

CECIL COUNTY PLANNING COMMISSION

Meeting Minutes

May 17, 2010

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

Absent: Joe Janusz; Mark Woodhull; H. Clay McDowell, alternate; Rebecca Demmler.

Call to Order: Chairman Mortimer called the meeting to order at 12:04 p.m.

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

1. Providence Reserve, Lots 1-29, MD Rte. 273, Preliminary Plat Extension, PELSA Co., Inc., Sixth Election District.

Harlan Williams, Mike Paraskewich, Sr. and Robert Eckroades, 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: NAR¹

Density: The combined Providence Reserve-Stammler Concept Plat² was approved on 12/18/06, conditioned on:

- 1) The boundary line survey's being completed prior to TAC review of the Preliminary Plat;
- 2) Documentation of the JD's completion being received prior to the Planning Commission's review of the Preliminary Plat;
- 3) All necessary Bufferyards A being shown on the Plat prior to the TAC's review of the Preliminary Plat; and
- 4) The Stammler Concept Plat being modified to be consistent with this design.

For Providence Reserve, the Concept Plat invoked the density provisions of §2.4.1 to propose 5 minor & 18 major subdivision lots on 91.8 acres, for a proposed major subdivision density of 1/5.1. It revised the layout of the approved Stammler Concept Plat, and tied its proposed Lot 4 to the Providence Reserve by virtue of the proposed access.

The Preliminary Plat was approved on 9/15/08, conditioned on:

- 1) Health Department requirements being met;

¹ The NAR zone then permitted a density of 1 du/ 5 ac.

² The original Stammler Concept Plat, proposing 2 minor and 4 major subdivision lots for a proposed density of 1/6.24, was approved on 10/16/06, conditioned on:

- 1) The **boundary line survey's** being completed prior to TAC review of the Preliminary Plat;
- 2) Documentation of the **JD's** completion being received prior to the Planning Commission's review of the Preliminary Plat;
- 3) All necessary **Bufferyards A** being shown on the Plat prior to the TAC's review of the Preliminary Plat;
- 4) A **setback modification** being granted for the existing dwelling on proposed Lot 1; and
- 5) Consideration being given to designing roadway connectivity to the adjacent proposal into the layout.

- 2) DPW requirements being met;
- 3) All common open space being correctly labeled and referenced;
- 4) The street tree planting easements being correctly labeled and referenced;
- 5) The FCP/Landscape Plan being approved prior to Final Plat review; and
- 6) Deed restrictions for the long-term protection of the Forest Retention/Afforestation Areas (FRAs) being recorded and noted on the plat prior to recordation, with the metes and bounds description of the FRA being shown on the Final and Record Plats.

§4.1.17 provides that Preliminary Plats shall be valid for two years from date of approval. Therefore, the 9/15/08 Preliminary approval is set to expire on 9/15/10, unless either a Final Plat is approved and recorded or, as requested today, the Preliminary Plat's validity is extended.

If the requested extension is granted, then the Preliminary Plat approval will be extended until 5/17/12.

§4.1.18 of the Cecil County Subdivision Regulations stipulates, "The Planning Commission may, at their regular monthly meeting, grant an extension of the Preliminary approval for two (2) years upon application of the developer. If granted, said extension shall run for two (2) years from the date said extension is granted. In connection with such request, the Commission shall consider the following:

- a) Change of adjoining land use.
- b) Change in street or highway plan.
- c) Change in zoning or subdivision regulations."

There have been no such pertinent changes.

