Cecil County Technical Advisory Committee  
April 5, 2006 Meeting Minutes

Present: Di Giacomo (CCP&Z), Woodhull (CCDPW), Moore (DEH), Kyte (FA), Latham (MDE), Markwardt (CCBoE), Brown (SCS), Graham (Citizen’s Representative), Thomas (CCP&Z), Garrett (Town Administrator, Chesapeake City)

Absent: Cwiek (USACoE), Reynolds (Delmarva Power), and King (SHA).

Mr. Di Giacomo called the meeting to order at 9:00 a.m. and announced that agenda item # 6, Clinton Reddig, Lands of, had been withdrawn. In addition, at the request of the applicant, the order of the first two agenda items would be reversed.

2) Geracimos LLC, Concept Plat and Site Plan, Courtesy Review for Town of Chesapeake City, Route 213 and Basil Avenue, Chesapeake City, RJ Engineering Corp., Second Election District

Mr. Blomquist, RJ Engineering, and Mr. Geracimos presented the site plan proposal.

Mr. Graham and Mr. Markwardt had no comments.

Mr. Brown read Soil Conservation Service comments and presented the comments and appropriate soils maps to the applicant.

Mr. Woodhull read DPW comments, as follows: It is our understanding that this site is to be annexed by the Town of Chesapeake City and that they will provide water & sewer service. The CCDPW recommends that the water distribution system, including fire hydrant locations, and the sewer system be designed to meet or exceed the County’s standards. We also recommend that the Town request that the serving fire company review fire hydrant spacing and locations. All easements for the water lines must be reflected on the final plat.

Will the Town also be annexing Basil Avenue along this projects frontage? A SWM plan and a Mass and Final Grading plan must be approved by the CCDPW prior to submittal for Final Plat Approval. If Basil Avenue remains a County Road a street & storm drain plan addressing the entrances must be approved by The CCDPW prior to submittal for Final Plat approval and the following comments apply. Any Road Code Variances sought must be requested prior to submittal for Preliminary Plat approval. Correctly identify the 30’ RWUS shown as “30’ wide strip to be dedicated in fee simple to the Board of County Commissioners of Cecil County”.

The following standard notes and requirements apply to this plat and project:

7.1 The Final Plat Lot Grading and Lot Grading Plan Construction Limits Notes.
7.3 Compliance with Section 3.07.15 of the Cecil County Road Code.
7.4 Requirements for Utility relocations.
7.5 Requirements for Public Works Agreements.
7.6 Requirements for Stormwater Inspection and Maintenance Agreements.
7.7 Requirements for County Roads.
7.8 Requirements for Stopping Sight Distance Measurements.

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/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. Section 3.07.15 of the Road Code requires that Basil Avenue be upgraded to a Minor Collector Road standard Minor Road standard for 100’ either side of the proposed entrance locations. The design engineer must address the requirement for minimum acceleration, deceleration, and bypass lanes. Any right-of-way acquisition necessary shall be performed by the applicant and at the applicant’s expense.

4. Where determined necessary by the utility companies, the owner, the designer, or DPW, utility poles must be relocated at the Developer’s expense.

5. A Public Works Agreement is required for the streets & storm drainage constructions.

6. An Inspection & Maintenance Agreement is required for the private SWM facilities.

7. The street R.O.W. entrance tapers must be offset 25’ from the R.O.W. point of intersection and be straight lines, per 7.2.12.E.3 of the Subdivision Regulations. The internal street grade leaving Basil Avenue may not exceed 5% within the limits of the intersection right-of-way.

8. Applicant must provide stopping sight distance measurements for the Doctor Jack and Waibel Road access locations to DPW prior to preliminary plat submittal. Mark the proposed entrance locations in the field by a survey stake or paint.
Mr. Kyte questioned the placement of fire hydrants, interior road widths, and raised access issues.

Ms. Garrett stated that the process by which this property would be annexed into the Town of Chesapeake City had begun, and she confirmed the Town’s desire to have this Site Plan reviewed by the TAC.

Ms. Latham indicated that a GAP would not be needed if Town water was used. Mr. Moore read Health department comments (see attached). Mr. Di Giacomo read SHA comments (see attached).

Mr. Di Giacomo said that this site plan and subdivision is proposed on property proposed to be annexed into the Town of Chesapeake City. The Cecil County TAC, as a courtesy to the towns in the County, occasionally reviews site plans and subdivisions proposed within the towns’ corporate limits. Until and unless the proposed annexation is completed, these comments shall be considered moot.

The proposed Town zoning is GC. No information has been provided on the subdivision, and the proposed R-3 zoning is not listed in the zoning table. It is recommended that the subdivision detail for the proposed R-3 be included in any submission to the Town. It is recommended that the proposed uses be checked for consistency with those allowed in the GC and R-3 zones. It should be confirmed that the setbacks are consistent with the Town’s Zoning Ordinance for the GC and R-3 zones.

