

All approve. Motion carried.

3. The Mews at North East Creek, Lots 1-204, Mechanics Valley 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 project is in compliance with §3.8 and §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

The Concept Plat, proposing 205 lots on 171.0 acres, for a proposed density of 1.2/1, was approved on 12/20/04, conditioned on:

- 1) A JD being completed prior to the Planning Commission's review of the Preliminary Plat;
- 2) The Bufferyard C requirement on Mechanics Valley Road being modified to accommodate sight distance issues;
- 3) The TIS being updated prior to the TAC's review of the Preliminary Plat;
- 4) The monumental boulevard entrance configuration being extended back to Valley Vista Drive;
- 5) The current four stream crossing permits for Phase 1 being submitted to DPW prior to Final Plat review; and
- 6) Protective fencing being constructed to prohibit pedestrian access to the railroad.

The Preliminary Plat³, proposing 204 lots on 170.66 acres, was approved on 7/18/05, conditioned on:

- 1) Health Department requirements being met;
- 2) DPW requirements being met;
- 3) Verification of sewer allocation being received from DPW prior to final plat review;

³ A revised Preliminary Plat, still proposing 204 lots with a slightly different layout, was reviewed by the TAC on 3/5/08. It currently has no standing. The approval of a revised Preliminary Plat would extend Preliminary Plat approval for another 2 years, per §4.1.17.

- 4) Verifications of water allocation being obtained the Town of North East prior to Final Plat review;
- 5) The easement re-alignment agreement with AT&T being executed prior to final plat review;
- 6) The easement for a future greenway in the common open space being shown on the final plat; and
- 7) The access road to Guiberson and tract 2 being relocated or joint access easement being established on the final plat.

§4.1.17 provides that Preliminary Plats shall be valid for two years from date of approval. Therefore, per §4.1.18, 1-year extensions were granted on 5/21/07, 4/21/08 and 3/16/09. The last extension is set to expire on 3/16/10 unless either this requested extension is granted or a Final Plat is approved and recorded in the interim.

If another extension is granted, then the Preliminary Plat approval will be extended until 3/15/12.

§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 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 an extension to the preliminary plat approval for this project conditioned on the correction of the inconsistencies between the construction plans and this plat. The phase lines and several road names differ between the two. The sanitary sewer design plans must be resubmitted for review. With that said, the previous comments from the March 5, 2008 Technical Advisory Committee meeting still apply and will be entered into the record but will not be read at this time.

1. The Department understands that the Town of North East will own the water distribution system in this development. The CCDPW recommends that the water distribution system including fire hydrant locations be designed to meet or exceed the County’s standards. We also recommend that the Town request that the serving fire company review fire hydrant spacing and locations. The water lines must be reflected on the sanitary sewer plans and as-builts. All easements for the water lines must be reflected on the final plat.
2. A SWM plan, Road & Storm Drain plan, Sanitary Sewer plan and a Mass and Final Grading plan must be approved by the CCDPW prior to submittal for Final Plat Approval. 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. These notes will be identified in the record but will not be read at this time.

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.”

Final Plat: “Sidewalk maintenance will be required of the adjacent property owner, as required by the Cecil County Road Code.”

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.”