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

The Department has no objection to granting the extension requested. The Applicant is reminded that the SWM plan for this development must be designed to meet the County's May 4, 2010 SWM Ordinance. In addition the Department's comments from the September 15, 2008 Planning Commission meeting still apply and will not be read but will be included in the minutes of this meeting:

1. A SWM plan, Road & Storm Drain plan, and a Mass and Final Grading plan must be approved by the CCDPW prior to submittal for Final Plat Approval. The fees for design review of this project must be provided at the time of first design submittals.
2. The streets & storm drains must be designed to the new Road Code.
3. If the existing pond on Lot 8 is proposed to be used as a SWM BMP an as-built, dam breach analysis, and an engineer's report addressing MD Pond 378 requirements must be submitted with the SWM plan.
4. Where is the discharge point from the proposed SWM pond? The Department will not approve the SWM plan until the SHA have approved the discharge into their ROW.
5. The minimum horizontal curvature radius for a Minor Road is 200'. Clarify the location of C19?
6. Section 3.07.3 of the Road Code requires that slopes at intersections shall not exceed 5%. The proposed 6% & 11% slopes do not comply and must be revised. Section 3.02 mandates that the max slope for a minor road is 10% but not at intersections.
7. The intersection grade does not work and is not in compliance with the Road Code (2-3% cross slopes).
8. Verify the acceptable road slope, at the proposed entrance, with SHA.
9. The monumental entrance road geometry must accommodate all required turning movements. The lanes must be a minimum of 10' wide and left & right turn lanes needed at the site egress.
10. Identify the cart way pavement width, shoulders, drainage ditches, driveway locations, and any driveway pipes if required on the preliminary plat presented to the Planning commission.

11. There appear to be insufficient number of inlets for the slopes proposed.
12. The Department has concern about lot drainage. How do you propose to address runoff conveyance on lots to avoid adverse impacts on down-gradient lots?
13. Identify all drainage easements, where storm drain conveyance is run outside of County ROW, on the plat presented for Planning Commission review.
14. The driveway for Lot 1 must be located within 50' of the property line with Lot 2 to avoid conflict with the proposed intersection. The remainder of the lot frontage must be denied direct access on to Reserve Circle.
15. The driveway location for Lot must comply with the new Road Code.
16. We have a question about the Dry Hydrant pull-off proposed? Is it necessary?
17. 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:
 - 17.1 The Final Plat Lot Grading Note and the Lot Grading Plan Construction Limits Note.
 - 17.2 Compliance with Sections 251-9.A (5), 251-13, and 251-15.D. of the Cecil County Stormwater Management Ordinance.
 - 17.3 Requirements for Utility relocations.
 - 17.4 Requirements for Stormwater Inspection and Maintenance Agreements
 - 17.5 Requirements for Public Works Agreements.
 - 17.6 Requirements for Driveways.

Notes and requirements identified for record:

1. The Final Plat must include the Lot Grading Plan standard note and the Lot Grading Plan must include the standard construction limits note.
 - a. *Final Plat:* "A lot grading plan has been approved by the CCDPW for the construction shown hereon. A site construction as built shall be submitted to the CCDPW prior to use and/or occupancy of any of the sites shown hereon. Any change to the Forest Retention, Forestation, and/or Reforestation will require a consistency review, of the SWM approval, with CCDPW."
 - b. *Grading Plan:* "No clearing or grading is permitted beyond the limits of disturbance show hereon. Any expanded clearing and/or grading in the absence of an approved revised lot grading plan may be considered non-compliance with Chapter 251 of the Cecil County Code and either or both the developer and/or Builder may be subject to the enforcement of the penalty provisions therein."
2. The downstream conveyance of storm water must be analyzed in accordance with Section 251-9 A. (5) of the county's SWM Ordinance. If stormwater discharge is directed off of the site on to adjacent property it is the responsibility of the Developer to obtain appropriate easements from the affected property owners per Sections 251-13 and 251-15.D of the Cecil County SWM Ordinance.
3. Where determined necessary by the utility companies, the owner, the designer, or DPW, utility poles must be relocated at the Developer's expense.
4. An Inspection & Maintenance Agreement is required for the private SWM facilities.
5. A Public Works Agreement is required for the streets & storm drainage constructions.
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 form the roadway must be paved to the crest. If the development is phased these requirements will apply to each phase when 80% of the lots are built-out. All of these requirements must be reflected on the Lot Grading Plan.

