

CECIL COUNTY PLANNING COMMISSION

Meeting Minutes

April 19, 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; Eric Sennstrom; Tony Di Giacomo and Jennifer Bakeoven.

Absent: H. Clay McDowell, alternate; Rebecca Demmler.

Call to Order: Chairman Mortimer called the meeting to order at 12:11 p.m.

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

1. Village of Stoney Run, 1125 Units, Baron Road, Concept Plat, Morris & Ritchie Associates, Inc., Fifth Election District.

Phil Toliver, 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: RM

Density: With community facilities, the RM zone permits a density of 12/1 for townhouses and 16/1 for apartments. This Village of Stoney Run Concept Plat¹ proposes 287 townhouses, 672 apartment units, and approximately 166 assisted living units. 1,125 dwelling units on 136.76 acres would yield a proposed density of 8.23/1.

Per Note # 18, 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

Steep slopes have been shown. Slopes greater than 25% must again be shown on the Preliminary Plat.

¹ The Villages of Stoney Run Concept Plat, proposing 234 single family and 162 townhouses on approx. 137 acres, for a proposed density of **2.89/1**, was approved on 3/19/07, with 9 conditions,¹ and the Prelim. Plat, proposing 231 single-family & 159 townhouse lots on 136.76 acres for a density of **2.85/1**, was approved on 7/16/07 w/ 10 conditions.¹ **All previous approvals have expired and, therefore, have no standing.**

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 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 160'³.

The 100-year floodplain has been shown. Note # 19 indicates that the 100-year floodplain boundary was taken from a FEMA Panel. A condition of any Concept approval will be that the Preliminary Plat must accurately depict the floodplain (per §4.1.22 (i) & §4.1.22 (p)).⁴

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. The JD is recommended to be done prior to Final Plat review by the Planning Commission, but required to be completed prior to recordation.

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

20% common open space is required for the townhouse section; 20% open space is required for the apartment and assisted living sections. An aggregate 60.26% is proposed.

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

§176.2.a prohibits any common open space being used for parking. There can be common overflow parking areas, but they cannot be included in the open space total acreage. Maintenance of the common overflow parking areas will be the responsibility of the Homeowners' Association.

If the proposed overflow parking spaces in common open space in the townhouse section have been included in the cited 42.3 acres of common open space, then their area/acreage must be deducted from the C.O.S. total.

Likewise, the parking area in the apartment and assisted living sections would need to be deducted from the open space total acreage.

All common open space must be labeled and referenced as "common open space."

Sidewalks are recommended on both sides of all internal roads.

A minimum 25% landscaping is required in the RM zone. The required (§29.5.a (2)) 25' peripheral Bufferyard standard C has now been shown. No parking areas, roadways, or accessory structures shall be permitted in the 25' planted bufferyard.

³ If necessary, consistent with §174.1.b (1) (a) & (b), since this property is located in the Development District, as defined by the Cecil County Comprehensive Plan, the Planning Commission **may** waive the expanded buffer if evidence is provided that this design would provide the same level of water quality or better.

⁴§241.2.d(1), §241.2.d(2), and §241.2.e(1-3) of the *Cecil County Zoning Ordinance*, §4.1.22(h), §4.1.22(i), §4.1.22(p), and §7.5.1 of the *Cecil County Subdivision Regulations* mandate that floodplain information be included on Preliminary Plats, and §239.1.b and §239.2.a-b of the *Zoning Ordinance* further require an **accurate determination** of the floodplain boundaries.

Rows of street trees with 10' planting easements are required, outside the right-of-way, along both sides of all internal roads. The applicant is cautioned that the details of street tree plantings in the townhouse section need to be finalized in advance of any Landscape Plan approval. Where feasible, the natural vegetative equivalent may be used to satisfy the bufferyard and street tree requirements, but they still must be labeled. In areas with community facilities, no street trees shall be planted within 20 feet of sewer laterals and cleanouts.

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

The FSD was approved on 2/6/07.

A PFCP was previously approved on 7/11/07. A revised PFCP must be approved prior to the Planning Commission's review of the Preliminary Plat.

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

A Landscape Agreement must be executed prior to recordation.

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

All internal road names will need to be approved by the County 911 Emergency Center prior to Planning Commission review of the Preliminary Plat.

A new, or possibly updated, TIS will be recommended.

The proposed Savannah Lane cul-de-sac suggests possible, future access to the lands of the Montgomery Brothers. Mr. Montgomery has indicated to OPZ that he is amenable to allowing access through the Montgomery Brothers' property out to Razor Strap Road, so long as the Montgomery Brothers do not have to construct the road.

Additional access is desirable from the emergency response and planning perspectives.

Sight distance must be confirmed for the proposed Emerson Lane entrance onto Baron Road.

An unnamed stub road shows connectivity (per §7.2.12.B.2 & §7.2.12.B.3) to the Lands of Jansen.⁵

The "Typical Townhouse Lot Layout" schematic shows access to townhouse rear yards. While fee simple access is always preferable, the Preliminary and Final Plats must clearly show the easements. In addition, such easement may be impossible to effectuate in areas such as Tupelo Court.

The "Typical Townhouse Lot Layout" schematic now satisfies the requirements of §4.0.13(j) with respect to dimensions.

All aspects of the design and layout must also conform to appropriate elements of §29.

Per Site Data Note # 12, the number of proposed parking spaces is consistent with §'s 274 & 277 of the Zoning Ordinance.

Fire hydrant locations must be finalized in consultation with the North East Volunteer Fire Company and DPW.

⁵ The Stoney Run Creek Estates Concept Plat was approved on 3/19/07 and extended on 3/16/09. It expired on 3/19/10 and no longer has any standing.

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

For the townhouse section, 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.

In the apartment & assisted living sections, the open space would not be owned by an HOA.

The details of the assisted living section component of the projects can either be included in the Preliminary Plat or submitted as a separate site plan. Either must conform to the requirements of Appendix A, and any site plan must be approved prior to the approval of the project's Final Plat.