3. The downstream conveyance of storm water must be analyzed in accordance with Section 251-9 A. (5) of the county’s SWM Ordinance.
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 Sections 251-13 and 251-15.D of the Cecil County SWM Ordinance.
5. What is proposed at the storm drain outfall behind Lot 42?
6. Clearly identify the extent of the proposed SWM facilities located adjacent to Lot 62 and the Fuddy property.
7. You must place a note on the plat identifying the easement running through the rear of Lots 90-99 as a private drainage easement belonging to the HOA.
8. The plan is confusing in regards to identifying the boundaries of the proposed SWM inspection & maintenance (I&M) easements. All I&M easements need to be made clearer on the plat brought to the Planning Commission for review.
9. Identify the road grades for Mews Drive and West Court.
10. Final sight distance measurements along Mechanics Valley Road must be confirmed by the engineer as part to the offsite Road Improvements Plan engineering which must precede final plat submittal for Planning Commission review.
11. Where determined necessary by the utility companies, the owner, the designer, or DPW, utilities poles must be relocated at the Owner’s expense.
12. Construction entrance for Phase Two improvements should be South Falls Drive or from Mechanics Valley Road. This requirement is intended to minimize construction traffic impact to the community area of phase one development. Phase Three construction entrance should be at the Mechanics Valley Road entrance, with the intent to minimize phase three construction traffic impact on existing portions of the phase one and two community development.
13. The Department recommends that the Planning Commission condition their approval of Phase One final plat on the applicant having obtained the stream crossing permits for the entire subdivision layout.
14. All lots must front Minor Roads wherever possible.
15. All driveways must be paved at least to the right of way and those accessing Valley Vista Drive, Vista Creek Drive, and South Falls Drive, must be provided with on-lot turnaround capability (on the final lot grading plan). 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.
16. Lot frontage dimensions dictate that closed section road is used. Modified curb and gutter may be used internally, but standard curb will be required for the entrance(s) from at least the curb return PCs.
17. The village green, proposed with this layout, requires some type of decorative barrier, to separate the active recreation and/or tot lot usage from traffic lanes. The barrier is to be installed along their road frontages and maintained by the homeowner’s association.
18. Has the TIS been revised to address the existence of a second entrance into the development and how this impacts internal traffic distribution as well as trip distribution onto Mechanics Valley Road and U. S. Route 40?

19. A Road Condition Survey, as identified in the Department's Road Code Guidance Manual, is required for Mechanics Valley Road from 250' north of the entrance to the Maryland SHA owned part of the intersection with U.S. Route 40. The applicant's engineer submitted a condition survey and an initial road improvements proposal to the Department on May 5, 2005, with a subsequent addendum on July 8, 2005. The initial proposal is generally acceptable, but will remain subject to final engineering and departmental approval of the final proposal. We recommend planning commission condition their approval of this preliminary plat on the applicant providing offsite road improvements as identified by the department of public works, pursuant to satisfying the provisions of 2.7.1 of the subdivision regulations. The applicant will be responsible for all necessary right-of-way acquisition at their cost.
20. Engineering and plans for the phase three Mechanics Valley Road entrance and offsite road improvements must be complete and approvable to the Department of Public Works prior to phase two and/or phase three record plat approval by the department. The plan must address the acceleration, deceleration, and bypass lane requirements of the Cecil County Road Code.
21. The TIS identifies deficient guardrail at Mechanics Valley and Bouchelle road which must be upgraded and replaced as part of the offsite road improvements required of the Developer. Additionally, the engineer must incorporate the TIS improvement recommendations into the overall offsite road improvements proposal for Mechanics Valley Road.
22. The Route 40 pumping station is currently being upgraded and when complete will provide the required sewer service for this development. Completion is scheduled for July 2008.
23. The Department recommends that the Town require a PWA for the water lines and all water line easements required must be reflected on the final plat.
24. The County will require PWAs for the internal streets & storm drains and sanitary sewer work as well as an I&M Agreement for all SWM facilities.
25. What is the status of the AT&T easement relocation and removal of any existing conduit within the easement? The new easement layout along Vista Creek Drive, South Falls Drive, and Mechanics Court appears to conflict with intended county utility structures and future sidewalk alignment. Has AT&T indicated their intended use and restrictions for this easement? As proposed the easement crosses a great number of water & sewer house connections and service mains as well as storm drains. Provide copies of the AT&T relocation agreement to the County for review and acceptance prior to final plat recordation. The agreement must clearly spell out that these utilities are allowed in their easement.
26. What is the status of your public water allocation request with the Town of North East?

Mr. Wiggins read the comments of the Health Department:

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

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

Mr. Di Giacomo read the recommendation of the staff:

The **GRANTING** of a two (2) year extension of Preliminary Plat approval, to expire on 3/15/12.

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

The motion was seconded by Mr. Wallace.