Mr. Doordan read the comments of the Health Department:

The Groundwater Appropriation Permit has expired. A valid Groundwater Appropriation Permit is required at the time of final plat and record plat approvals.

The Health Department has no objection to extension of preliminary plat approval; however, the applicant is reminded that outstanding comments from the September 15, 2008 Planning Commission meeting must still be addressed. In addition, the major subdivision must be revised to reflect Minor Subdivision # 3843, which divided off the existing farmhouse on proposed lot 20 as lot 1.

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

Mr. Di Giacomo read the recommendation of the staff:

The GRANTING of a two year extension of Preliminary Plat approval, to expire on 5/17/12.

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

The motion was seconded by Mr. Doordan.

All approve. Motion carried.

2. Mank's Pond, Lots 5-35, Oldfield Point Road, Preliminary Plat Extension, Will Whiteman Land Surveying, Inc., Fifth Election District.

Will Whitman and Ronny Carpenter, appeared and presented an overview of the project.

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

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

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

Zoning: SR

Density: The Concept Plat³ proposing 31 (new) lots⁴ on 76.991 acres, for a proposed density of 1/2.484,⁵ was approved on 5/21/07, conditioned on:

- 1) All questions relating to soils, stream buffers, and SWM locations being resolved prior to the TAC's review of any Preliminary Plat.

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) The FCP/Landscape Plan being approved prior to Final Plat review;
- 5) The GAP having been issued prior to Final Plat review; and
- 6) Deed restrictions for the long-term protection of the street trees & Forest Retention/Afforestation Areas (FRAs) being recorded & noted on the plat prior to recordation, with the metes & bounds description of the FRA being shown on the Final & Record Plats.

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

Therefore, the 7/21/08 Preliminary approval is set to expire on 7/21/10, unless either a Final Plat is approved and recorded or, as requested, the Preliminary Plat's validity is extended.

If the requested extension is granted, then the Preliminary Plat approval will be extended until 5/17/12.

§4.1.18 of the Cecil County Subdivision Regulations stipulates, "The Planning Commission may, at their regular monthly meeting, grant an extension of the Preliminary approval for two (2) years upon application of the developer. If granted, said extension shall run for two (2) years from the date said extension is granted. In connection with such request, the Commission shall consider the following:

³ Similar Concept Plats for this property were **approved** on 7/16/01 and 7/19/04. Per §4.0.9, since a Preliminary Plat was not subsequently approved within two (2) years of that date, those Concept Plats no longer have any status.

⁴ Lots 1-4 are existing lots.

⁵ The SR zone permits a maximum base density of 1 du/ 1 ac.

- 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. Whittie, DPW, read the comments of the department:

The Department has no objection to granting the extension requested. The Applicant is reminded that the SWM plan for this development must be designed to meet the County’s May 4, 2010 SWM Ordinance. In addition the Department’s comments from the July 21, 2008 Planning Commission meeting still apply and will not be read but will be included in the minutes of this meeting:

1. A SWM plan, Road & Storm Drain plan and a Mass and Final Grading plan must be approved by the CCDPW prior to submittal for Final Plat Approval.
2. Section 3.07.15 of the Road Code directs that Oldfield Point Road must be upgraded for a distance of 100’ either side of the point of intersection between Oldfield Point Road and the proposed Mank Drive. The improvements required must address roadside drainage issues and pavement distress at a minimum. Additional improvements may be required if determined necessary by the DPW. Where these required improvements can be accommodated within the existing ROW or prescriptive right of maintenance, no new permanent fee simple ROW acquisition from adjoining property owners will be required.
3. The default minimum acceleration and deceleration lanes are a 100’ long 10’ wide paved section measured from the point of curvature of the entrance curves. The road design must reflect this.
4. Meadow Lark Spur must be terminated in a temporary tee turnaround and indicated as such on the preliminary plat presented to the Planning Commission.
5. The Department of Public Works requires that any Road Code Waivers and/or Variances sought must be requested and the major road issues be resolved, to the Department’s satisfaction and shown on the preliminary plat prior to submittal of the preliminary plat to the Technical Advisory Committee. The major road issues have been resolved to the Department’s satisfaction. And a variance to Sections 3.07.6 & 3.07.7 of the Road Code has been granted for the private mini road entrance geometry.
6. A Road Code Variance has been granted for the Private Mini-road in regards to the use of the existing paving.
7. Sight distance measurements must be submitted for all entrances to the DPW to establish compliance with the Cecil County Road Code.
8. Lot 32 is denied direct access to Oldfield Point Road and this must be reflected on the preliminary & final plats as well as the final lot grading plan.
9. Are all easements for SWM conveyance, access, and inspection & maintenance identified on the preliminary plat as required?
10. The longitudinal slopes of the proposed roads must be identified on the preliminary plat.
11. An access easement for each SWM facility must be extended out to abut County ROW.
12. The MDE stream crossing permit must be obtained prior to the Department approving the road & storm drain plans.
13. Well locations are not shown for every lot in the development.
14. 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:

- 14.1 The Final Plat Lot Grading Note and the Lot Grading Plan Construction Limits Note.
- 14.2 Compliance with Sections 251-9.A (5), 251-13, and 251-15.D. of the Cecil County Stormwater Management Ordinance.
- 14.3 Requirements for Utility relocations.
- 14.4 Requirements for Stormwater Inspection and Maintenance Agreements

- 14.5 Requirements for Public Works Agreements.
- 14.6 Requirements for Driveways.
- 14.7 Requirements for Private Mini Roads.

Notes and requirements identified for record:

1. The Final Plat must include the Lot Grading Plan standard note and the Lot Grading Plan must include the standard construction limits note.
 - a. *Final Plat:* “A lot grading plan has been approved by the CCDPW for the construction shown hereon. A site construction as built shall be submitted to the CCDPW prior to use and/or occupancy of any of the sites shown hereon. Any change to the Forest Retention, Forestation, and/or Reforestation will require a consistency review, of the SWM approval, with CCDPW.”
 - b. *Grading Plan:* “No clearing or grading is permitted beyond the limits of disturbance show hereon. Any expanded clearing and/or grading in the absence of an approved revised lot grading plan may be considered non-compliance with Chapter 251 of the Cecil County Code and either or both the developer and/or Builder may be subject to the enforcement of the penalty provisions therein.”
2. The downstream conveyance of storm water must be analyzed in accordance with Section 251-9 A. (5) of the county’s SWM Ordinance. If stormwater discharge is directed off of the site on to adjacent property it is the responsibility of the Developer to obtain appropriate easements from the affected property owners per Sections 251-13 and 251-15.D of the Cecil County SWM Ordinance.
3. Where determined necessary by the utility companies, the owner, the designer, or DPW, utility poles must be relocated at the Developer’s expense.
4. An Inspection & Maintenance Agreement is required for the private SWM facilities.
5. A Public Works Agreement is required for the streets & storm drainage constructions.
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.
7. A statement clearly outlining the responsibilities of the homeowners in the maintenance of private 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.

Mr. Doordan read the comments of the Health Department:

The Health Department has no objection to extension of preliminary plat approval; however, the applicant is reminded that outstanding comments from the July 21, 2008 Planning Commission meeting must still be addressed.

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

Mr. Di Giacomo read the recommendation of the staff:

The GRANTING of a two year extension of Preliminary Plat approval, to expire on 5/17/12.

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

The motion was seconded by Mr. Doordan.

All approve. Motion carried.