Should this development proposal be approved and built, and should, at some future point in time, the apartments be converted to condominiums, then, in that case, a revised Preliminary Plat would need to be approved, consistent with the condominium approval process that has been established by the County.

The Master Water and Sewer Plan classifies this site as W-1 and S-1.

The Record Plats shall contain a statement signed by the Health Department, approving authority, to the effect that use of the community water supply and community sewerage system is in conformance with the Master Water and Sewer Plan.

The Record Plats shall also contain a statement, signed by the owner, to the effect that such facilities will be available to all lots/homes offered for sale.

Written verification of water allocation and sewer allocation must be received prior to Final Plat review. Otherwise, a Final Plat cannot be approved. Artesian Water is cited as the water provider, however the Board of County Commissioners has not granted a franchise for that area – which is in the Town of North East's water service area.

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.

Discussion ensued regarding water and sewer availability.

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

1. 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. The fees for design review of this project must be provided at the time of first design submittals.
2. Applicant is advised that if the SWM and E&S Control plans for this project are not submitted by May 4th 2010 the new SWM Ordinance will apply and the SWM plan must be designed to meet its requirements.
3. The Department understands that the water distribution system in this development will be a private system provided by Artesian Water Company. The water distribution system must be designed to meet or exceed the County's standards. This includes providing fire flow and pressure throughout the development and the use of ductile iron water pipe for distribution. The serving fire company must review all fire hydrant spacing and locations provided on final construction drawings. Private utility easements will be required for all water lines run in

County ROW. 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.

4. The required Traffic Impact Study has been submitted however the queuing analysis for this proposal is still required.
5. The Department had reached an agreement with the previous Developer on the extent and nature of the required offsite improvements to Baron Road south of the CSX Bridge and Nazarene Camp Road to MD 272 as contained in an attached memo. We will require the same from this Developer and request that the Planning Commission make the completion of the improvements identified in the memo a condition of approval for the preliminary plat and that the memo is made part of the record.
6. The Department of Public Works requires that any Road Code Variances sought for offsite/entrance/onsite roads must be requested and the major road issues, including offsite road improvements required, be resolved, to the Department's satisfaction and shown on the preliminary plat prior to submittal of the preliminary plat to the Planning Commission. If no variances are requested & approved prior to the preliminary plat approval by the Planning Commission the applicant will be held to all Road Code requirements as dictated by the DPW.
7. The Department has serious concerns with the proposed the Emerson Lane access on to Baron Road. While providing a second access point into this development its location does not work with sight distance looking north over the CSX bridge and will be further complicated once the bridge has been replaced (approx. 2 ½ yrs). The new bridge will be taller and grading for the approaches makes this location unsuitable / less safe for access. The Department recommends that the Developer's engineer meet with our Engineering Division to coordinate the Baron Road improvements with the Department's CSX Bridge project.
8. In regards to providing a second access Savannah Lane as proposed provides a revertible easement allowing future access to Razor Strap Road via Parcel 548. With this connectivity Savannah Lane must be a collector townhouse road with 38' wide ROW as shown.
9. Why has connectivity to the Jansen property (Parcel 526) been removed?
10. The Department has concern over the geometry of the "U" shaped loops. As well as the "P" loop (see Standard Detail 14A) and traffic island at Elk Court. We recommend that discuss these before serious engineering begins.
11. Adequate off-street parking is always a concern especially in townhouse developments. In that regard the proposed 3.11 parking spaces per townhouse unit is more in line with the Persimmon Creek Section IV & V proposal of approximately 3.24 spaces per unit developed in response to the Department's concern.
12. Pre-design geotechnical evaluation and borings along the proposed road, at stream and wetlands crossings, are required along with specific remedial recommendations for subsurface drainage and street sub grade placement.
13. The structure on Palasades Drive over the unnamed stream must be approved as part of the road plan approval passing the 100 year storm without overtopping. A re-mapping of the 100-year flood plain onsite and a hydraulic analysis of the new stream crossing must be submitted by the applicant's engineer as part of the crossing design.
14. Likewise the stream crossing structures on Savannah Lane must be approved as part of the road plan approval passing the 25 year storm without overtopping.
15. The standard fee simple ROW dedication note is required for the Baron & Nazarene Camp Road frontages.
16. The Developer must also analyze the existing sanitary sewer main from the proposed point of connection to the Washington Street Pump station to determine if adequate capacity exists in the line. This analysis must be submitted prior to the sanitary sewer plan submittal. The County has an I&I issue on this line.
17. Developer must request and obtain a public sewer allocation from the Department of Public Works before submitting a final plat to the Cecil County Planning Commission for approval. The

request can be made once this project has received preliminary plat approval. Until allocation has been granted the Developer proceeds with any and all project engineering at his own risk.

18. Connection to the Stoney Run Interceptor line will be the Developer's responsibility including obtaining all required easements and the installation of the sewer main between the site and the main. The applicant is also responsible for all costs in doing so.
19. Any pump station required must be located on a lot dedicated in fee simple to the Cecil County BOCC.
20. All sanitary sewer lines located outside of County ROW or deeper than 15' must be ductile iron.
21. 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:
 - 22.1 The Final Plat Lot Grading Note and the Lot Grading Plan Construction Limits Note.
 - 22.2 Compliance with Sections 251-9.A (5), 251-13, and 251-15.D. of the Cecil County Stormwater Management Ordinance.
 - 22.3 Requirements for Utility relocations.
 - 22.4 Requirements for Public Works Agreements.
 - 22.5 Requirements for Stormwater Inspection and Maintenance Agreements
 - 22.6 Requirements for County Roads.
 - 22.7 Requirements for Driveways.
 - 22.8 Requirements for Private Mini Roads
 - 22.9 Requirements for Sewer Service Cleanouts – Location.