It should be confirmed that all proposed building heights do not exceed the maximum height established in the Town’s Zoning Ordinance and Subdivision Regulations. Consideration should be given to soliciting review and comment on the subdivision layout and access by the Chesapeake City Volunteer Fire Co. Fire hydrant locations should be consistent with the Town’s Zoning Ordinance and Subdivision Regulations, as well as suggestions from the Chesapeake City Volunteer Fire Co. Water allocation should be confirmed prior to final approval. Sewer allocation should be confirmed prior to final approval. This site is designated W-2 and S-2 by the Master Water and Sewer Plan.

It is recommended that the plat be checked to ensure that all requirements for Site Plans, as set forth in the Town’s Zoning Ordinance and Subdivision Regulations, have been satisfied. A 25’ buffer is recommended around any non-tidal wetlands as may be present. Permits are required from the (US Army) Corps of Engineers and MDE for all non-tidal wetland impacts or stream crossings prior to recordation. The habitats of any rare, threatened, and endangered species should be avoided.

It should be confirmed that any landscaping proposed is consistent with the landscaping requirements of the Town’s Zoning Ordinance and Subdivision Regulations, especially with respect to street trees and any required bufferyards. It is recommended that no street trees be planted within 20 feet of sewer laterals and cleanouts. It is recommended that the Landscape Plan be approved prior to final subdivision approval. It is recommended that a Landscape Agreement be executed prior to recordation.
It is recommended that adequate pedestrian facilities, including sidewalks and crosswalks, be included in the design. Even though this is not proposed to be in the TND zone, it is recommended that a neo-traditional design, that would place the structures closer to MD 213 be considered. That could better create an attractive and distinctive sense of place, consistent with the character of the Town of Chesapeake City.

It should be confirmed that all aspects of the proposed site design and layout are consistent with the Town’s Subdivision Regulations and Public Works Street Code. It should be confirmed that the number of parking spaces proposed falls within the minimum and maximum established by the Town’s Zoning Ordinance and Subdivision Regulations. It should be confirmed that all proposed building heights or floor area ratios are consistent with limits established in the Town’s Zoning Ordinance and Subdivision Regulations. A detailed vehicular/pedestrian circulation and access plan should be submitted for the parking area. Potential pedestrian-vehicle conflicts should be identified. MUTCD signage, other traffic control devices, and striping should be considered. A bicycle rack might also be considered.

Consideration should be given to designing and signing the parking lot so as to discourage cut through traffic between MD 537 and MD 213. Such traffic is typically hurried and poses a potential threat to pedestrians and other vehicles. Consideration should be given to the use of protective fencing around any proposed stormwater management facility. No SWM facilities have been depicted.

Consideration should be given to requiring a Traffic Impact Study (TIS). A deceleration lane from SB MD 213 should be considered. It is recommended that a detailed lighting plan be submitted for review prior to site plan final approval. How will trash be disposed of? Any dumpster locations should be shown, and any resultant, potential traffic flow conflicts should be identified and corrected. It is recommended that the locations of all structures or impervious surfaces be consistent with the requirements of the Town’s Zoning Ordinance and Subdivision Regulations with respect to any steep slopes. It is recommended that any steep slopes be depicted. It is recommended that it be verified that any stream buffer distances are consistent with the requirements of the Town’s Zoning Ordinance and Subdivision Regulations.

The Town of Chesapeake City has not signed an “Assigning Obligations Under the Forest Conservation Act” agreement with the County. However, OPZ will continue to review and comment on an FSD and FCP as a courtesy to the Town. The FCP should be approved prior final subdivision approval. Deed restrictions for the long-term protection of any Forest Retention/ Afforestation Areas (FRAs) should be recorded and noted on the plat prior to recordation. The metes and bounds description of the FRA should be shown on the record plat and/or final site plan.

It is recommended that 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. It is recommended that it be determined that the proposed entrances are offset at least 125’
from any entrance across MD 537, and that there is at least 750’ of separation from any other intersections on MD 213 and MD 537.

1) **Bridge Point Town Homes, Concept Plat, Courtesy Review for Town of Chesapeake City, Basil Avenue, Chesapeake City, RJ Engineering Corp., Second Election District**

Mr. Blomquist, RJ Engineering, and Mr. Geracimos presented the proposed subdivision.

Mr. Graham had no comments.

Mr. Markwardt asked about interior road direction, sizes and proposed pricing of homes, and the anticipated start date.

Mr. Brown read Soil Conservation Service comments and presented the comments and appropriate soils maps to the applicant.

