

# CECIL COUNTY PLANNING COMMISSION

## Meeting Minutes

July 19, 2010

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

**Absent:** Bill Mortimer, Chairman; Joe Janusz; Rebecca Demmler.

**Call to Order:** Vice Chair Doordan called the meeting to order at 12:00 p.m.

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

### **1. Blueball Investment Group, LLC, Lots 1-4, Blueball Road & MD Rte. 273, Preliminary Plat Extension, McCrone, Inc., Ninth Election District.**

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

Mr. Di Giacomo 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: BG

This was the BG-zoned portion of the Mendenhall Square site, the Concept Plat approval<sup>1</sup> of which included the waiver of the Bufferyard C requirement along MD 273 in favor of a Bufferyard C between the BG zone and the NAR zone.

The Mendenhall Square Phase 1 Preliminary Plat's approval<sup>2</sup> was conditioned on a pedestrian access being designed into the plat from the residential to the commercial portion of the property. How does this layout accommodate that pedestrian access?

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<sup>1</sup> The Concept Plat (31 plus 4 minor lots on 94.2 acres, for a proposed density of **1/3.039**) was approved on 7/21/03, conditioned on:

- 1) A **boundary line survey** being complete prior to the TAC's review of the Preliminary Plat;
- 2) A **JD** being completed prior to the Planning Commission's review of the Preliminary Plat;
- 3) All proposed lots other than 34 & 35 having access off the internal roads;
- 4) The proposed Blackborne Drive entrance aligning directly with Blue Ball Village Drive;
- 5) A **TIS** with signal warrant analysis for the Blue Ball Road/MD 273 intersection being complete prior to the TAC review of the Preliminary Plat;
- 6) Lot **34's** Bufferyard **C** requirement along Blue Ball Road **and** the **street tree** requirement along Blackborne Drive **being waived** in favor of a rear Bufferyard **B** and a **row of pines** along the side lot lines;
- 7) A setback modification being granted for the existing building on proposed Lot 34;
- 8) The Bufferyard C requirement along MD 273 being waived and a Bufferyard C being provided between the **BG** zone and the **NAR** zone; and
- 9) Dry hydrants or a drafting tank being discussed with the Rising Sun Fire Company and a report being made to the Planning Commission with the Preliminary Plat.

<sup>2</sup> The Phase 1 Preliminary Plat was approved on 6/21/04, conditioned on:

- 1) Health Dept. requirements being met;
- 2) DPW requirements being met;
- 3) The **TIS recommendations** being **agreed to** by the County and SHA;
- 4) The FCP and Landscape Plan being approved prior to Final Plat review;
- 5) The FRAs being depicted on the plat, and the details of the FCP, Landscape Plan, and Final Plat matching up;
- 6) The inclusion of a 30,000 gallon drafting tank in the final design; and
- 7) Pedestrian access being designed into the plat from the residential to the commercial portion of the property.

The Phase 1 Final Plat<sup>3</sup> was approved on 4/18/05, conditioned on:

- 1) Health Dept. requirements being met;
- 2) DPW requirements being met;
- 3) The Landscape Agreement being executed prior to recordation;
- 4) 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;
- 5) Covenants prohibiting the subdivision of the large lot being recorded and noted on the plat prior to recordation;
- 6) A Homeowners' Association for maintenance of common open space being established with \$50 per recorded lot placed in escrow for improvements prior to recordation;
- 7) The contiguous operating farms notice being included on the Record Plat;
- 8) The Record Plat showing the location of the 30,000 gallon drafting tank; and
- 9) The connecting pedestrian path being shown on the Record Plat.

The Concept Plat was re-approved<sup>4</sup> on 10/17/05, conditioned on:

- 1) All previous and now-pertinent conditions of approval remaining in full effect.

