

**CECIL COUNTY PLANNING COMMISSION**

**Meeting Minutes**

**June 21, 2010**

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

**Absent:** Bill Mortimer, Chairman.

**Call to Order:** Vice Chair Doordan called the meeting to order at 12:00 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. Springhill, Section Two, Lots 5-18, 23 & 24, Spring Hill Road, Preliminary Plat Extension, American Engineering and Surveying, Inc., Sixth Election District.**

Kordell Wilen, American Engineering & Surveying, Inc., appeared and presented an overview of the project.

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

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

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

Zoning: NAR

Density: The original Spring Hill Concept Plat proposing 19 lots on 98.501 acres<sup>1</sup> for a density of 1/5.18, was approved on 12/21/98, conditioned on:

- 1) Amber Court being realigned to minimize the impact on the existing forest, and
- 2) The number of panhandle lots being re-evaluated and if at all possible, being reduced to two.

The Section 1 Preliminary and Final Plats were approved on 4/19/99 and 8/16/99, respectively. Section 1 consisted of Lots 2 & 19-22.

Subsequently, another Spring Hill Concept Plat (for Section 2) for the remaining lots<sup>2</sup> was reviewed by the TAC on 3/7/01 and approved by the Planning Commission 3/19/01. It still showed an overall total of 19 lots (5 in Section 1 and 14 proposed in Section 2) on 98.501 acres.

The Springhill Section 1 (approved 8/16/99) Record Plats were signed on 10/17/02.<sup>3</sup>

The Section 2 Preliminary Plat was approved on 4/16/01, but it expired because §4.1.17 stipulates that Preliminary Plat approvals are valid for two years – if a Final Plat is not recorded within that timeframe. Per §4.0.9, the 12/21/98 & 3/19/01 Concept Plat approvals have expired, as well.

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<sup>1</sup> The actual acreage was 105.5, but the 98.5 figure was erroneously used on Springhill submittals through 11/3/04. The error occurred through the renumbering of lots 2 and 4, one a minor, and the other a major subdivision lot.

<sup>2</sup> 14 – based upon the 98.5 acre figure.

<sup>3</sup> This Record Plat cited the erroneous 98.5 acres of remaining lands, so it must be modified.

Consequently, a Section 2 Concept Plat was submitted and reviewed by the TAC on 11/3/04. However, it was not subsequently submitted for Planning Commission approval. It proposed 14 lots, which, if approved, together with Section 1's 5 lots, would have yielded an overall Springhill proposed density of 1/5.1842 – based on 98.501 acres.

The Section Two Concept, proposing 16 new lots on the remaining 88.417 acres, yielding a density of 1/5.526,<sup>4,5,6</sup> was approved on 12/21/06, conditioned on:

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

The Section Two Preliminary Plat, consistent with the approved Concept Plat, was approved on 7/21/08, conditioned on:

- 1) Health Dept. Requirements being met;
- 2) DPW requirements being met; and
- 3) Deed restrictions for the long-term protection of the street trees and Forest Retention/Afforestation Areas (FRAs) being recorded and noted on the plat prior to recordation, with the metes and bounds description of the FRA being shown on the Final and 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.

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

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

Staff reports that no such changes have taken place.

The applicant is reminded the final Forest Conservation Plan (FCP)/Landscape Plan and SWM Final Plan must (shall) be approved prior to Planning Commission review of the Final Plat (§6.3.B(1)(a), Cecil County Forest Conservation Regulations; §251.12, 2009 Cecil County SWM Ordinance).

If granted, then this extension would expire on 6/21/12.

'08 School information:	Elementary	Middle	High School
	Rising Sun	Rising Sun	Rising Sun
FTE	819.5	712	1129
Capacity	615	775	903
% Utilization	133%	92%	125%
School information:	Elementary	Middle	High School

<sup>4</sup> Based on the original 105.528 total acres, 21 total lots would yield a density of 1/5.025, but the original Concept Plat's density approval has expired.

<sup>5</sup> The NAR zone then permitted a maximum base density of 1 du/ 5 ac. It is now 1/10, with no opportunity for bonus density.