All approve. Motion carried.

4. Bayhead Shore Estates, Lots 1-74, Carpenters Point Road, Preliminary Plat Extension, Morris & Ritchie Associates, Inc., Fifth Election District.

James Keefer, Morris & Ritchie Associates, Inc., appeared and presented an overview of the project. Mr. Di Giacomo, P&Z, read the comments of the department:
This project is in compliance with §3.8 & §3.9.1 regarding public notification.

With regard to the posting of plats on the County'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: MH, MB, SR & LDA

Density: The MH zone permits a maximum density of up to 4/1 with community facilities.

The Concept Plat, proposing 91 lots, was approved on 7/19/04, conditioned on:

- 1) A JD being completed prior to Preliminary Plat review by the Planning Commission;
- 2) A boundary line survey being completed in conjunction with the Preliminary Plat for density calculation purposes;
- 3) The respective zoning acreages being resolved prior to the TAC's review of the Preliminary Plat;
- 4) A TIS being completed prior to the TAC's review of the Preliminary Plat;
- 5) The TIS including an assessment of the safety advisability of having lots directly accessing Carpenter Point Road;
- 6) The TIS including an assessment of the safety advisability of having the northern section of Carpenter's point Loop, from the intersection with the proposed Riverside Lane east to Carpenter's Point Road, function as a one-way street;
- 7) Having Carpenter Point Loop connecting with Carpenter Point Road;
- 8) Variances being obtained for any lots proposed on any private roads;⁴ and
- 9) All legal arrangements for connecting the private roads to County roads being outlined at the Preliminary Plat's presentation to the TAC and Planning Commission.

Preliminary Plats were reviewed by the TAC on 9/1/04 and again on 11/3/04.⁵ The Preliminary Plat, consistent with that reviewed on 11/3/04, proposing 74 dwelling units on 32.22 MH-zoned acres, for a proposed density of 2.3/1, was approved on 4/18/05,⁶ conditioned on:

- 1) Health Department requirements being met;
- 2) DPW requirements being met;
- 3) Proposed Lot 75's acreages being included on the Final Plat;
- 4) The FCP and Landscape Plan being approved prior to Final Plat review by the Planning Commission;
- 5) The Final and Record Plats' containing a statement signed by the Health Department, approving authority, to the effect that use of the community water supply and community sewerage system is in conformance with the Master Water and Sewer Plan;
- 6) The Final and Record Plats' containing a statement, signed by the owner, to the effect that such facilities will be available to all lots/houses offered for sale;

⁴ In order for lots to be created on a private road, a Variance must first be obtained from the Board of Appeals. Since Carpenter Point Loop is a private road, proposed Lots 62-76 were affected.

⁵ The plat modifications made between the 9/1/04 and 11/3/04 reviews were as follows: 1) the number of proposed residential lots was reduced to 74 (was 90), 2) the number of proposed Critical Area lots was reduced to 41 (was 59), 3) the resubdivision of lots 115-120 in the Riverside Recreational Resort, Inc., was excluded, the connectivity of Carpenter Point Loop with Carpenter Point Road was eliminated in favor of Vista Lane's connecting to Carpenter Point Road from the proposed Riverside Lane, and 4) the proposed Riverside Loop was given a smaller footprint – with a reduction in impervious cover.

⁶ That approval remains valid until 4/18/07, per §4.1.17.

- 7) Written verification of water allocation and sewer capacity being received by OPZ prior to the Planning Commission's review of the Final Plat;
- 8) Documentation of all approvals for the water system and the operator required by the MDE and the Public Service Commission being received by OPZ submitted prior to Final Plat review;
- 9) 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
- 10) The reforestation areas must be shown on the Final and Record Plats.

§4.1.17 provides that Preliminary Plats shall be valid for two years from date of approval. Therefore, per §4.1.18, extensions were granted on 3/19/07, 3/17/08 and 3/16/09. The last extension is set to expire on 3/16/10, unless either a Final Plat is approved and recorded or, as requested, the Preliminary Plat's validity is extended today.