Mr. Woodhull read DPW comments, as follows: It is our understanding that this site is to be annexed by the Town of Chesapeake City and that they will provide water & sewer service. The CDPW recommends that the water distribution system, including fire hydrant locations, and the sewer system be designed to meet or exceed the County’s standards. We also recommend that the Town request that the serving fire company review fire hydrant spacing and locations. All easements for the water lines must be reflected on the final plat. Will the Town also be annexing Basil Avenue along this projects frontage?

A SWM plan and a Mass and Final Grading plan must be approved by the CDPW prior to submittal for Final Plat Approval. If Basil Avenue remains a County Road a street & storm drain plan addressing the entrances must be approved by The CDPW prior to submittal for Final Plat approval and the following comments apply. Any Road Code Variances sought must be requested prior to submittal for Preliminary Plat approval. Correctly identify the 30’ RWUS shown as “30’ wide strip to be dedicated in fee simple to the Board of County Commissioners of Cecil County”.

The following standard notes and requirements apply to this plat and project:

7.1 The Final Plat Lot Grading and Lot Grading Plan Construction Limits Notes.
7.3 Compliance with Section 3.07.15 of the Cecil County Road Code.
7.4 Requirements for Utility relocations.
7.5 Requirements for Public Works Agreements.
7.6 Requirements for Stormwater Inspection and Maintenance Agreements.
7.7 Requirements for County Roads.
9.8 Requirements for Driveways.
9.9 Requirements for Stopping Sight Distance Measurements.
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.
   
   c. **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.”

   d. **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. Section 3.07.15 of the Road Code requires that Basil Avenue be upgraded to a Minor Road standard and for 100’ either side of the proposed entrance locations. The design engineer must address the requirement for minimum acceleration, deceleration, and bypass lanes. Any right-of-way acquisition necessary shall be performed by the applicant and at the applicant’s expense.

4. Where determined necessary by the utility companies, the owner, the designer, or DPW, utility poles must be relocated at the Developer’s expense.

5. A Public Works Agreement is required for the streets & storm drainage constructions.

6. An Inspection & Maintenance Agreement is required for the private SWM facilities.

7. The street R.O.W. entrance tapers must be offset 25’ from the R.O.W. point of intersection and be straight lines, per 7.2.12.E.3 of the Subdivision Regulations. The internal street grade leaving Basil Avenue may not exceed 5% within the limits of the intersection right-of-way.

8. 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.

9. Applicant must provide stopping sight distance measurements for the Basil Avenue access locations to DPW prior to preliminary plat submittal. Mark the proposed entrance locations in the field by a survey stake or paint.
Mr. Kyte again questioned the placement of fire hydrants, interior road widths, and access issues.

Ms. Garrett stated that the process by which this property would be annexed into the Town of Chesapeake City had begun, and she confirmed the Town’s desire to have this subdivision proposal reviewed by the TAC.

Mr. Blomquist asked if the preliminary and final plats also must be reviewed by the TAC. Mr. Di Giacomo explained that, assuming annexation, the project would proceed through the Town’s approval process, not the County’s. If, under that scenario, the Town requests TAC review of preliminary or final plats, then the County will honor those requests.

Ms. Latham indicated that a GAP would not be needed if Town water was used. Mr. Moore read Health Department comments (see attached). Mr. Di Giacomo read SHA comments (see attached).

Mr. Di Giacomo stated that this site plan and subdivision is proposed on property proposed to be annexed into the Town of Chesapeake City. The Cecil County TAC, as a courtesy to the towns in the County, occasionally reviews site plans and subdivisions proposed within the towns’ corporate limits. Until and unless the proposed annexation is completed, these comments shall be considered moot.

The proposed Town zoning is TND. Twenty (20) proposed lots on 2.13 acres yield a proposed density of 9.39/1. It is recommended that the proposed density be checked for consistency with that allowed in the TND zone. It should be confirmed that the setbacks are consistent with the Town’s Zoning Ordinance for the TND zone. It should be confirmed that all proposed building heights do not exceed the maximum height established in the Town’s Zoning Ordinance and Subdivision Regulations.

Consideration should be given to soliciting review and comment on the subdivision layout and access by the Chesapeake City Volunteer Fire Co. Fire hydrant locations should be consistent with the Town’s Zoning Ordinance and Subdivision Regulations, as well as suggestions from the Chesapeake City Volunteer Fire Co. Water allocation should be confirmed prior to final approval. Sewer allocation should be confirmed prior to final approval. This site is designated W-2 and S-2 by the Master Water and Sewer Plan.

If “One Way” is not the proposed street name, then the proposed direction of traffic flow should be shown, and the street name should be proposed. It is recommended that any Preliminary Plat not be approved without street name approval by the County’s 911 Emergency Center. It should be confirmed that the number of parking spaces proposed falls within the minimum and maximum number required or permitted by the Town’s Zoning Ordinance and Subdivision Regulations. Are any bike lane/trails proposed? Mr. Geracimos stated that they have sidewalks rather than trails.