<sup>6</sup> NAR bonus density was not an issue.

	Rising Sun	Rising Sun	Rising Sun
FTE	681	708	1177
Capacity	715	818	903
% Utilization	95%	87%	130%

Mr. Woodhull, 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 current 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 & 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. What special condition warrants the use of the 40' wide ROW proposed for Natalie Way and Amber Court? The Department is not inclined to approve reducing the ROW from the standard 50'. If we were to approve it closed section road must be used.
3. The DPW requires a modified TIS be prepared for this development. The TIS must analyze the site generated traffic distribution pattern. Intersection & link analyzes will not be required. The TIS must be submitted prior to preliminary plat review of this project by the TAC.
4. Section 3.07.15 of the Road Code nominally directs that Spring Hill Road be upgraded to a Minor Collector Standard for a distance of 100' either side of the points of intersection between Spring Hill Road and Amber Court & Natalie Way.
5. The Applicant should be aware that additional offsite road improvements may be required along Spring Hill Road and Ridge Road. To better determine what improvements if any will require that the applicant provide a Protocol 3 road condition survey & road improvements plan for Spring Hill Road from Ridge Road to Horse Shoe Road.
6. Sight distance measurements must be submitted for both Natalie Way and Amber Court intersections with Spring Hill Road prior to preliminary plat review. These locations must be marked in the field.
7. 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:
  - 7.1 The Final Plat Lot Grading Note and the Lot Grading Plan Construction Limits Note.
  - 7.2 Compliance with Section 251-13 of the Cecil County Stormwater Management Ordinance.
  - 7.3 Requirements for Utility relocations.
  - 7.4 Requirements for Stormwater Inspection and Maintenance Agreements
  - 7.5 Requirements for Public Works Agreements.
  - 7.6 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. 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.
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.

Mr. Wiggins, read the comments of the Health Department:

The Health Department has no objection to extension of preliminary plat approval. A revised preliminary plat showing pumping on lot 13 is required, as stated in the July 2008 Planning Commission comments.

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

Mr. Di Giacomo read the recommendation of the staff:

The granting of a two (2) year extension, to expire on 6/21/12.

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

The motion was seconded by Mr. Janusz.

All approve. Motion carried.

## **2. Knights Court, Lots 1-45, Knight Island Road, Preliminary Plat Extension, McCrone, Inc., First Election District.**

Don Sutton, McCrone, Inc., appeared and presented an overview of the project.

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

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

With regard to the posting of plats on the County'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

Density: The Concept Plat, invoking the density provisions of §2.4.1 to propose 8 minor & 37 major subdivision lots<sup>7</sup> on 298.86 acres, for a proposed density of 1/8.077<sup>8</sup>, was approved on 11/27/06, conditioned on:

- 1) The boundary line survey being completed prior to the TAC's review of the Preliminary Plat;
- 2) Documentation of the completion of the JD being submitted prior to the Planning Commission's review of the Preliminary Plat;
- 3) The PFCP being approved prior to the Planning Commission's review of the Preliminary Plat;
- 4) A fire suppression tank being shown on the Preliminary Plat; and
- 5) Indication that the existing land to Lot 23 is used for farm use being placed on all subsequent plats.

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<sup>7</sup> For two parcels of record.

<sup>8</sup> The SAR zone permitted a base density of 1 du/ 8 ac. Bonus density is not an issue.

35.58 acres are located in the Critical Area RCA overlay zone, which permits a density of 1/20. Only one proposed lot would be in the Critical Area on each original parcel of record: the proposed Lots 23 and 45 Critical Area density is 1/17.79.

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

- 1) Health Dept. requirements being met;
- 2) DPW requirements being met;
- 3) The FCP/Landscape Plan/Environmental Assessment being approved prior to Final Plat review; and
- 4) Deed restrictions for the long-term protection of the street trees and Forest Retention/Afforestation Areas (FRAs) being recorded and noted on the plat prior to recordation, with the metes and bounds description of the FRA being shown on the Final and 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.

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

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

Staff reports that no such changes have taken place.