Notes and requirements identified for record:

1. The Final Plat must include the Lot Grading Plan standard note and 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 shown hereon. Any expanded clearing and/or grading in the absence of an approved revised lot grading plan may be considered non-compliance with Chapter 251 of the Cecil County Code and either or both the developer and/or Builder may be subject to the enforcement of the penalty provisions therein."*
2. The downstream conveyance of storm water must be analyzed in accordance with Section 251-9 A. (5) of the County's SWM Ordinance. If stormwater discharge is directed off of the site on to adjacent property it is the responsibility of the Developer to obtain appropriate easements from the affected property owners per Sections 251-13 and 251-15.D of the Cecil County SWM Ordinance.
3. Where determined necessary by the utility companies, the owner, the designer, or DPW, utility poles must be relocated at the Developer's expense.
4. A Public Works Agreement is required for the sanitary sewer construction and county streets & storm drain construction.
5. An Inspection & Maintenance Agreement is required for the private SWM facilities.
6. The street R.O.W. entrance tapers must be offset 25' from the R.O.W. point of intersection and be straight lines, per 7.2.12.E.3 of the Subdivision Regulations. All curves must comply with the Road Code (Section 3.04).The internal street grade may not exceed 5% within the limits of the intersection right-of-way.
7. For County Roads, all driveways must be paved at least to the right of way. The driveway paving must be complete for all lots at the time when the surface course for the internal roads is installed. This requirement includes any vacant but platted lots. Any driveway exceeding 5% up-gradient-slope from the roadway must be paved to the crest. If the development is phased these requirements will apply to each phase when 80% of the lots are built-out. All of these requirements must be reflected on the Lot Grading Plan.
8. The private mini-road plans must adhere to the provisions of Section 2.13 of the Road Code which addresses requirements for private roads. A statement clearly outlining the responsibilities of the homeowners in the maintenance of roads and storm drainage systems must be approved by the Planning Commission and placed on the final plat. Deed restrictions must be developed and recorded in accordance with Road Code Section 2.13.D. If mini-road profile grades exceed 5%, the mini-road travel way and cul-de-sac must be paved in accordance with Section 2.13.F of the Road Code.
9. All sewer service cleanouts must be designed to be outside of all paved or concrete areas on each lot and this must be shown on the utility plans.

Mr. Doordan read the comments of the Health Department:

An allocation for public water and sewer must be granted prior to final plat approval. Permits for any sewer pumping stations or public water system upgrades must be approved by Maryland Department of the Environment prior to final plat approval.

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

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

Plans for the swimming pools and nursing care facilities must be approved by the Department of Health and Mental Hygiene prior to site plan or building permit 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:

APPROVAL, conditioned on:

- 1) Any necessary DPW requirements relating to SWM being completed prior to Preliminary Plat review by the Planning Commission;
- 2) A Traffic Impact Study(TIS)'s being updated prior to the TAC's Preliminary Plat review;
- 3) The revised PFCP's being approved prior to Preliminary Plat review by the Planning Commission;
- 4) The water provider issue's being resolved prior to Final Plat review;
- 5) The Board of Appeals granting a Special Exception for a nursing care facility in the RM zone prior to Final Plat approval; and
- 6) The Preliminary Plat's showing the 100 year flood plain based on field run topographic information.

Chairman Mortimer asked that a condition requiring two entrances be included. Mr. Woodhull, asked Chairman Mortimer if he would accept a "break away" entrance for emergency vehicles. Chairman Mortimer said yes.

The recommendation, with the added condition reads as follows:

APPROVAL, conditioned on:

- 1) Any necessary DPW requirements relating to SWM being completed prior to Preliminary Plat review by the Planning Commission;
- 2) A Traffic Impact Study(TIS)'s being updated prior to the TAC's Preliminary Plat review;
- 3) The revised PFCP's being approved prior to Preliminary Plat review by the Planning Commission;
- 4) The water provider issue's being resolved prior to Final Plat review;
- 5) The Board of Appeals granting a Special Exception for a nursing care facility in the RM zone prior to Final Plat approval;
- 6) The Preliminary Plat's showing the 100 year flood plain based on field run topographic information; and
- 7) Two entrances, being required for emergency response vehicle access.

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

All approve. Motion carried.

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

Will Whiteman, Surveyor and John Mascari, Fair Hill Engineering, 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: SR⁶

Density: The Concept Plat⁷ 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.

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

- 1) Health Department requirements being met;

⁶ The SR zone permits a maximum base density of 1 du/ 1 ac.

⁷ The Bayview Junction Concept Plat for this same parcel was disapproved on 4/22/03.

- 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.

The revised Preliminary Plat, amending the project to propose only 3 lots, total, was approved on 3/15/10, conditioned on:

- 1) Health Department requirements being met;
- 2) DPW requirements⁸ 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.

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.⁹

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 were approved on 3/18/10.

A Landscape Agreement must be executed prior to recordation.

⁸ Those requirements would include, but not be limited to, approval of the revisions to the SWM and Mass and Final Grading Plans.

⁹ 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.

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.

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

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

Only minor plan comments and 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.

Mr. Doordan read the comments of the Health Department:

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

Final plat is satisfactory.

Chairman Mortimer asked if anyone would like to speak in favor or in opposition of this project. Elaine Ardes, 11 Megan Circle, Elkton, MD, spoke in opposition of all development.

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 contiguous operating farm notice's again being provided on the Record Plat;
- 4) The Landscape Agreement's being executed prior to Recordation; 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 Record Plats.

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

The motion was seconded by Mr. Janusz.

All approve. Motion carried.

3. Fletchwood Station, Lots 1-4, Fletchwood Road, Concept Plat, Will Whiteman Land Surveying, Inc., Third Election District.

Will Whiteman, Surveyor and Ronny Carpenter, Carpenter Engineering, appeared and presented an overview of the project.

Discussion ensued regarding the modification requested to eliminate the required COS.

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: RM

Density: The RM zone permits a density of up to 6 du/ 1 ac., with community facilities. This Concept Plat¹⁰ proposes 4 lots on 1.585 acres, for a proposed density of 2.52/1.