Striped pedestrian crosswalks are recommended at all intersections. It should be confirmed that all aspects of the proposed street design and layout are consistent with the Town’s Subdivision Regulations, Public Works street code, and TND zone regulations. It
is recommended that the locations of all dwellings or impervious surfaces be consistent with the requirements of the Town’s Zoning Ordinance and Subdivision Regulations with respect to any steep slopes.

It is recommended that any steep slopes be depicted. It is recommended that it be verified that the stream buffer distances are consistent with the requirements of the Town’s Zoning Ordinance and Subdivision Regulations. It is recommended that protective fencing be considered around the stormwater management areas, as they are attractive hazards. It should be determined what the common open space acreage requirements of the Town’s Zoning Ordinance and Subdivision Regulations are for the TND zone. It should be confirmed that the sensitive areas thresholds, specified in the Town’s Zoning Ordinance and Subdivision Regulations, for open space acreages in perennial or intermittent stream buffers, nontidal wetlands or buffers, steep slopes, or habitats of rare, threatened and endangered species have not been exceeded.

It should be confirmed that any landscaping proposed is consistent with the landscaping requirements of the Town’s Zoning Ordinance and Subdivision Regulations, especially with respect to street trees and any required bufferyards. It is recommended that no street trees be planted within 20 feet of sewer laterals and cleanouts. It is recommended that the Landscape Plan be approved prior to final subdivision approval. Careful consideration should be given to the effective vegetative screening of MD 213 – possibly including a berm. It is recommended that a Landscape Agreement be executed prior to recordation.

The Town of Chesapeake City has not signed an “Assigning Obligations Under the Forest Conservation Act” agreement with the County. However, OPZ will continue to review and comment on an FSD and FCP as a courtesy to the Town. The final Forest Conservation Plan (FCP) should be approved prior final subdivision approval. Deed restrictions for the long-term protection of any Forest Retention/ Afforestation Areas (FRAs) should be recorded and noted on the plat prior to recordation. The metes and bounds description of the FRA should be shown on the record plat.

It is recommended that all open space be referred to as common open space, unless it is to be public parkland. Unless it is to be public parkland, a Homeowners’ Association for maintenance of common open space must be established with $50 per recorded lot placed in escrow for improvements prior to recordation. It is recommended that 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. It is recommended that 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. It is recommended that it be determined that the proposed entrances are offset at least 125’ from any entrance across MD 537, and that there is at least 750’ of separation from any other intersections.
3) The Villages at North East, Preliminary Plat, Lots 1-709, Shady Beach Road, Taylor, Wiseman & Taylor, Fifth Election District.

Mr. Pugh, Corridor Land services, Mr. Meiskin, Windsor, and Mr. McAnnally, Taylor, Wiseman, & Taylor, presented the proposed subdivision’s Preliminary Plat.

Mr. Graham had no comments.

Mr. Markwardt indicated that previous comments stood, and that he had no questions. Mr. Brown read Soil Conservation Service comments and presented the comments and appropriate soils maps to the applicant.

Mr. Woodhull read DPW comments, as follows: Applicant is required to update their request for public sanitary sewer allocation given the expired status of this project’s concept and preliminary plats. Sanitary Sewer allocation has been granted conditioned on several factors (i.e. size of the Recreation Facility, the ability of the developer to convey sewage to Mauldin Avenue sewer line…etc.) This property is subject to the Mauldin Avenue Sewer Benefit Assessment (being finalized by the Board of County commissioners) in addition to connection fees.

The following submittals, at a minimum, must be approved by DPW prior to submittal for Final Plat Approval: A storm water management submittal; a street and storm drain submittal; and a sanitary sewer submittal. The sanitary sewer submittal must also reflect the proposed water line locations and all proposed fire hydrant locations. If an on-site private system is proposed we recommend as a condition of approval that the system be designed in accordance with CC Water & Sewer Standards, and that it provide for future connection to the North East system. These connection points should be at both entrances and at the emergency access to Bay Club Parkway. The engineer must demonstrate that adequate fire flow and pressure is available throughout the system.

DPW requires hydrants at each intersection (including Shady Beach Road) and along the internal streets at separation distances of no more than 600 feet. The SWM ponds proximity to recreation areas may need to be fenced depending on the slopes designed for the ponds. If any of the existing ponds are intended to be used for SWM control they must be surveyed and their hazard classification must be established. The Dela Plaine Pump Station does not have excess capacity and will require upgrade or replacement at the Developers expense in total or in combination with other users. Set the manhole located on South Monet Avenue at the turnaround and provide a capped stub for service to the future development in the NAR Zone. A timeline and schedule for the required offsite road improvements to Shady Beach Road and the MD Rte 272/Shady Beach Road/Hances Point Road intersection was established by the Department of Public Works on August 25, 2005, a copy of which correspondence is attached hereto for record.