3. Smith Creek II, Lots 1-3, Welders Lane, Revised Concept Plat, Michael A. Scott, Inc., First Election District.

Michael Scott, 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: SAR & RCA (Critical Area)

Density: The original Concept Plat,⁶ proposing 8 lots, a reconfigured Lot 4, and the inclusion of Lot 5⁷ in the density calculation, on approximately 149.291 acres, for a density of 1:16.59, was approved on 12/21/06, conditioned on:

- 1) The boundary line survey being completed prior to the TAC's review of any Preliminary Plat;
- 2) Documentation of the JD's completion being submitted prior to the Planning Commission's review of the Preliminary Plat;
- 3) Acreage totals consistently agreeing with one another on any Preliminary Plat;
- 4) Any Preliminary Plat's title block accurately reflecting what is actually being proposed;
- 5) The PFCP and any preliminary environmental assessment being approved prior to the Planning Commission's review of the Preliminary Plat;
- 6) All road name being approved prior to the Planning Commission's review of the Preliminary Plat;
- 7) Any Preliminary Plat's tabular information accurately reflecting lots in the proposal; and
- 8) Misspellings being corrected on all future submissions.

The Preliminary Plat for proposed Lots 1-4 only, was approved on 12/15/08, conditioned on:

- 1) Health Department requirements being met;
- 2) DPW requirements being met;
- 3) All Critical Area details being clearly and fully provided on subsequent submittals;
- 4) All Critical Area Commission comments being fully addressed on subsequent submittals;
- 5) The street tree planting easement's being depicted on the Final Plat;
- 6) The FCP/Landscape Plan being approved prior to the submission of the Final Plat;
- 7) The issue of the proposed access easement across proposed Lot 1 being revisited prior to the submission of the Final Plat;
- 8) The Smith Creek Lane acreage being added to Note # 4 to meet the §4.1.22 (r) requirement prior to the submission of the Final Plat;
- 9) Deed Parcel lines being shown on all subsequent submittals; and
- 10) The SAR total acreage being corrected on all subsequent submittals.

This new Concept Plat, reviewed by the TAC on 11/4/09, does away with the previous proposal of 8 new lots. Only 3 lots are now proposed on 145.438 acres, for a proposed density of 1/36.3695,⁸ which is consistent with both the SAR and RCA densities of 1/20.

Note # 4's stated SAR density of 1/34.614 can be arrived at only by subtracting the 6.982 acres of "private tidal wetlands" from the gross 145.438 acres and then dividing the remainder (138.456) by the 4 dwelling units.⁹ §12 of the Zoning Ordinance defines "density" as follows: "The number of

⁶ A previous Concept Plat for this portion of the property was approved on 8/19/02. A one year extension was granted of the concept plat on 8/16/04, and a subsequent one year extension was granted on 8/15/05. It was allowed to expire in August 2006.

⁷ As stated at the 2/22/00 Planning Commission meeting: "The dwelling on the proposed lot 5 must be located on the original Parcel 1 portion of the lot, not the Parcel 3 add-on piece. Therefore, lot 5 will be included in the density calculation for this and all future subdivision proposals for Parcel 1." Those comments pertain to Lot 5 of Smith Creek.

⁸ As stated at the 2/22/00 Planning Commission meeting: "The dwelling on the proposed lot 5 must be located on the original Parcel 1 portion of the lot, not the Parcel 3 add-on piece. Therefore, lot 5 will be included in the density calculation for this and all future subdivision proposals for Parcel 1." Those comments pertain to Lot 5 of Smith Creek.

⁹ As stated at the 2/22/00 Planning Commission meeting: "The dwelling on the proposed lot 5 must be located on the original Parcel 1 portion of the lot, not the Parcel 3 add-on piece. Therefore, lot 5 will be included in the density calculation for this and all future subdivision proposals for Parcel 1." Those comments pertain to Lot 5 of Smith Creek.

dwelling units that may be constructed per acre or per square foot of a zoned lot area.” Per Note # 4, the area zoned SAR is 145.438 acres.

For the previous Preliminary Plat, the acreage and layout had changed and a resubdivision had created a revised Lot 4 on Deed Parcel 3, but no additional density was added to Deed Parcel 3. All of the new dwellings now proposed are, and must be, on Deed Parcel 1.

What is the proposed disposition of the shed, with access from the adjacent lot, on proposed Lot 1?

Will the shed on proposed Lot 1, with access from the adjacent lot, figure into the lot coverage calculations? Mr. Scott said yes.