The boundary line survey has been completed, per Note # 3.

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.¹¹

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

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

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

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

Per §29.6.a, 15% common open space is required in the RM zone. Only the RM zone requires common open space for projects proposing fewer than 10 lots. The Planning Commission is empowered to grant design modifications, per §3.5 of the Subdivision Regulations. Given the desirability of infill development in the designated growth area, and given that landscaping will be required by §29.3.d and §186.3, staff does not object to the requested modification/relief of the common open space requirement, provided DPW is satisfied that I & M can be efficiently carried out on individual lots.

At a minimum, 15% of the required open space shall not consist of perennial or intermittent stream buffers, nontidal wetlands or buffers, steep slopes, or habitats of rare, threatened and endangered species. No more than 40% of the common open space required shall consist of those areas designated as nontidal or tidal wetlands. Unless waived by the Planning Commission, the required C.O.S. sensitive areas thresholds must be calculated for inclusion on the Preliminary Plat.

Per §29.5, no landscaping of the development envelope is required; however, per §29.3.d and §186.3, 25% landscaping of the development envelope, excluding a Bufferyard Standard C along the Fletchwood Road frontage, will be recommended.

¹⁰ §4.0.1 of the Subdivision Regulations allows for the elimination of a Concept Plat for projects with fewer than 10 lots and 25 acres. §2.0 of the Subdivision Regulations allows for a combined Preliminary-Final Plat if there are from 1 to 5 lots.

¹¹ 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."

Sidewalks are recommended.

A Bufferyard Standard A will be required adjacent to any adjoining property on which an agricultural operation is occurring.

Per §186.1, 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. In areas with community facilities, no street trees shall be planted within 20 feet of sewer laterals and cleanouts.

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

The Forest Stand Delineation (FSD) has been approved. (§5.1.C, Cecil County Forest Conservation Regulations).

The Preliminary Forest Conservation Plan (PFCP) must be approved prior to Planning Commission review of the Preliminary Plat (§6.2.B(1), Cecil County Forest Conservation Regulations).

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

A Landscape Agreement must be executed prior to recordation.

Deed restrictions for the long-term protection of the street trees 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 proposal mini-road name, Red Rose Court, has been approved.

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

A Homeowners' Association for maintenance of common open space must be established (unless the requested modification is granted) with \$50 per recorded lot being placed in escrow for improvements prior to recordation.

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

The Record Plats shall contain a statement signed by the Health Department, approving authority, to the effect that use of the community water supply and community sewerage system is in conformance with the Master Water and Sewer Plan.

The Master Water and Sewer Plan classifies this site as W1 and S1.

The Record Plats shall also contain a statement, signed by the owner, to the effect that such facilities will be available to all lots/homes offered for sale.

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

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

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:

A SWM plan, Street and Storm Drain plan, Sanitary Sewer & Water plan and a Mass and Final Grading plan must be approved by the CCDPW prior to submittal for Final Plat Approval. The SWM plan must be submitted before May 4, 2010 to use the current SWM Ordinance. Any plans submitted after that date fall under the new ordinance. As for the SWM facility located jointly on Lots 3 & 4, their deeds as well as the plat, must reflect that there is an easement for access for inspection and maintenance. Also, additional planting along the Menton said of the road, the county would not be responsible for maintain the plantings. The fees for design review of this project must be provided at the time of first design submittals. The

Mr. Doordan read the comments of the Health Department:

Identify the source of public water and sewer on the preliminary and final plats. An allocation for water and sewer must be granted prior to final plat approval. Final and Records plats are required to have the following statements:

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

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

Mr. Di Giacomo read the recommendation of the staff:

APPROVAL, conditioned on:

- 1) The requested modification of relief from the provision of common open space being granted;
- 2) The requested Bufferyard C modification being granted;
- 3) Any necessary DPW requirements relating to SWM being completed prior to Preliminary Plat review by the Planning Commission; and
- 4) The Mini-Road Maintenance Association / HOA maintaining the vegetative buffer.

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

The motion was seconded by Mr. Edwards.

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

4. Barksdale Village, 116 Lots, PUD, Barksdale and Valley Roads, Concept Plat, Van Cleef Engineering Associates, Fourth Election District.

Scott Lobdell, Van Cleef Engineering, appeared and presented an overview of the project.

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

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

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

Zoning: SR

The TAC previously reviewed Concept Plats for part of this site, under the names W. Harris Construction, Estates at Barksdale, and Barksdale Village, on 8/4/04, 1/5/05 and 11/4/09 respectively. This submission now includes Parcels 45, 288, and 619.

PUD's must adhere to the requirements of ARTICLE's XII and XVII of the Zoning Ordinance and §6.0 of the Subdivision Regulations.

The review and approval process for this PUD proposal is established in §256 of the Zoning Ordinance. §256.1 stipulates that a PUD is permitted in the SR zone by Special Exception. §256.2 requires that the "Sketch Plat/Special Exception Application" shall be reviewed by the TAC, which was done on 1/6/10. Up to that point, there is no difference between the PUD approval process and the normal subdivision review and approval process.

The applicant is cautioned that if the proposal should change such that any of the units are instead proposed as condominiums, then, in that case, a different process of review and approval shall be followed.¹²

§256.3 requires that the "Sketch Plat/Special Exception Application" next shall be reviewed by the Planning Commission, and that the Planning Commission¹³ shall "make recommendations to the Board of Appeals." That is the purpose of today's review.

Next, the Sketch Plat/Special Exception must be placed on the Board of Appeals' agenda, per §256.4, which specifies that then it "... shall be reviewed by the Board of Appeals. The Board shall consider the recommendations of the Technical Advisory Committee, the Planning staff, the Planning Commission and the standards in Article XVII, Part II, in making their determination to approve or disapprove the proposed PUD."¹⁴

§256.5 stipulates, in part, that "Following approval of the PUD Special Exception by the Board of Appeals the PUD or section thereof shall be processed in accordance with the provisions of the Cecil County Subdivision Regulations." Thus, assuming approval of the PUD Special Exception, Preliminary Plats and Final Plats would be reviewed in the regular way, with the Planning Commission rendering decisions approving or disapproving such submissions, rather than making recommendations to any other body.