Note 10 says private water supply, but the plan is for the county to accept the system; why hasn’t the note been updated? What is the plan? If the water system is to be a privately maintained water system, the design of the same must be submitted to the Department of Public Works and must be approvable to the Department of Public Works in accordance
with the Cecil County Standard Specifications and Details for Water Mains and Sewer Mains. Additionally, departmental approval of the private water system design must be indicated by the owner by note on the final plat submitted for approval in accordance with Section 4.2.13(U) of the Cecil County Subdivision Regulations. Messrs. Pugh and Meiskin discussed negotiations with the County and Matt Carter in that regard.

The following standard notes and requirements apply to this plat and project:

11.1 The Final Plat Lot Grading, Sidewalk Maintenance, and Lot Grading Plan Construction Limits Notes.
11.3 Compliance with Section 3.07.15 of the Cecil County Road Code.
11.4 Requirements for Utility relocations.
11.5 Requirements for Public Works Agreements.
11.6 Requirements for Stormwater Inspection and Maintenance Agreements.
11.7 Requirements for County Roads.
11.8 Requirements for Driveways.
11.9 Requirements for Final Plat - Public Water and Sewer Allocation.
11.10 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 a note indicating that sidewalk maintenance will be required of the adjacent property owner (if sidewalks are required). The Lot Grading Plan must include the standard construction limits note.
   a. Final Plat: “A lot grading plan has been approved by the CCDPW for the construction shown hereon. A site construction as built shall be submitted to the CCDPW prior to use and/or occupancy of any of the sites shown hereon. Any change to the Forest Retention, Forestation, and/or Reforestation will require a consistency review, of the SWM approval, with CCDPW.”
   b. Final Plat: “Sidewalk maintenance will be required of the adjacent property owner, as required by the Cecil County Road Code.”
   c. Grading Plan: “No clearing or grading is permitted beyond the limits of disturbance show hereon. Any expanded clearing and/or grading in the absence of an approved revised lot grading plan may be considered non-compliance with Chapter 251 of the Cecil County Code and either or both the developer and/or Builder may be subject to the enforcement of the penalty provisions therein.”

2. The downstream conveyance of storm water must be analyzed in accordance with Section 251-9 A. (5) of the county’s SWM Ordinance. If stormwater discharge is directed off of the site on to adjacent property it is the responsibility of the Developer to obtain appropriate easements from the affected property owners per Sections 251-13 and 251-15.D of the Cecil County SWM Ordinance.
3. Section 3.07.15 of the Road Code requires that Shady Beach Road be upgraded to a Collector Road, Cecil County Road Code Standard R-7 for 100’ either side of the proposed entrance. The design engineer must address the requirement for minimum acceleration, deceleration, and bypass lanes. Any right-of-way acquisition necessary shall be performed by the applicant and at the applicant’s expense.

4. Where determined necessary by the utility companies, the owner, the designer, or DPW, utility poles must be relocated at the Developer’s expense.

5. A Public Works Agreement is required for the streets & storm drainage, private water and public sewer system constructions.

6. An Inspection & Maintenance Agreement is required for the private SWM facilities.

7. The street R.O.W. entrance tapers must be offset 25’ from the R.O.W. point of intersection and be straight lines, per 7.2.12.E.3 of the Subdivision Regulations. The internal street grade leaving Shady Beach Road may not exceed 5% within the limits of the intersection right-of-way.

8. 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.

9. 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.

10. 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. Kyte reported that he had consulted with Chief Stephen Piatelli, North East Fire Company, Inc. Mr. Kyte asked a number of questions relating to the sizes of water lines, their anticipated flows, and the size of the storage tank.

Ms. Latham indicated that a GAP would not be needed if Town water was used. Mr. Moore read Health Department comments (see attached).

Mr. Di Giacomo said that this proposal was in compliance with §3.8 of the Subdivision Regulations regarding public notification signs. With regard to the posting of plats on the County’s website, 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.

The zoning is SR and NAR. The SR zone permits a density of 1 du/1 acre. With community facilities, a density of 2/1 is permitted. In the SR portion, this Preliminary Plat proposes 709 lots on 354.77 SR-zoned acres, for a proposed density of 1.99/1. This proposal invokes the provisions of §6.1 of the Cecil County Subdivision Regulations
regarding “residential cluster development.” The 36.62 NAR-zoned acres are reserved for future development. The Concept Plat\(^1\) was approved on 2/21/06, conditioned on:

1) A Concept density of only 709 dwelling units, or 2/1, being approved;
2) All previous conditions of the 9/16/02 Concept Plat approval remaining in effect, as appropriate;
3) Any future Concept Plats for this site providing accurate and current information that has first been reviewed by the Technical Advisory Committee;
4) Any future Concept Plat Extensions for this site containing accurate and current information that has first been reviewed by the Technical Advisory Committee; and
5) All previous agreements among the developer, SHA and the County regarding road improvements and their phased implementation continuing to be binding.