If another extension is granted, then the Preliminary Plat approval will be extended until 3/15/12.

Another letter from the Maryland Critical Areas Commission was received on 3/11/10. Since the Planning Commission can extend only the Preliminary Plat that was actually originally approved, all necessary Critical Area modifications and revisions must be reflected on any Final Plat.

§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 granting the extension requested. The Department's comments from the November 16, 2009 Planning Commission meeting still apply. These comments will not be read at this time but will be included in the minutes of this meeting:

1. The Applicant's engineer submitting revised design plans for review due to the reduced number of units and the length of time passed (3 years) since the last submittal. Specifically, the plans must reflect any/all phasing of utilities and storm drains proposed with the reduced number of lots as well as changes to the existing sewer resulting from the County's ongoing Carpenters Point sewer project. Off-site road improvements for Carpenters Point Road will be required as part of this phase of development.
2. Revised engineers' cost estimates are also required for preparation of the Inspection & Maintenance Agreement as well as the Public Works Agreements for Sanitary Sewer and Roads & Storm Drains.

Mr. Woodhull also stated that in regard to the offsite road improvements required for the project, the design is ongoing and will need to be approved before any Final Plat can be signed by the department.

Mr. Wiggins read the comments of the Health Department:

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

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

Mr. Di Giacomo read the recommendation of the staff:

The **GRANTING** of a two year extension of Preliminary Plat approval, to expire on **3/15/12**, conditioned on:

- 1) Critical Area Commission concerns being satisfactorily addressed prior to Final Plat approval; and
- 2) The applicant's directly forwarding a copy of any Final Plat to the Maryland Critical Areas Commission prior to Final Plat review.

A motion for the granting of an extension with conditions was made by Mr. Janusz.

The motion was seconded by Mr. Edwards.

All approve. Motion carried.

5. Reynolds Farm, Lots 1-34, MD Rte. 273, Preliminary Plat Extension, Northern Bay Land Planning, Fourth Election District.

Faron 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 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: NAR

Density: The original Concept Plat, proposing 56 lots on 170.29 acres, for a proposed bonus density of 1/3.04, was approved on 10/20/03, conditioned on:

- 1) A boundary line survey being completed prior to Preliminary Plat review by the TAC;
- 2) A JD being completed prior to the Planning Commission's review of the Preliminary Plat; and
- 3) The Bufferyard C requirement along MD 273 being waived in favor of a modified Bufferyard A along the northern boundaries of proposed Lots 2-8 & 47.

§4.0.9 provided that Concept Plats shall be valid for two years from date of approval. Therefore, a one-year Concept Plat extension was granted on 9/19/05.

Subsequently, on 11/21/05, the Planning Commission recommended approval of a proposed amendment to the Mater Water and Sewer Plan for a shared facility for this project, with 4 conditions:

1. Professionally maintained system.
2. Clarity of ownership until build out of development.
3. Inspection and regulation of facility during and after construction.

4. Underground system.

On 12/6/05, the Board of County Commissioners voted to approve the Master Water and Sewer Plan amendment per the recommendation of the Planning Commission.

A Preliminary Plat was reviewed by the TAC on 8/2/06. It included a proposed shared facility and a reduction in the number of lots, from 56 to 34, resulting in a new, lower non-bonus density of 1/5.05. In addition, the common open space acreage was increased from 51.64 (30%) to 80.47 acres (46.8%). The new layout excluded any connectivity to Middlecroft Road, owing at least in part to the avoidance of a stream crossing.

A revised Concept Plat⁷ was approved on 9/18/06,⁸ conditioned on:

- 1) A JD being completed prior to the Planning Commission's review of the Preliminary Plat; and
- 2) The Bufferyard C requirement along MD 273 being waived in favor of a modified Bufferyard A along the northern boundaries of proposed Lots 2-8 & 47.