The Phase 2 Preliminary Plat was approved on 2/21/06, conditioned on:

- 1) Health Dept. requirements being met;
- 2) DPW requirements being met;
- 3) The TIS recommendations being agreed to by the County and SHA;
- 4) The FCP and Landscape Plan being approved prior to Final Plat review;
- 5) The FRAs being depicted on the Final Plat, and the details of the FCP, Landscape Plan, and Final Plat matching up;
- 6) The contiguous operating farms notice being included on the Final and Record Plats; and
- 7) Owner, deed reference, and tax map & parcel information being updated on the Final and Record Plats.

The Phase 2 Final Plat was approved on 4/17/06 conditioned on:

- 1) Health Dept. requirements being met;
- 2) DPW requirements being met;
- 3) The TIS recommendations being agreed to by the County and SHA;
- 4) A Landscape Agreement being executed prior to recordation;
- 5) Deed restrictions for the long-term protection of the street trees being recorded and again noted on the plat prior to recordation;
- 6) The Record Plat depicting and noting the 10' street tree planting easement;
- 7) Deed reference, tax map and parcel number information have not being included on the Record Plat;
- 8) The contiguous operating farms notice again being included on the Record Plats;
- 9) The correct Election District being cited on all sheets of the Record Plat; and
- 10) The Owner's and Surveyor's Certificates being signed, respectively, on the Record Plats.

The Preliminary Plat<sup>5</sup> was approved on 7/21/08, conditioned on:

- 1) Health Dept. requirements being met;
- 2) DPW requirements being met;
- 3) A traffic Impact Study (TIS) being completed prior to Final Plat review;
- 4) Final Plat approval preceding all site plan approvals;
- 5) The FCP being approved prior to Final Plat review;
- 6) All Landscape Plans being approved prior to future site plan approvals;
- 7) All details between the Final Plat and the FCP and future Landscape Plans matching up;

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<sup>3</sup> For Lots 1-16, 21-31& 33-35.

<sup>4</sup> When the Phase 2 Preliminary Plat, consisting of proposed Lots 17-20, 29, & 32, was reviewed by the TAC on 10/0/05, it was discovered that the Concept Plat approval had lapsed.

<sup>5</sup> §4.0.1 allows for the elimination of a Concept Plat for subdivisions of fewer than 10 lots and fewer than 25 acres.

- 8) Per the Mendenhall Square Phase 1 Preliminary Plat's condition of approval, the Final Plat and all future site plans showing pedestrian access from the residential portion of the project; and
- 9) Deed restrictions for the long-term protection of the Forest Retention/Afforestation Areas (FRAs) being recorded & noted on the plat prior to recordation, with the metes & bounds description of the FRA being shown on the 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 7/19/12.

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

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

There have been no such pertinent changes.

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

The Department has no objection to granting the extension requested. The Department's comments from the July 21, 2008 Planning Commission meeting that remain outstanding still apply. While not being read they will be included in the minutes of this meeting:

1. 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. We will require a traffic impact study for this development. Its major objective must be to determine the traffic loading generated by this development. Particular interest must be paid to the issue of left turn stacking on Blue Ball Road waiting to enter this site. The final location of the Blue Ball Road access points will be determined after analyzing the data from this study. If this data is not available until the site plan phase the exact locations remain a fluid state. That is that the entrance location may be moved from what is presented here to what the Department finds acceptable as each of the site plans are presented for the four individual lots.
3. The Department strongly recommends that the traffic impact generated by this proposal be based on a worst case scenario of traffic loading by number & type of vehicles and that entrance locations be selected and approved accordingly.
4. Requirements for acceleration, deceleration and bypass lanes apply to any/all entrances proposed onto Blue Ball Road. Please clarify the plan presented on Sheet 2. Are you proposing to create a 10' wide paved lane along the entire Blue Ball Road frontage from the existing right turn lane at MD Route 273 to the Mendenhall Square property?