The applicant is reminded the final Forest Conservation Plan (FCP)/Landscape Plan and SWM Final Plan must (shall) be approved prior to Planning Commission review of the Final Plat (§6.3.B(1)(a), Cecil County Forest Conservation Regulations; §251.12, 2009 Cecil County SWM Ordinance). In addition, Critical Area regulations, as amended, must be followed.

If granted, then this extension would expire on 6/21/12.

'08 School information:	Elementary	Middle	High School
	Cecilton	Bo Manor	Bo Manor
FTE	306	513	717
Capacity	295	-----1244-----	
% Utilization	104%	99%	99%
School information:	Elementary	Middle	High School
	Cecilton	Bo Manor	Bo Manor
FTE	338	479	740
Capacity	350	601	643
% Utilization	97%	80%	115%

Mr. Woodhull, 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 current 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 and 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. How will SWM requirements be addressed for Lots 1-14?
3. Easements for SWM facility access as well as inspection & maintenance must be identified on the preliminary plat presented to the Planning Commission for review. The same applies for SWM pond inflow and outflow conveyance.
4. The storm drain pipe geometry adjacent to Lot 20 is less than 90<sup>0</sup> and must be addressed in the storm drain design for this project.
5. Sight distance measurements for the Knight Island Road access points were approved on 6/12/08.
6. The protocol 3 road condition survey and improvements plan have been submitted and approved.
7. The entrance plans submitted address the requirement for acceleration and deceleration lanes. However they must be shown on the preliminary plat...
8. The driveways for Lots 29, 30, & 40 must a minimum of 75' from the adjoining intersections.
9. No direct driveway access will be allowed on to Gawain Drive and Lots 1 & 44 are denied direct access onto Guinevere Drive. This must be noted on the preliminary plat submitted for Planning Commission review.
10. 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:
  - 10.1 The Final Plat Lot Grading and Lot Grading Plan Construction Limits Notes.
  - 10.2 Requirements for Utility relocations.
  - 10.3 Compliance with Section 251-13 of the Cecil County Stormwater Management Ordinance.
  - 10.4 Requirements for Public Works Agreements.
  - 10.5 Requirements for Stormwater Inspection and Maintenance Agreements.
  - 10.6 Requirements for Driveways.

**Notes and requirements identified for record:**

1. ~~The Final Plat must include the Lot Grading Plan standard note. The Lot Grading Plan must include the standard construction limits note.~~
  - a. ~~Final Plat: "A lot grading plan has been approved by the CCDPW for the construction shown 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. Where determined necessary by the utility companies, the owner, the designer, or DPW, utility poles must be relocated at the Developer's expense.
3. 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 of the Cecil County SWM Ordinance.
4. A Public Works Agreement is required for the streets & storm drainage constructions and for sanitary sewer.
5. An Inspection & Maintenance Agreement is required for the private SWM facilities.
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. Wiggins, read the comments of the Health Department:

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

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

Mr. Di Giacomo read the recommendation of the staff:  
The granting of a two (2) year extension, to expire on 6/21/12.

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

All approve. Motion carried.

### **3. Barksdale Village, 118 Lots, PUD, Barksdale & Valley Roads, Concept Plat, Van Cleef Engineering Associates, Fourth Election District.**

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

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

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

Zoning: 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 6/2/10. 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.<sup>9</sup>

§256.3 requires that the "Sketch Plat/Special Exception Application" next shall be reviewed by the Planning Commission, and that the Planning Commission<sup>10</sup> shall "make recommendations to the Board of Appeals." That step is being taken today.

Ordinarily, per §251.12 of the 2009 Cecil County SWM Ordinance, and per §5.1.C, Cecil County Forest Conservation Regulations and §4.0.13 (a) of the Subdivision Regulations, a project's SWM Concept Plan and Forest Stand Delineation, respectively, would need to be approved prior to the Concept Plat's submission for review by the Planning Commission. However, since, per §256.2,

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<sup>9</sup> 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.