The Preliminary Plat was approved on 7/21/08, conditioned on:

- 1) Health Dept. requirements being met;
- 2) DPW requirements being met;
- 3) The 10' street tree planting easements' being depicted and noted on the Final and Record Plats;
- 4) Covenants prohibiting the subdivision of the large lot being recorded and noted on the Final and Record Plats;
- 5) The FCP/Landscape Plan being approved prior to Final Plat review;
- 6) The Final and Record Plats' containing a statement signed by the Health Department, approving authority, to the effect that use of the community sewerage system is in conformance with the Master Water and Sewer Plan;
- 7) The Final and Record Plats' containing a statement, signed by the owner, to the effect that such facilities will be available to all lots/homes offered for sale;
- 8) All provisions of §175.2.e having been satisfied prior to Final Plat review;
- 9) All provisions of §175.2.i having been satisfied prior to Final Plat review;
- 10) The GAP having been issued prior to Final Plat review;
- 11) Documentation of all Health Dept., DPW, PSC, and MDE approvals required for the shared facility being submitted prior to Final Plat review; and
- 12) The recommendation that a fire suppression tank or a dry hydrant be included.

§4.1.17 provides that Preliminary Plats shall be valid for two years from date of approval.

Therefore, unless either a Final Plat is approved and recorded or, as requested, the Preliminary Plat's validity is extended today, Preliminary approval is set to expire on 7/21/10.

If the requested extension is granted, then the Preliminary approval will be extended until 3/15/12.

§4.1.18 specifies, "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.

⁷ It reflected the Preliminary Plat's changes that were reviewed by the TAC on 8/2/06, and it is set expire on 9/18/08.

⁸ This approval came one day prior to the expiration of the one-year Concept Plat extension that was granted on 9/19/05.

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 extending the preliminary plat however the plat must be coordinated with the engineering plans to correctly reflect the driveway access to all lots & the disposition of the farm lane on Lot 1. Otherwise, all outstanding comments made at the July 21, 2008 Planning Commission meeting still apply. Those comments will be made part of the minutes but not be read at is time.

1. The Department of Public Works Water & Waste Water Division has been identified as the “Controlling Authority” by the Board of County Commissioners of Cecil County for the proposed shared sewerage facility.
2. There are many administrative issues which must be resolved, such as the mechanism for collection of fees from the homeowners covering the maintenance/replacement costs, prior to final plat approval.
3. The Department will not recommend final plat approval until such time as the MDE permit for the shared facility has been approved.
4. The Developers must be aware of the fact that they will be responsible for maintenance and/or replacement costs for the proposed shared sewerage facility until the subdivision is built-out and the individual lot owners can begin paying this cost through a special taxing district or similar method. These costs must be established prior to final plat submittal.
5. The Public Works Agreement for the shared sewerage facility will include adequate surety for the work proposed.
6. The Developers should also be aware that they may also be responsible for posting a maintenance/replacement bond to be in effect as to such time as when the homeowners take over full responsibility for the maintenance/replacement costs associated with this facility.
7. The fact that each lot owner of Lots 1-22 & 25-34 is responsible for the maintenance/replacement costs associated with the shared sewerage facility must be made public to all potential purchasers.
8. What is the status of the groundwater appropriation permit?
9. A SWM plan; Street 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.
10. As discussed at the September 18, 2006 Planning Commission the connectivity to Middlecroft Lane proposed in the concept plat been removed. The Department stated that it would support the layout as proposed conditioned on Mackie Farm Drive being designed as a dual lane road with center-island from MD 273 to Bowman Way. Upon further review and with the consideration of the intermediate turnaround proposed the Department has modified the condition to providing a monumental entrance with only a 100’ long traffic island separating the inbound from outbound traffic (see proposed Standard Detail R-22A).
11. Any applicable Road Code Variances must be requested prior to submittal for Preliminary Plat approval. None have been received therefore the internal street design will comply with the Road Code.
12. The road design must address how traffic flow around the intermediate turnaround will be controlled.
13. If the Planning Commission requires sidewalks, the Final Plats should include a note indicating that sidewalks maintenance will be required of the adjacent property owner, as required by the Cecil County Road Code.
14. The SWM plan must address the quantity control requirements be addressed for Lots 24-34?