Just as is the case with a Concept Plat approval, the possible PUD "Sketch Plat/Special Exception Application" approval by the Board of Appeals would not guarantee any subsequent Preliminary or Final Plat approvals by the Planning Commission.

Density: The SR zone permits a PUD density of 4 du/ 1 ac. Otherwise, the SR zone permits a density of only 2/1 with community facilities. This Concept Sketch Plat proposes 116 dwelling units and 3 commercial buildings on 42.61 acres, for a proposed residential density of 2.722/1.

¹² Generally, the **condominium approval process** that was established in 1991 has worked as follows: From the approved Preliminary Plat/Site Plan, building permits are then issued. Next, the units are built, and then the Final Condominium Plats come back to the Planning Commission for approval, **"as built."** The Final Condominium Plats are used to record the actual footprints of the units and the actual building plans as constructed.

¹³ Moreover, §'s 256.3 & 256.4 make clear that the Planning Commission's role first is to make a **recommendation** to the Board of Appeals on the "Sketch Plat/Special Exception Application" **rather than an actual decision** on what would otherwise be considered a Concept Plat.

¹⁴ It is incumbent upon the applicant to become thoroughly familiar with all aspects Article XVII, Part II.

A boundary line survey must be done in conjunction with the preparation of the Preliminary Plat for density calculation purposes.

The existing zoning of adjacent properties has been shown, per §4.0.13(l).

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.¹⁵

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

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

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

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

30% common open space is required (§25.3.b); 34.6% is proposed.

At a minimum, 15% of the required open space shall not consist of perennial or intermittent stream buffers, nontidal wetlands or buffers, steep slopes, or habitats of rare, threatened and endangered species. No more than 40% of the common open space required shall consist of those areas designated as nontidal or tidal wetlands. The C.O.S. sensitive areas thresholds must be calculated for inclusion on the Preliminary Plat.

All "common open space" must be labeled and referenced as such.

30% landscaping of the development envelope is required (§251.3).

All existing easements on site (especially those mentioned in Deeds NDS 273/262, WLB 653/923, and WLB 837/248) must be shown on the plat, per §4.0.13(h).

If any of the Lands of Torres and/or the Lands of Miller are included, then the acreages of these areas must be provided, and Torres and/or Miller must sign the Record Plat.

Proposed Lots 1 & 44-64 must be denied access to Barksdale Road, and proposed Lots 64-71 must be denied access to Valley Road.

Sidewalks are recommended on at least one side of all internal roads.

¹⁵ 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."

Bufferyard Standard C is required, outside the right-of-way, along the road frontages of Barksdale & Valley Roads.

A Bufferyard Standard A will be required adjacent to any adjoining property on which an agricultural operation is occurring (§25.4.c).

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. In areas with community facilities, no street trees shall be planted within 20' of sewer laterals and cleanouts.

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

The FSD must be approved prior to any granting of a PUD Special Exception (§5.1.C, Cecil County Forest Conservation Regulations). The Special Exception application cannot be accepted unless the FSD has already been approved.

The Preliminary Forest Conservation Plan (PFCP) must be approved prior to Planning Commission review of the Preliminary Plat (§6.2.B(1), Cecil County Forest Conservation Regulations).

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

Per discussion at the 1/6/10 TAC review, neighbors in the adjacent Country Hills subdivision in Newark are concerned about headlights on vehicles exiting the proposed Adeline Avenue onto Valley Road. Since the end-of-cul-de-sac properties on Long Meadow Court are actually in Cecil County, staff will recommend that applicant include vegetative screening on the Cecil County portion of those lots in this project's Landscape Plan, only if the owners of those lots agree to accept those plantings on their lots.

A Landscape Agreement must be executed prior to recordation.

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

The internal road names have been approved.

A Traffic Impact Study (TIS) is required prior to the TAC's Preliminary Plat review.

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

Note # 13 contains specific parking details (per §4.0.13 (m) 3).

The minimum distance between townhouse structures shall be 60' if the townhouse structures are face to face. No townhouse structure shall be closer than 20' to any interior roadway or closer than 15' to any off-street parking area – excluding garages built into an individual townhouse unit.

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 property is not presently shown as a water or sewer service area (W0 & S0). The Master Water & Sewer Plan must be amended to include this site, as a W2 & S2 area, prior to the Planning Commission's review of the Final Plat.

The Record Plats shall contain a statement signed by the Health Department, approving authority, to the effect that use of the community water supply and community sewerage system is in conformance with the Master Water and Sewer Plan.

The Record Plats shall also contain a statement, signed by the owner, to the effect that such facilities will be available to all lots/homes offered for sale.

The name of the water service provider providing the water must also be included on the Final and Record Plats. Documentation of water allocation must be provided by the applicant prior to the Planning Commission's review of the Final Plat.

The identity of the waste water treatment plant must be included on the Final and Record Plats. Documentation of sewer allocation/capacity must be provided by the applicant prior to the Planning Commission's review of the Final Plat.

This proposal is consistent with §248.1 in offering "a variety of building types ... including, detached single-family dwellings, duplexes, semi-detached dwellings, townhouses and apartments." Per §250.2, in the SR zone, proposed duplex homes cannot exceed 30% & townhomes cannot exceed 20%. Only 19% (out of 30% permitted) of the dwellings are proposed as duplexes, but 44% (out of only 20% permitted) are proposed as townhouses. Given:

- 1) The proximity of the proposed townhouse location to the City of Newark;
- 2) The design, which incorporates enveloping the commercial component with townhouses;
- 3) The design, which decreases and transitions the proposed density as one moves farther from Newark; and
- 4) That the inclusion of a greater percentage of townhouses is a reasonable approach to maximizing the achievable density of this proposed PUD; ...

staff does not oppose the exceedence of the townhouse percentage, which can be approved per § 3.5 of the Subdivision Regulations and § 170 of the Zoning Ordinance.