5. What type of truck traffic do you expect with the proposed site use? The entrance geometry must be accordance with Section 3.07.1 & 2 to accommodate the turning movements of the largest vehicle expected.
6. While the internal pavement arrangement does not fall under our jurisdiction outside of the proposed entrances the Department has some concern over the onsite cart way widths and geometry as to their ability to handle large delivery trucks operating in and out of this site. What we do not want to see is traffic backed out onto Blue Ball Road due to inadequate turning movement available onsite.
7. The well location for Lot 1 is at a point that is exposed to possible damage from truck traffic into both Lots 1 and 4. We recommend moving the well or at a minimum providing traffic barriers around it.
8. In using the existing SWM pond located on the west side of the site you must verify that the pond was designed and built to accommodate runoff from this site.
9. Do you propose installing curb along the Blue Ball Road frontage? If so how do you intend to handle the runoff from Blue Ball Road as well as the runoff that had been conveyed by the roadside drainage swale remove for the curb installation? Identify the runoff conveyance proposed for this frontage.
10. Preliminary plats must show storm water conveyance and SWM easements. These must be on the plat presented to the Planning Commission for review.
11. 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:
  - 11.1 The Final Plat Lot Grading and Lot Grading Plan Construction Limits Notes.
  - 11.2 Compliance with Sections 251-9.A (5), 251-13, and 251-15.D. of the Cecil County Stormwater Management Ordinance.
  - 11.3 Requirements for Stormwater Inspection and Maintenance Agreements.
  - 11.4 Requirements for Public Works Agreements.
  - 11.5 Requirements for Utility relocations.

*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 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. An Inspection & Maintenance Agreement is required for the private SWM facilities.
4. A Public Works Agreement is required for the proposed county road and all work done on Blue Ball Road.
5. Where determined necessary by the utility companies, the owner, the designer, or DPW, utility poles must be relocated at the Developer's expense.

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 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 7/19/12.

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.

**2. Village of Stoney Run, Information Item, Related to a contemplated minor design modification. For information only.**

Phil Toliver, Morris & Ritchie Associates, appeared and presented an overview of the minor design modification that will be presented.

Mr. Toliver stated that his intention is to bring the Village of Stoney Run Preliminary Plat to the Planning Commission for review. At that time, he will be requesting that they receive a design modification for the rear yard setback in the townhouse area. Presently, in the RM zone, the rear yard setback is 40'. They will be requesting the rear yard setback be modified to 25'. The reason for the request is Mr. Toliver feels this change will reduce the future requests by the homeowners for variance purposes such as rear decks, sunrooms, etc.

Also, Mr. Toliver stated that he feels by granting this request, it will provide the builder of this project, greater flexibility in terms of housing options. At this point in the planning, they could make the lots deeper and achieve the same objective but the purpose of not creating bigger lots would be to save the wooded area that is presently there. This request would help the developer to save approximately 2 acres of trees of future clearing. Mr. Toliver feels that there will be no adverse affects on adjacent properties due to this request.

Mr. Wallace said he likes the idea of reducing the removal of trees. Discussion ensued regarding the variance request and the open space for the project.

Mr. Di Giacomo, P&Z stated that §170 in the Zoning Ordinance and §3.5 in Subdivision Regulations will allow the Planning Commission, if it chooses, to grant this modification when this proposed modification comes before the commission.

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

This project was granted an environmental site design waiver on April 28, 2010 allowing the SWM and E&S Control plans to be designed under the requirements of the storm water management ordinance in effect as of May 4, 2009. The applicant is reminded that the waiver shall expire and will not be extended if the development does not receive "Final Approval" by May 4, 2013 or if substantial construction associated with all eleven storm water facilities, in the judgment of the Department of Public Works, has not been completed by May 4, 2017. The applicant is reminded that the Department's comments from the July 7, 2010 TAC meeting apply. The comments will be included in the minutes of this meeting but not read at this time:

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. This project was granted an environmental site design waiver on April 28, 2010 allowing the SWM and E&S Control plans to be designed under the requirements of the storm water management ordinance in effect as of May 4, 2009. The applicant is reminded that the waiver shall expire and will not be extended if the development does not receive "Final Approval" by May 4, 2013 or if substantial construction associated with all eleven storm water facilities, in the judgment of the Department of Public Works, has not been completed by May 4, 2017.