The dwelling on Lot 5 of Deed Parcel 3 was moved back to within Deed Parcel 1, because the Deed Parcel 3 density had been, and remains, exhausted.

Note # 4 indicates that there are 104.312 acres in the Critical Area. The RCA density is 1/32.443, after the deduction of the 6.982 acres of private tidal wetlands.

The boundary line survey has been completed. The Critical Area boundary and old 110’ Buffer have been shown and referenced. The “new”¹⁰ RCA Buffer is 200’. The Critical Area boundary on sheet 1 of 4 has been labeled.

These proposed lots would access Welder’s Lane – which needs to be labeled on sheet 1 of 4. Smith Creek Lane is no longer proposed. (The Smith Creek Lane road name has been approved.)

What is the rationale for the access easement across proposed Lot 1 to the Lands of Heath?

Slopes greater than 25% have been depicted. 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

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.

No common open space is required for fewer than 10 lots, & no landscaping is required in the SAR zone.

¹⁰ As of 7/1/08, the minimum Buffer in the RCA is 200’.

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.”

The FSD approved on 12/18/99 was extended on 12/20/06 until 10/15/09, and a second extension was granted, rendering it valid until 10/29/14.

A Conceptual EA for this portion of the property was approved on 4/14/10.

The PFCP/Prelim. Environmental Assessment was conditionally approved on 11/19/08. The FRA shown is not consistent with the PFCP/PEA. Detail consistency between the plat and the PFCP/PEA must be achieved prior to the Planning Commission's review of the Preliminary Plat.

CBCAC comments relating to this project were received on 11/2/09, a copy of which was provided to the applicant. The more recent Critical Area Commission's 4/5/10 and 5/6/10 comment letters were both cc'ed to Mr. Scott and to Vortex Environmental, Inc.

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

A Landscape Agreement must be executed prior to recordation.

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

The RCA's 15% lot coverage threshold must be calculated and included on the Preliminary Plat.

FIDS habitat must be avoided in the Critical Area.

No development is permitted in the tidal wetlands and tidal waters buffers, including septic systems, impervious surfaces, parking areas, roads, or structures, as noted in an unnumbered note.

The old Critical Area RCA 110' buffer, and expansions thereof, have been shown. However, the new Buffer in the RCA is a minimum of 200', as of 7/1/08.

Per §200.6.b (2), no more than 20% of the forest or developed woodland may be removed. When less than 15% of the site is in forest cover, at least 15% of the gross site area shall be afforested (§200.6.a).

In the Critical Area, no structure shall exceed 35' in height.

A minimum 200' tidal wetland and tidal waters buffer shall be established in natural vegetation. This buffer shall be expanded to include contiguous sensitive areas featuring hydric soils, highly erodible soils on slopes greater than 15%, or areas of impact including streams, wetlands, or other aquatic environments.

The SWM plan for this development must be designed and submitted in accordance with the County's 2009 SWM Ordinance. Therefore, because the stormwater management concept plan was not approved by all agencies & departments (as specified in Section 251-12(B) of said SWM Ordinance) prior to this Concept Plat's submission to the Planning Commission, its approval cannot be recommended.

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.

School information:	Elementary	Middle	High School
	Cecilton	Bo Manor	Bo Manor
FTE	338	479	740
Capacity	350	601	643
% Utilization	97%	80%	115%