Therefore, that portion of Note #1 that contends that cluster development was approved in September of 2002 must be amended to reflect the 2/21/06 date prior to any submission for Planning Commission review. The boundary line survey has been completed. At the 2/21/06 Planning commission review, it was revealed that a pending Minor Subdivision application that was submitted for this property would have no effect on this major subdivision proposal, should the Minor Subdivision application be approved first. Is that still the case? Mr. Meiskin replied in the affirmative. A separate site plan has been submitted for the proposed recreation center, parking, and recreational facilities. Therefore, their details, as required in §291 and Appendix A, do not appear on this Preliminary Plat.\(^2\)

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1 The original Concept Plat was approved at a density of 2/1 on 9/16/02 (it subsequently expired on 9/16/04), conditioned on:
   1) The “potential roadway connection” being shown as an actual connection on the Preliminary Plat submitted for TAC review;
   2) A boundary line survey being completed in the preparation of the Preliminary Plat for density calculation purposes;
   3) Roadway names being approved prior to the Planning Commission’s review of the Preliminary Plat;
   4) The Preliminary Plat including the details of the proposed recreation center, parking, and recreational facilities as required in §291 and Appendix A of the Zoning Ordinance;
   5) The Preliminary Plat including proper identification of the adjacent Old York Estates;
   6) A variance for the private roads being obtained from the Board of Appeals prior to the Planning Commission’s review of the Preliminary Plat;
   7) The Elk Neck Trail being identified clearly on the plat as to what it is and its location;
   8) A stub being shown to the 33 acres in the NAR portion;
   9) Shady Beach Road being designed and upgraded, by and at the cost of the developer, from their southern boundary to MD Rte. 272; and
   10) A Traffic Impact Study being completed prior to Technical Advisory Committee review of the Preliminary Plat.

2 The original Preliminary Plat was approved on 1/22/04, conditioned on:
   1) Heath Department requirements being met;
   2) Department of Public works requirements being met;
   3) The walking/bike path along Vermeer Boulevard being changed to the west (or left) side of the road because of the high number of right turns anticipated at the intersection with Dali Avenue;
   4) The final Forest Conservation Plan (FCP) and Landscape Plan being approved prior to Final Plat review;
   5) The Final Plat including the remaining details of the proposed recreation center, parking, and recreational facilities as required in §291 and Appendix A of the Zoning Ordinance;
   6) The developer, DPW, and SHA, prior to Final Plat review, determining 1) at what point of the build-out would traffic volumes trigger the unacceptable LOS (E or F), and 2) what specific improvements need to be implemented to bring the intersection to LOS D or higher (at full-build-out), as is consistent with the Comprehensive Plan;
   7) The developer and DPW, prior to Final Plat review, determining and agreeing on 1) what specific Shady Beach Road improvements need to be implemented, and 2) when (in terms of the number of building permits) those improvements need to be implemented;
   8) If the water source is the Town of North East, then verification of water allocation being received from the Town, and the water service area agreement between the County and the Town must be amended to include this parcel, prior to Final Plat review.
   9) If the water source is an on-site private system, then verification that the proposed water system is capable of serving these proposed lots and recreation center being received from MDE and documentation of all approvals for the system and the operator required by the Public Service Commission must be submitted prior to Final Plat review;
   10) If the water source is an on-site private system, then it’s being reviewed by DPW and the Health Department prior to Final Plat review. The details of any on-site private water system must be shown on the Final Plat;
As currently proposed, the SR portion of the project cannot be realized without community facilities. The Master Water and Sewer Plan now includes the SR portion of this site as W1 and S3. The proposed lots and recreation center must be served by water and sewer systems approved by the Health Department.

Note #10 now indicates that the water supply will be provided by an on-site community system, including wells, treatment facilities, and a storage tank—the details of which must be submitted to DPW with construction drawings.

Verification of the proposed water system’s capability of serving these proposed lots and recreation center must be received from MDE prior to Final Plat review. Documentation of all approvals for the system and the operator required by the Public Service Commission must be submitted prior to Final Plat review. In conjunction with the aforementioned construction drawings, the on-site community system, including wells, treatment facilities, and a storage tank must be reviewed by DPW and the Health Department prior to Final Plat review. All applicable provisions of §175 of the Zoning Ordinance shall be adhered to, although, if this becomes a County system, then would be moot.