This housing-type diversity is one of the two hallmarks of PUDs.

This proposal is also consistent with §248.2, the other hallmark of a PUD, with the inclusion of "commercial uses in a PUD that serve the day to day needs of the residents of the PUD."

§252.2 stipulates that business uses permitted in a PUD shall be the same as those permitted in the BL zone, and §252.3 states "the requirements of the BL zone shall apply to business uses in a development in the PUD." TIS's for PUDs must take this into consideration.

The details of the commercial component of the project can either be included in the Preliminary Plat or submitted as a separate site plan. Either must conform to the requirements of Appendix A, and any site plan must be approved prior to the approval of the PUD's Final Plat.

§256.1 (a) – (f) require very specific pieces of information to be included as part of the Sketch Plat/Special Exception Application, as follows: "... the Sketch Plat/Special Exception Application shall contain the following information:

- (a) Elevations of each building type.
- (b) Proposed open spaces, their size, their location, their uses, and their proposed ownership (County and/or association).
- (c) General statement concerning provision of utilities (draft terms and provision of a public works agreement).
- (d) Statement of expected County responsibilities.

- (e) Cost-Revenue ratio of the proposed PUD for the County.
- (f) Tentative time table and staging development. (Schedule of construction).”

This information has generally been provided in the accompanying “Site Report.”

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.

The applicant is reminded of the 4:30 p.m. submission deadline on the 3rd Thursday for review by the Board of Appeals the following month.

Discussion ensued regarding the commercial use proposed in this project.

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

No capacity exists for this site at the Highlands WWTP. Water supply from the Meadowview WTP is insufficient to service this development at this time. Both water & sewer service will be dependent upon the Artesian Water Company assuming operation of the Meadowview WWTP & WTP. The following comments are based on water & sewer service being provided by Artesian Water Company:

1. A SWM plan, Road & Storm Drain plan, Sanitary Sewer plan, Water Distribution plan, and a Mass and Final Grading plan must be approved by the CCDPW prior to submittal for Final Plat Approval.
2. The Highlands WWTF is planned for decommissioning therefore the applicant must provide for sewer connectivity to the Meadow View WWTP or wait for the Aston Point off-site sewer project completion.
3. The ability of the existing water distribution system, together with the proposed extensions, to provide adequate fire flow and pressure must be demonstrated through an update to the Engineering Report of Meadow View – Highlands Water System Analysis prepared by George, Miles, & Buhr, LLC in October 2004.
4. Will this site require an onsite lift or pumping station to connect to existing sewer service?
5. All portions of the proposed water and sewer systems located within County ROW must be designed to County standards and utility easements between Artesian Water Company and the County will be required.
6. Applicant is advised that if the SWM and E&S Control plans for this project are not submitted by May 4th 2010 the new SWM Ordinance will apply and the SWM plan must be designed to meet its requirements.
7. The wetlands & associated buffer differ substantially from what was previously presented to the TAC for this site. Is the wetlands representation here based on a determination by the MDE or COE?
8. 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. Any and/or all structures (i.e. dwellings, outbuildings, driveways, etc...) on down-gradient properties so impacted must be identified on the SWM Plans.
9. The downstream conveyance of storm water must be analyzed in accordance with Section 251-9 A. (5) of the county’s SWM Ordinance. This analysis must include the culvert under Barksdale Road. Special care must be given to the design if a concentration of runoff will result from the SWM facilities.

- 10.** The Lot Grading Plan and SWM Plan must address how the conveyance of drainage from the proposed road will be handled.
- 11.** SWM structural BMPs required for this site must be provided for within Common Open Space (COS) and located within a private stormwater management easement. Access from the county road system must be provided to each SWM facility on site.
- 12.** All conveyance and access easements must be identified on the Final Plat. The standard easement width is 20' however they may need to be wider depending on the type of conveyance and/or the combination of access and conveyance.
- 13.** A Traffic Impact Study (TIS) is required for a subdivision of this size. The TIS must be completed & submitted prior to Preliminary Plat review by the TAC.
- 14.** As indicated on the plat Isaiah Avenue, from station 0+00 to 9+00 will be classified as a "Minor Collector Road" with 60' wide right-of-way and a 32' wide paved section. From station 9+00 to 16+55.79 Isaiah Avenue will be a "Minor Road" with 50' ROW and 30" wide pave section.
- 15.** Proposed roads must be designed in accordance with the current road code. Specifically the minimum road design standards identified in Standard Detail R-35 of the Cecil County Road Code.
- 16.** The Cul-de-sac bulb proposed is not in compliance with the Standard Detail R-14 of the Cecil County Road Code and will require a Road Code Variance
- 17.** Any applicable Road Code Variances must be requested prior to submittal for Preliminary Plat approval.
- 18.** Applicant must provide intersection & stopping sight distance measurements for the Barksdale Road access to DPW prior to preliminary plat submittal. The centerline of the proposed entrance location must be marked in the field. Section 3.07.15 of the Road Code requires that Barksdale Road be upgraded to Minor Collector Road equivalency standard for 100' either side of the proposed entrances. The design engineer must address the requirement to improve/ establish shoulders, construct the minimum acceleration and deceleration lanes, and improve any deficient roadside drainage along the development's road frontage on the street construction drawings.
- 19.** Where determined necessary by the utility companies, the owner, the designer, or DPW, utilities poles must be relocated at the Owner's expense.
- 20.** Lots 44 & 116 are denied direct access to Isaiah Avenue. All denied access must be identified on the Final Plat as well as the Lot Grading Plan.
- 21.** The Applicant must conduct a Category 3 Protocol road condition survey along Barksdale Road from its intersection with Appleton Road to its intersection with Valley Road and Valley Road from Kirkcaldy Drive to Barksdale Road. The Department may require the Applicant to perform off-site upgrades to these roads based on the findings of this condition survey. All necessary road improvements must be agreed to by the Department and shown on the preliminary plat presented to the TAC for review.
- 22.** All driveways must be paved at least to the right of way. The driveway paving, within the ROW, must be complete for all lots at the time when the surface course for the internal roads is installed (80% of Lots are built-out). The Developer/Contractor must establish the driveways for any lots not built -out at that time. In addition any driveway in excess of 5% up-gradient-slope from the road rights-of-way must be paved to the crest and the Developer/Contractor will be responsible for this at the time of surface course installation. If the development is phased this requirement will apply to each phase when 80% of the lots are built-out. All of this must be so indicated on the Lot Grading Plan.
- 23.** What existing rights and obligation do the owners of Parcels 223, 356 & 711 have in regards to the existing access drive? Is this access owned in fee simple or is it an access easement? What is the proposed disposition of the access to these Parcels?
- 24.** The access to Torres & Miller properties (Parcels 223, 356 & 711) must be aligned with the proposed street to provide a 90⁰ angle.