15. If the existing pond, behind Lots 26-28, is proposed as part of your SWM system an as-built, and a MD. Licensed Professional Engineer's analysis of the pond and outfall condition & hydraulic performance must be submitted. The analysis must address any relevant MD 378 Pond Code criteria. The analysis submittal must be in the form of an engineering report, signed & sealed by a MD licensed P.E.
16. The following standard notes and requirements apply to this plat and project: The details of these notes and requirements will be identified in the record but will not be read at this time:
- 16.1 The Final Plat Lot Grading, Sidewalk Maintenance, and Lot Grading Plan Construction Limits Notes.
 - 16.2 Compliance with Sections 251-9.A (5), 251-13, and 251-15.D. of the Cecil County Stormwater Management Ordinance.
 - 16.3 Requirements for Public Works Agreements.
 - 16.4 Requirements for Stormwater Inspection and Maintenance Agreements.
 - 16.5 Requirements for County Roads.
 - 16.6 Requirements for Driveways.

Notes and requirements identified for record:

1. The Final Plat must include the Lot Grading Plan standard note and a note indicating that sidewalk maintenance will be required of the adjacent property owner (if sidewalks are required). The Lot Grading Plan must include the standard construction limits note.
 - a. *Final Plat:* "A lot grading plan has been approved by the CCDPW for the construction shown hereon. A site construction as built shall be submitted to the CCDPW prior to use and/or occupancy of any of the sites shown hereon. Any change to the Forest Retention, Forestation, and/or Reforestation will require a consistency review, of the SWM approval, with CCDPW."
 - b. ~~*Final Plat:* "Sidewalk maintenance will be required of the adjacent property owner, as required by the Cecil County Road Code."~~
 - c. *Grading Plan:* "No clearing or grading is permitted beyond the limits of disturbance show hereon. Any expanded clearing and/or grading in the absence of an approved revised lot grading plan may be considered non-compliance with Chapter 251 of the Cecil County Code and either or both the developer and/or Builder may be subject to the enforcement of the penalty provisions therein."
2. The downstream conveyance of storm water must be analyzed in accordance with Section 251-9 A. (5) of the county's SWM Ordinance. If stormwater discharge is directed off of the site on to adjacent property it is the responsibility of the Developer to obtain appropriate easements from the affected property owners per Sections 251-13 and 251-15.D of the Cecil County SWM Ordinance.
3. A Public Works Agreement is required for the streets & storm drainage and public water and sewer system constructions.
4. An Inspection & Maintenance Agreement is required for the private SWM facilities.
5. 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 MD 273 may not exceed 5% within the limits of the intersection right-of-way.
6. 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.

Additionally, Mr. Woodhull stated that the department will need to see the plans for the shared facility for approval.

Mr. Wiggins read the comments of the Health Department:

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

Plans for a shared-facility septic system must be submitted for review.

Vice Chair Doordan 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 year extension of Preliminary Plat approval, to expire on 3/15/12.

A motion for the granting of an extension was made by Mr. Wallace.

The motion was seconded by Mr. Edwards.

All approve. Motion carried.

6. Bayview Station, Lots 1-3, Theodore Road, Revised Preliminary / Final Plat, Will Whiteman Land Surveying, Inc., Fifth Election District.

Will Whiteman, Land Surveyor and John Mascari, Fair Hill Engineers, 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: SR⁹

Density: The Concept Plat¹⁰ was approved at a density of 1/3.37 on 9/15/03, conditioned on:

- 1) The Pleasantview Drive road name being approved by the County 911 Emergency Center prior to the Planning Commission's review of the Preliminary Plat;
- 2) A Jurisdictional Determination (JD) being completed prior to the Planning Commission's review of the Preliminary Plat;
- 3) A Boundary Line Survey being done for the preparation of the Preliminary Plat for density calculation purposes;
- 4) The Bufferyard A and 100' setback being shown on the Preliminary Plat along the rear lots lines of proposed Lots 4, 5 and 6;
- 5) The details of the PFCP and the Preliminary Plat matching up;
- 6) All well locations for all proposed lots being shown on the Preliminary Plat;
- 7) The proposed Lot 7 dwelling location being shifted because of the conflict with a black oak specimen tree; and
- 8) The developer and the Department of Public Works reconciling a mutually agreeable entrance location for Lots 1-6.