Verification of sewer allocation must be received from the Department of Public Works prior to Final Plat review. Water supply and sewer service notes, consistent with §’s 4.2.13 (t) & (u) of the Subdivision Regulations must appear on the Final and Record Plats stating that such services shall be made available to all lots. The proposed wastewater pumping station is shown in Phase 5. The proposed potable water well and treatment plant is depicted partly on Phase 3 and partly on Phase 7. The proposed potable water storage tank and well house are depicted on the area reserved for future development, and accessible via Phase 3’s roads. Since all dwelling units and the clubhouse are to use those facilities, why haven’t they been included in Phase 1? Mr. McAnally indicated that the Phase 1 boundary could be redrawn on the plat, or that an appropriate facilities phasing note could be added prior to any submission to the Planning Commission.

A Traffic Impact Study (TIS) was prepared and showed that one intersection would operate at level of service (LOS) F at full build-out. Staff will recommend that all previous agreements between the developer, SHA and the County regarding road improvements and their phased implementation continue to be binding.

Preliminary Plat information shows that proposed lot sizes range from 5,720 to 13,012 ft². Slopes greater than 25% have been shown. A 25’ buffer is required around all non-tidal wetlands and intermittent streams present. A number of stream/wetland impacts resulting from roadway construction are depicted on the plat. Documentation of the JD has been

11) The required amendments to the Master Water and Sewer Plans being complete prior to Final Plat review;
12) Verification of sewer allocation being received from the Department of Public Works prior to Final Plat review;
13) S. Monet Avenue being of sufficient width to accommodate whatever traffic volumes are generated by the future development on the NAR-zoned portion of the property;
14) The Elk Neck Trail greenway connecting with the adjacent, proposed Rhodes Mountain Estates;
15) The name will hence forward be the Villages at North East; and
16) All issues being resolved and questions answered relative to the greenway and Elk Neck Trail prior to Final Plat review.

Subsequently, Phase 1 and 2 Final Plats were submitted for the 8/15/05 Planning Commission meeting, but then withdrawn. The Preliminary Plat approved on 1/22/04 expired on 1/22/06, per §4.1.17.
received. Permits are required from the (US Army) Corps of Engineers and MDE for all non-tidal wetland impacts prior to recordation.

Fifteen percent (15%) common open space is required; 56% is proposed, based on the 354.77 SR acres. The C.O.S. sensitive areas thresholds are have been included. The Elk Neck Trail greenway has been depicted on the plat. It should connect with the proposed Rhodes Mountain Estates. Given the information provided in Note #18, it is unclear if the trail depicted is the proposed relocation. Mr. McAnally indicated that the relocated trail was depicted.

Twenty percent (20%) landscaping of the development envelope is required in the SR zone. Bufferyard Standard C is required, outside the right-of-way, along the road frontage of Shady Beach Road, as shown on sheets 2 and 3. Street trees with 10’ planting easements are required on lots, outside the right-of-way, along both sides of all internal roads. In areas with community facilities, no street trees shall be planted within 20 feet of sewer laterals and cleanouts.

The FSD was approved on 9/11/02 and revised on 5/20/03. There were no habitats of rare, threatened, and endangered species on the property, but there was FIDS habitat. The PFCP was approved on 1/13/04. As the reforest retention area details have again not been included on the plat, consistency with the approved PFCP is impossible to determine. Why haven’t the FRA’s been depicted? Mr. McAnally reported that that had been worked out between Mr. Gochnauer and Mr. Black. Mr. Di Giacomo promised to check on that.

The FCP and Landscape Plan must be approved prior to any Final Plat review. 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. The metes and bounds description of the FRA must be shown on the record plat. All public road names were previously approved. This proposal, in keeping with the creative and innovative designs encouraged for cluster development, includes adequate sidewalks and walking/bike paths, as well as walking and biking space on all roads. The adjacent Old York Estates subdivision has been identified on this submission.

Access to common open space between lots must be marked with concrete monuments. A Homeowners’ Association for maintenance of common open space, the clubhouse, common parking, landscape islands, and recreational facilities must be established prior to recordation. $50 per recorded lot must be placed in escrow for improvements to the common open space and landscape islands prior to recordation. The recreation center, parking, and recreational facilities are accessory uses to the proposed subdivision. As previously mentioned, a major site plan, containing details as required in §291 and Appendix A of the Zoning Ordinance, was previously submitted. The issuance of a building permit for the recreation center will be contingent upon Site Plan approval, which must be entirely consistent with all Record Plats. Active recreation improvements should be included in the Public Works Agreement.
The North East Volunteer Fire Company has recommended a 10” water main; hydrant locations are acceptable. Mr. Di Giacomo noted that the details of the proposed water tower were provided earlier. It is unclear why there are approval signature blocks on sheets 2-5 of this Preliminary Plat. However, the applicant is hereby advised that on Final Plats the signature blocks are required to be in the lower left-hand corner and on all sheets. The tax map, parcel, and grid numbers must be included on any plat submitted for review by the Planning Commission. The applicant was reminded of the Monday noon submission deadline for review by the Planning Commission this month.