- 25.** Any Tot Lots or active recreation areas required by the Planning Commission must be included in a PWA and have approved construction plans.
- 26.** A PWA is required for the Roads and Storm Drains, Public Sanitary Sewer, and Water System.
- 27.** An I&M Agreement is required for SWM facilities.
- 28.** 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."

Mr. Doordan read the comments of the Health Department:

Identify the public water supply and public sewer plan to be utilized by this development on the plat. Written confirmation of adequate water and sewer allocation must be received prior to final plat approval. If an upgrade to the water system or sewer plant is required to serve this development, approval for the upgrade must be approved by Cecil County Department of Public Works and Maryland Department of the Environment prior to final plat approval.

Design of the water and sewerlines should include capacity for parcels 223 and 711.

The Master Water and Sewer Plan must be amended to include this project as an area served by Public Water and Sewer prior to final plat approval.

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

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

Any Food Service Facility proposed in the commercial development must have Food Service Facility plans approved prior to building permit approval.

At this time, Mr. Lobdell gave additional statements to the effect of why the developer chose the layout presented.

Chairman Mortimer asked if anyone would like to speak in favor or in opposition of this project. Richard Gaskins, 22 Kayser Ct., Newark, DE, spoke in favor. The following citizens spoke in opposition to this project: Elisa Diller (County Councilperson for the 5th District in Newark, DE, speaking as a resident), 182 King Williams St., Newark, DE, Sue Fuhrman, 9 Locharron Dr., Elkton, MD, Paul Baumbach, 38 Country Hill Dr., Newark, DE, Ron Hamlan, 9 Locharron Dr., Elkton, MD, read a statement from Bill Horn, 155 Kirkcaldy Dr., Elkton, MD and himself, Ron Hartman, 164

Little Egypt Road, Elkton, MD (for Pam Baumbach), Milton "Dick" Prettyman, Newark, DE, Elaine Ardes, 11 Megan Circle, Elkton, MD and Ken Gonse, 143 Ballantrae Dr., Elkton, MD.

Mr. Di Giacomo read the recommendation of the staff:

RECOMMENDATION of APPROVAL, conditioned on:

- 1) The requested modification to the percentages of structure types being granted;
- 2) The applicant's including vegetative screening on the Cecil County portion of the end-of-cul-de-sac lots on Long Meadow Court in this project's Landscape Plan, provided that the owners of those lots agreeing to accept those plantings on their lots;
- 3) Any necessary DPW requirements relating to SWM being completed prior to Preliminary Plat review by the Planning Commission;
- 4) A Traffic Impact Study(TIS)'s being completed prior to the TAC's Preliminary Plat review;
- 5) The PFCP's being approved prior to Preliminary Plat review by the Planning Commission; and
- 6) The 10% cap for commercial floor space being adhered to or the removal of the commercial component.

A motion for the recommendation for disapproval based on the commercial use for this PUD not being an adequate fit to serve the intended subdivision, and the 44% proposed townhouses was made by Mr. Janusz.

The motion was seconded by Mr. Edwards.

Motion for the recommendation of disapproval carried with a unanimous vote.

5. Louise, Lots 13-48, Waibel Road, Final Plat, McCrone, Inc., Seventh Election District.

Mike Burcham, McCrone, Inc., and Barry Montgomery, developer, appeared and presented an overview of this 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.

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

Zoning: NAR

Density: The Concept Plat, proposing 5 minor subdivision lots and 44 major subdivision lots on 134.5 acres, was approved at the bonus NAR density of 1/3.06¹⁶ on 1/21/06, 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; and
- 3) The applicant's obtaining verification from MDE that the pumping at full yield of wells on this project will not be affected by any contaminants moving in the direction of these wells from contaminated sites.

The Section 1 Preliminary Plat was approved on 6/19/06, conditioned on:

- 1) Health Dept. requirements being met;
- 2) DPW requirements being met;

¹⁶ §2.4.1 was invoked.

- 3) The FCP and Landscape Plan being approved prior to Final Plat review;
- 4) All questions regarding the location(s), maintenance, and monitoring of recommended sentry wells being resolved prior to Final plat review;
- 5) Documentation of all necessary easement agreements with Susquehanna Transmission Co. of MD being submitted prior to the Planning Commission's review of any future section's Final Plat; and
- 6) The Details of the FCP and any Final Plat matching up.

The revised Section 1 (Rev. Lots 8 & 49)—Section 2 (Lots 12-26 & 41-48) Preliminary Plat was approved on 12/18/06, conditioned on:

- 1) Health Dept. requirements being met;
- 2) DPW requirements being met;
- 3) The FCP and Landscape Plan being approved prior to Final Plat review;
- 4) All questions regarding the location(s), maintenance, and monitoring of recommended sentry wells being resolved prior to Final plat review;
- 5) Documentation of all necessary easement agreements with Susquehanna Transmission Co. of MD being submitted prior to the Planning Commission's review of any future section's Final Plat; and
- 6) The Details of the FCP and any Final Plat matching up.