<sup>10</sup> 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.

this is a “Sketch Plat/Special Exception Application,” and per §256.4, as will again be cited below, it is the Board of Appeals who actually decide on approval or disapproval, the Concept Plat’s submission for Planning Commission review was accepted – in the absence of both an approved SWM Concept Plan and Forest Stand Delineation (FSD).

The applicant is again advised that the “Sketch Plat/Special Exception Application” will not be accepted for review by the Board of Appeals if the SWM Concept Plan has not first been approved, or if the FSD has not first been approved, or if any other requirement set forth in §4.0.13 (a) has not first been satisfied.

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.”<sup>11</sup>

Per §256.5, “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 application, Preliminary Plats and Final Plats would be reviewed in the regular way, with the Planning Commission rendering decisions, approving or disapproving, 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 118 dwelling units, with no commercial buildings, on 42.61 acres, for a proposed residential density of 2.722/1.

A boundary line survey must be completed 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(1).

Dwellings or impervious surfaces shall not occur on slopes with a grade of 25% or more covering a contiguous area of 10,000 ft<sup>2</sup> or more. On slopes between 15 and 25%, good engineering practices shall be used to ensure sediment and erosion control and slope stabilization before, during and after disturbance activities.<sup>12</sup>

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

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

A 25’ buffer is required around all non-tidal wetlands and intermittent streams present. Permits are required from the (US Army) Corps of Engineers and MDE for all non-tidal wetland and stream impacts prior to recordation. JD’s are required in conjunction with permitting. If no permits are required, and if the proposed project meets the policy standards established on 3/20/95 and revised

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<sup>11</sup> It is incumbent upon the applicant to become thoroughly familiar with all aspects Article XVII, Part II.

<sup>12</sup> The Cecil County Subdivision Regulations define steep slopes as “15 percent or greater incline.” The Cecil County Zoning Ordinance defines steep slopes as consisting of a grade of 25% or more covering a contiguous area of 10,000 ft<sup>2</sup> or more. The Cecil County Forest Conservation Regulations define steep slopes as “areas with slopes greater than 25 percent slope.”

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); 31.4% 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 & 64-72 must be denied access to Barksdale Road, and proposed Lots 56-63 must be denied access to Valley Road.

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

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

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.

Again, the FSD must be approved prior to the submission of the PUD Special Exception Application (§5.1.C, Forest Conservation Regs.). The application cannot otherwise be accepted.

The Preliminary Forest Conservation Plan (PFCP) and SWM Preliminary Plan must (shall) be approved prior to Planning Commission review of the Preliminary Plat (§6.2.B(1), Cecil County Forest Conservation Regulations; §251.12, 2009 Cecil County SWM Ordinance).

The final Forest Conservation Plan (FCP)/Landscape Plan and SWM Final Plan must (shall) be approved prior to Planning Commission review of the Final Plat (§6.3.B(1)(a), Cecil County Forest Conservation Regulations; §251.12, 2009 Cecil County SWM Ordinance).

Per previous discussion, 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. However, the owners of those lots must 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. Per established precedent, the Newark Planning Department and DelDOT will be invited to participate in the TIS review.

This design is consistent with §7.2.12.E.4 and §7.2.12.E.5.

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%. 30% of the dwellings are proposed as duplexes, and 20% are proposed as townhouses. The remaining 50% are proposed as single family dwellings. Given:

- 1) The proximity of the proposed townhouse and duplex locations to the City of Newark; and
- 2) The design, which decreases and transitions the proposed density as one moves farther from Newark; ...

staff finds that this design is a reasonable approach to maximizing the achievable PUD density, given the parameters of the comments received at the 4/19/10 Planning Commission review of the previous design iteration of Barksdale Village.

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

This proposal is not consistent with §248.2, the other hallmark of a PUD – the inclusion of “commercial uses in a PUD that serve the day to day needs of the residents of the PUD.”<sup>13</sup>

Based upon comments received at the Planning Commission’s 4/19/10 review of the previous iteration of Barksdale Village, the exclusion of a commercial component is consistent. Just as the Planning Commission has the power to grant modifications, in this case, the Board of Appeals has the power to approve this application – with no commercial component.

§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.