The Preliminary Plat was approved on 7/19/04, conditioned on:

- 1) Health Department requirements being met;
- 2) DPW requirements being met;
- 3) The details of the PFCP and the Preliminary Plat matching up;
- 4) The maps accompanying the JD letter being supplied to OPZ for inclusion into the project file;
- 5) The proposed dwelling location for Lot 7 being moved because of the content specimen tree ; and
- 6) No sidewalks being required.

Extensions of Preliminary Plat approval were granted on 3/20/06, 2/20/07, and 1/23/08.

⁹ The SR zone permits a maximum base density of 1 du/ 1 ac.

¹⁰ The Bayview Junction Concept Plat for this same parcel was disapproved on 4/22/03.

The Final Plat was approved on 3/18/08, conditioned on:

- 1) Health Department requirements being met;
- 2) DPW requirements being met;
- 3) The access easement across the AT&T easement being formalized (any documents requiring recordation being recorded) between the developer and AT&T prior to the recordation of the Record Plat;
- 4) A Landscape Agreement being executed prior to recordation;
- 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 Record Plat;
- 6) A mini-road maintenance association for maintenance of the proposed mini-road being established prior to recordation, with the owners of proposed Lots 1-6 becoming members;
- 7) The Record Plat's noting that Lots 1 & 6 are denied direct access onto Theodore Road, and proposed Lots 1-6 accessing Theodore Road via only the proposed mini-road; and
- 8) Any necessary wetlands disturbance permits being secured prior to recordation.

This revised Preliminary-Final Plat amends the project to propose only 3 lots, total.

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

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

No common open space is required for only 3 lots in the SR zone, although creating common open space in which to locate any stormwater management areas may be desirable.¹¹

20% landscaping of the development envelope is required in the SR zone.

Given the adjacent NAR properties, no sidewalks were recommended in this case.

Bufferyard Standard C is required, outside the right-of-way, along the road frontages on Theodore Rd.

Bufferyard Standard A, including the 100' setback, is required and has been shown along the rear lots lines of proposed Lot 2.

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

The FSD was approved on 5/15/03; the PFCP was approved on 7/19/04.

The FCP /Landscape Plan was approved on 12/12/07. The necessary revisions to the previously-approved FCP/Landscape Plan have not yet been approved.

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 Plat.

The road name "Pleasantview Drive" was approved, but is now irrelevant.

¹¹ If so, then a Homeowners' Association for maintenance of common open space must also be established with \$50 per recorded lot 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:

With the nature of the proposed revision to the layout the SWM plan and a Mass and Final Grading plan previously submitted must also be revised. The revised plans have been submitted but not yet approved as required before the CCDPW will recommend Final Plat Approval. As such the Department does not recommend final plat approval at this time but would recommend Preliminary Plat approval.

Mr. Wiggins 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 adjustment of sewage area to be 20' upslope of hole # 8 on lot 1 and depiction of percolation holes on lot 3.

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

Mr. Di Giacomo read the recommendation of the staff:

APPROVAL as a Preliminary Plat ONLY, conditioned on:

- 1) Health Department requirements being met;
- 2) DPW requirements being met;
- 3) The contiguous operating farm notice being provided on the Final and Record Plats;
- 4) The revisions to the previously-approved FCP/Landscape Plan being approved prior to submittal of the Final Plat; and
- 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.

A motion for approval with conditions as a Preliminary Plat was made by Mr. Wallace. The motion was seconded by Mr. Wiggins.

All approve. Motion carried.

There were no items of General Discussion.

The March Planning Commission meeting adjourned at 1:18 p.m.

Respectfully Submitted:

Jennifer Bakeoven