The lot 12 Final Plat was approved on 3/19/07, conditioned on:

- 1) Health Dept. requirements being met;
- 2) DPW requirements being met;
- 3) The Landscape Agreement being executed prior to recordation;
- 4) A Homeowners' Association for maintenance of common open space being established with \$50 for this recorded lot being placed in escrow for improvements prior to recordation;
- 5) Covenants prohibiting the subdivision of this large lot being recorded and again noted on the Record Plat;
- 6) Deed restrictions for the long-term protection of the Forest Retention/Afforestation Areas (FRAs) must be recorded and noted on the plat prior to recordation, with the metes and bounds description of the FRA being shown on the Final and Record Plats; and
- 7) Documentation of all necessary easement agreements with Susquehanna Transmission Co. of MD being submitted prior to the Planning Commission's review of any future section's Final Plat.

The lot 12 Record Plat was signed on 6/11/08, thus extending Preliminary Plat approval until 6/11/10.

The Lots 1-11 & 49 Final Plat was approved on 4/21/08, conditioned on:

- 1) Health Dept. requirements being met;
- 2) DPW requirements being met;
- 3) The Landscape Agreement being executed prior to recordation;
- 4) A Homeowners' Association for maintenance of common open space being established with \$50 for this recorded lot being placed in escrow for improvements prior to recordation;
- 5) Covenants prohibiting the subdivision of this large lot being recorded and again noted on the Record Plat;
- 6) Deed restrictions for the long-term protection of the Forest Retention/Afforestation Areas (FRAs) must be recorded and noted on the plat prior to recordation, with the metes and bounds description of the FRA being shown on the Final and Record Plats; and

- 7) All BG&E/Constellation Energy documents requiring recordation being recorded prior to recordation of the Record Plat.

The Lots 1-11 & 49 Record Plat was signed on 3/27/09, extending Preliminary approval until 3/27/11.

This Lots 13-48 Final Plat is consistent with the approved Concept, Preliminary, and Final Plats.

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.¹⁷ Slopes greater than 25% have been shown – as have stream and wetland buffers.

Permits are required from the Corps of Engineers and MDE for all non-tidal wetland and stream impacts prior to recordation. Documentation of the JD was received on 6/12/06.

A letter was received from MDE stating that available information indicates that groundwater in the vicinity is not expected to be affected by the contamination associated with the Woodlawn federal superfund site.¹⁸ At the 6/19/06 Planning Commission review of the Section 1 Preliminary Plat, it was determined that all such questions must be fully resolved prior to any Final Plat review. A subsequent 12/1/06 MDE letter stated that any possible monitoring wells would be “a voluntary effort that is not required by EPA or MDE.” Because such monitoring wells are required by neither the Zoning Ordinance nor the Subdivision Regulations, and because MDE states that, based upon empirical data, the Louise “subdivision is not expected to be affected” by contamination, staff finds no basis upon which to recommend the requiring of monitor wells.

There are no habitats of rare, threatened, and endangered species.

15% common open space is required; 21.49% was proposed on the approved Concept Plat, and the Preliminary Plats together proposed 1 acre more open space/common open space than did the Concept Plat. Thus, bonus density eligibility has been maintained.

No landscaping or sidewalks are required. Bufferyards Standard C is required, outside the right-of-way, along the Doctor Jack & Waibel Road frontages.

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 Forest Stand Delineation (FSD) was approved on 1/13/06.

The PFCP was approved on 6/16/06 for proposed Lots 1-11 & 27-40 only. Because lot lines have changed, it must be revised. The PFCP for the balance of the project must be approved prior to the Planning Commission's review of this Preliminary Plat.

The final FCP and Landscape Plan were approved on 3/18/10.

A Landscape Agreement must be executed prior to recordation.

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

¹⁷ 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.”

¹⁸ The letter also stated “... it would be prudent to consider the installation of sentry wells between the subdivision and the Woodlawn site to ensure that should any changes occur, they would be detected before potentially impacting the proposed subdivision.”

The MDE letter did **not** provide any **guidance**, however, as to exactly where the sentry wells should be located or by whom they would be maintained or monitored.

Common open space access between and beside lots must be marked with concrete monuments.

Covenants prohibiting the subdivision of the large lot must be recorded and again noted on the Record Plat.

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

Documentation of an easement agreement with BG&E has been received. All documents requiring recordation must be recorded prior to the recordation of the Record Plat.

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

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

All plans are technically complete and only administrative issues remain outstanding. Discussion ensued regarding Herbie's Curve. 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.

Mr. Doordan read the comments of the Health Department:

A Groundwater Appropriation Permit has been issued by Maryland Department of the Environment for 48 wells. Final plat is satisfactory.

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

Mr. Di Giacomo read the recommendation of the staff:

APPROVAL, conditioned on:

- 1) Health Dept. requirements being met;
- 2) DPW requirements being met;
- 3) The Landscape Agreement being executed prior to recordation;
- 4) \$50 per recorded lot for maintenance of and improvements to the common open space being placed in the HOA's escrow account prior to recordation;
- 5) Deed restrictions for the long-term protection of the street trees & Forest Retention/Afforestation Areas (FRAs) being recorded and noted on the plat prior to recordation, with the metes and bounds description of the FRA being shown on the Final and Record Plats; and
- 6) All BG&E/Constellation Energy documents requiring recordation being recorded prior to recordation of the Record Plat.

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

The motion was seconded by Mr. Janusz.

All approved. Motion carried.

There were no items of General Discussion.

A motion to adjourn was made by Mr. Wallace.
The motion was seconded by Mr. Janusz.

All approve. Motion carried.

The April Planning Commission meeting adjourned at 3:14 p.m.

Respectfully Submitted:

Jennifer Bakeoven