School information:	Elementary Cecil Manor	Middle Cherry Hill	High School Elkton
FTE	488	532	1141
Capacity	523	775	1380
% Utilization	93%	67%	83%

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 department will not approve the final plans for this subdivision until the offsite sewer

<sup>13</sup> §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.”

line plans for connection to the Meadowview WWTP and any required offsite water systems plans required for this site have been approved and Public Works agreements executed. The applicant is further advised that the "Sketch Plat/Special Exception Application" will not be accepted for review by the Board of Appeals if the SWM Concept Plan has not first been approved by this Department. 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 SWM plan must be designed in accordance with the current Ordinance.
3. This property is outside of the Master Water & Sewer Plan (MWSP) coverage area. Therefore the applicant will need to request an amendment to the MWSP Plan. If this site is brought into the Master Water & Sewer Master Plan, the applicant must obtain an allocation for public sewer and water prior to final plat.
4. 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 and or Artesian Water Company completing that line.
5. 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.
6. Will this site require an onsite lift or pumping station to connect to existing sewer service?
7. 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.
8. Applicant is advised that if the SWM and E&S Control plans for this project are not approved (i.e. signed) by May 4<sup>th</sup> 2010 the new SWM Ordinance will apply and the SWM plan must be designed to meet its requirements.
9. 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?
10. 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.C.3 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.
11. The downstream conveyance of storm water must be analyzed for the existing culvert under Barksdale Road. Special care must be given to the design if a concentration of runoff will result from any of the SWM facilities proposed.
12. The Lot Grading Plan and SWM Plan must address how the conveyance of drainage from the proposed road will be handled.
13. 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.
14. 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.
15. 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.

16. 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.
17. 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.
18. Any applicable Road Code Variances must be requested prior to submittal for Preliminary Plat approval.
19. 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 and Valley Roads 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.
20. Where determined necessary by the utility companies, the owner, the designer, or DPW, utilities poles must be relocated at the Owner’s expense.
21. 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 90<sup>0</sup> 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. Wiggins, read the comments of the Health Department:

Identify the public water supply and public sewer plant 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, 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 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.)

Vice Chair Doordan asked if anyone would like to speak in favor or in opposition of this project. Milman "Dick" Prettyman, 19 Long Meadow Court, Newark, DE, Sue Fuhrman, 9 Locharron Dr., Elkton, MD and Paul Pomeroy, 204 Dallam Road, Newark, DE (Member of Newark City Council speaking on behalf of himself), spoke in opposition of this project.

Discussion ensued regarding the site report provided by Van Cleef Engineering and the requirements of a PUD.

Mr. Di Giacomo, read the recommendation of the staff:

RECOMMENDATION of APPROVAL, conditioned on:

- 1) The Office of Planning's not accepting any "Sketch Plat/Special Exception Application" submission to the Board of Appeals until only after the SWM Concept Plan has first been approved, and the FSD has first been approved, and all other pertinent requirements set forth in §4.0.13 (a) have first been satisfied;
- 2) The applicant's including of 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 agree 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; and
- 5) The PFCP's being approved prior to Preliminary Plat review by the Planning Commission.

A motion for the recommendation of disapproval based on the density, and without the full set of PUD requirements being met was made by Mr. Wallace.  
The motion was seconded by Mr. Wiggins.

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

General Discussion:

Harlan Williams presented the Planning Commission members with literature regarding the possibility of cluster housing. An overview of the outline was discussed among Mr. Williams and the Commission members. Discussion ensued.

Mr. Di Giacomo presented the Planning Commission members with a chapter-by-chapter and module-by-module executive summary of the educational orientation manual that will be used for orientation purposes for all newly appointed Planning Commission and Board of Appeals members henceforth. Discussion ensued.

Mr. Wallace thanked the staff for putting together the training material.

Discussion ensued regarding the Planning Commission making recommendation to the Board of County Commissioners regarding Cluster Housing.

A motion for adjournment was made by Mr. Edwards and seconded by Mr. Wallace.  
All approve. Motion carried.

The June Planning Commission meeting adjourned at 2:02 p.m.

Respectfully Submitted:

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Jennifer Bakeoven