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

1. The Applicant is reminded that the SWM plan for this development must be designed in accordance with the County's May 4, 2010 SWM Ordinance. With that in mind this project is in non-compliance with Article V Section 251-12 E. 1. a. of the this Ordinance that requires that the stormwater management concept plan must be submitted by the owner/developer and approved by all agencies and departments specified in Section 251-12(B) of this Ordinance prior to submitting the Concept Plat for approval to the Cecil County Planning Commission. As such, the department cannot support approval of this project at this time. The owner/developer must submit the conceptual stormwater management plan to all specified agencies and departments prior to or at the time of submittal of the concept plat to the Office of Planning and Zoning for Technical Advisory Committee review.
2. If the stormwater management plan involves the redirection of some or all the stormwater runoff of the site or concentrates the release of stormwater runoff in an offsite area that previously received non-concentrated flow permission (via easements or other property interests) where necessary must be obtained.
3. Why was the fee simple add-on proposed for Parcel 76, Lot 1 on the approved concept plat removed? How does this lot legally access the proposed road and what impact does this have on the proposed Lot 1? The Department will require, at a minimum, a deeded right of access for the dwelling on Parcel 76, Lot 1 across the proposed Lot 1 of this subdivision. This terminology must be reflected in the note referencing this access on Sheet 2/5
4. 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:
 - 4.1 The Final Plat Lot Grading and the Lot Grading Plan Construction Limits Note.
 - 4.2 Compliance with Sections 251-9.A (5), 251-13, and 251-15.D. of the Cecil County Stormwater Management Ordinance.
 - 4.3 Requirements for Utility relocations.
 - 4.4 Requirements for Stormwater Inspection and Maintenance Agreements.
 - 4.5 Requirements for Public Works Agreement.
 - 4.6 Requirements for Driveways.

Notes and requirements identified for record:

1. The Final Plat must include the Lot Grading Plan standard note and the Lot Grading Plan must include the standard construction limits note.
 - a. *Final Plat: "A lot grading plan has been approved by the CCDPW for the construction shown hereon. A site construction as built shall be submitted to the CCDPW prior to use and/or occupancy of any of the sites shown hereon. Any change to the Forest Retention, Forestation, and/or Reforestation will require a consistency review, of the SWM approval, with CCDPW."*
 - b. *Grading Plan: "No clearing or grading is permitted beyond the limits of disturbance show hereon. Any expanded clearing and/or grading in the absence of an approved revised lot grading plan may be considered non-compliance with Chapter 251 of the Cecil County Code and either or both the developer and/or Builder may be subject to the enforcement of the penalty provisions therein."*
2. The downstream conveyance of storm water must be analyzed in accordance with Section 251-9 A. (5) of the county's SWM Ordinance. If stormwater discharge is directed off of the site on to adjacent property it is the responsibility of the Developer to obtain appropriate easements from the affected property owners per Sections 251-13 and 251-15.D of the Cecil County SWM Ordinance.
3. Where determined necessary by the utility companies, the owner, the designer, or DPW, utility poles must be relocated at the Developer's expense.
4. An Inspection & Maintenance Agreement is required for the private SWM facilities.
5. A Public Works Agreement is required for the road & storm drain work.
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.

Mr. Doordan read the comments of the Health Department:

A Groundwater Appropriation Permit Exemption must be requested from Maryland Department of the Environment prior to final plat approval.

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

Mr. Di Giacomo read the recommendation of the staff:

DISAPPROVAL, with the recommendation that the plat be resubmitted once:

- All Critical Area issues relating to Concept Plats, including the depiction of and references to the 200' RCA Buffer, have been resolved; and
- All SWM issues specifically relating to Concept Plats have been resolved.

A motion for disapproval per the recommendation of staff was made by Mr. Wiggins.

The motion was seconded by Mr. Wallace.

Motion for disapproval carried.

General Discussion:

Discussion ensued regarding the acceptance of plats that do not have all of the appropriate approvals prior to the Planning Commission review.

Chairman Mortimer asked staff when the 2010 Comprehensive Plan will go into effect. Mr. Sennstrom stated that it is currently in effect. Discussion ensued.

Chairman Mortimer stated that he would like a discussion with Harlan Williams to be added to the "General Discussion" section of the June Planning Commission agenda.

Lastly, Chairman Mortimer stated that he would like to meet with the staff to discuss other points of interest concerning the Planning Commission.

A motion for adjournment was made by Mr. Wallace and seconded by Mr. Wiggins.

All approve. Motion carried.

The May Planning Commission meeting adjourned at 12:35 p.m.

Respectfully Submitted:

Jennifer Bakeoven