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 adequate fire flow and pressure throughout the development and the use of ductile iron water pipe for distribution. Has the serving fire company reviewed & approved all fire hydrant spacing and locations provided on this plat? The serving fire company must approve the layout prior final construction drawing approval... 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 Traffic Impact Study dated 4-1-10 was submitted to the Department and is under review.
5. While there have been discussions with Traffic Concepts, Inc. about the impact this size subdivision will have on traffic movement at the Palisades Drive entrance, the Department still requires a formal submittal of a queuing analysis of this principal access point based on the 1125 dwelling units proposed.
6. In regards to off-site road improvements on both Baron & Nazarene Camp Roads, the nine (9) items identified in the Department's 6-15-10 letter must be satisfactorily addressed prior to our recommending preliminary plat approval to the Planning Commission.
7. The Department of Public Works has granted (6-12-10) a Road Code Variance from Standard Detail R-14 (residential Cul-de-sac). No other variances having been sought and/or approved therefore, the applicant will be held to all other applicable requirements as identified in the Cecil County Road Code.
8. The Department's previous opposition to the proposed Emerson Lane access on to Baron Road is withdrawn. Adequate sight distance has been substantiated for this access point. In addition, the developer's engineer is working with our Engineering Services Division to coordinate this access point with the Baron Road improvements proposed in the Department's CSX Bridge project.
9. In regards to providing an additional 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.
10. As the Department requested connectivity to the Jansen property (Parcel 526) has been reestablished.
11. The Department's 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 has been addressed to our satisfaction and are considered acceptable as shown.
12. Adequate off-street parking is always a concern especially in townhouse developments. While needing to address the requirements of ESD on any site legitimate issues of adequate access for emergency services vehicles remain important the Department. In that regard we're concerned over this proposal's 32 fewer spaces than the last proposal provided.
13. Pre-design geotechnical evaluation and borings at stream and wetlands crossings of any proposed road are required along with specific remedial recommendations for subsurface drainage and street sub grade placement.
14. The structure for the Palisades Drive crossing of the unnamed intermittent stream must be designed to pass the 100 year storm without overtopping the road. Its design must be included in the road & stormdrain design plan submitted for approval. A re-mapping of the on-site 100-year flood plain and a hydraulic analysis of the new stream crossing must be submitted by the applicant's engineer as part of the crossing design.
15. All proposed culvert structures under Savannah Lane must be approved as part of the road plan approval passing the 25 year storm without overtopping.
16. The standard fee simple ROW dedication note is required for the Baron & Nazarene Camp Road frontages.
17. Have you analyzed 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.

18. The 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. Until allocation has been granted the developer proceeds with any and all project engineering at his own risk.
19. 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.
20. The preliminary layout of the proposed subdivision sewer system required at Concept Plat review by the Planning Commission was received by the Department on 4-22-10.
21. No pump station was indicated on the preliminary utility layout submitted however, if during design any are determined to be necessary they must be located on a lot dedicated in fee simple to the Cecil County BOCC and shown as such on the final plat submitted for Planning Commission review.
22. All sanitary sewer lines located outside of County ROW or deeper than 18' must be ductile iron per Section 2700 of the Standards, Specifications and Detail for Water Mains & Sewer Mains.
23. 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:

23.1 The Final Plat Lot Grading Note and the Lot Grading Plan Construction Limits Note.

23.2 Compliance with Section 251-13 of the Cecil County Stormwater Management Ordinance.

23.3 Requirements for Utility relocations.

23.4 Requirements for Public Works Agreements.

23.5 Requirements for Stormwater Inspection and Maintenance Agreements

23.6 Requirements for County Roads.

23.7 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. 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. 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. To the maximum extent possible 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. Wallace said that he believes this proposed modification is a good idea.

Mr. Wiggins stated that the Health Department had no comment.

Vice Chair Doordan stated that there were no comments from the audience.

General Discussion:

There were no topics of general discussion.

A motion for adjournment was made by Mr. Wallace.

The motion was seconded by Mr. Wiggins.

All approve. Motion carried.

The July Planning Commission meeting adjourned at 12:23 p.m.

Respectfully Submitted:

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*Jennifer Bakeoven*