4) Stonebridge LLC, Concept Plat, Bethel Church Road, Northern Bay Land Planning, 5th Election District

Mr. Pyles, Northern Bay Land Planning, presented the proposal, whose previous Concept Plat approval has expired.

Mr. Graham had no comments.
Mr. Markwardt questioned the home sizes and pricing, as well as the timing of the development.

Mr. Brown read Soil Conservation Service comments and presented the comments and appropriate soils maps to the applicant.

Mr. Woodhull read DPW comments, as follows: A SWM plan, Road 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 ROW dedication, along Bethel Church Road frontage, must be shown on the plat and denoted as, “30’ wide strip to be dedicated in fee simple to the Board of County Commissioners of Cecil County.” Sight distance measurements must be provided to the DPW to establish compliance with the Cecil County Road Code. The potential for inclusion of “Dry Hydrants” should be discussed with the serving fire company. This is all predicated on whether the SWM facilities are designed as wet ponds of sufficient volume to support dry hydrants. The 20’ wide Inspection & Maintenance easement, adjacent to Lots 22-25 & 27, may need to be wider depending on the conveyance system proposed.

Bethel Church Road currently meets a Minor Road standard and is an overlaid tar and chip road in section. The Minor Road classification is designed to handle an ADT of less than 500. Recent traffic counts indicate an ADT 700+/− with no new development impacting Bethel Church Road. At an ADT of 700+/− the roadway width and section are marginal, at best, for supporting the current traffic loading. With the addition of 33 houses of this Development the ADT is expected to rise to 1030+/− and would reach 2700+/− when Bethel Springs and Bedrock developments are completed. The Department considers Bethel Church Road inadequate for that traffic load. Therefore, the developer, alone or in conjunction with other applicants, will be responsible for off-site improvements to Bethel Church Road. This Department is well aware of the design difficulties associated with accomplishing this upgrade without undue burden upon existing residential home sites. As such, the Department will consider some modifications to the Minor Collector Road standards where necessary to meet site constraints and encourage creative solutions. The
Department expects that most of the required improvements would be achievable within the existing Proscriptive Right of Maintenance enjoyed by the County on Bethel Church Road. These improvements would consist of but not necessarily be limited to widening, repair and/or establish shoulders, and improve roadside drainage. The extent of this upgrade, at a minimum, would be from the intersection of Falling Water Drive and Bethel Church Road to the Bethel Church Road/Marysville Road intersection. The off-site work will be required prior to the last house being built in the Development.

Any applicable Road Code Variance must be requested prior to submittal for Preliminary Plat approval. If the Planning Commission requires sidewalks, the Final Plats should include a note indicating that sidewalks maintenance will be required of the adjacent property owner, as required by the Cecil County Road Code.

The following standard notes and requirements apply to this plat and project:

9.1 The Final Plat Lot Grading, Sidewalk Maintenance, and Lot Grading Plan Construction Limits Notes.
9.3 Compliance with Section 3.07.15 of the Cecil County Road Code.
9.4 Requirements for Utility relocations.
9.5 Requirements for Public Works Agreements.
9.6 Requirements for Stormwater Inspection and Maintenance Agreements.
9.7 Requirements for County Roads.
9.8 Requirements for Driveways.
9.9 Requirements for Final Plat - Public Water and Sewer Allocation.
9.10 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 a note indicating that sidewalk maintenance will be required of the adjacent property owner (if sidewalks are required). The Lot Grading Plan must include the standard construction limits note.
   a. Final Plat: “A lot grading plan has been approved by the CCDPW for the construction shown hereon. A site construction as built shall be submitted to the CCDPW prior to use and/or occupancy of any of the sites shown hereon. Any change to the Forest Retention, Forestation, and/or Reforestation will require a consistency review, of the SWM approval, with CCDPW.”
   b. Final Plat: “Sidewalk maintenance will be required of the adjacent property owner, as required by the Cecil County Road Code.”
   c. Grading Plan: “No clearing or grading is permitted beyond the limits of disturbance show hereon. Any expanded clearing and/or grading in the absence of an approved revised lot grading plan may be considered non-compliance with Chapter 251 of the Cecil County Code and either or both the developer and/or Builder may be subject to the enforcement of the penalty provisions therein.”
2. The downstream conveyance of storm water must be analyzed in accordance with Section 251-9 A. (5) of the county’s SWM Ordinance. If stormwater discharge is directed off of the site on to adjacent property it is the responsibility of the Developer to obtain appropriate easements from the affected property owners per Sections 251-13 and 251-15.D of the Cecil County SWM Ordinance.

3. Section 3.07.15 of the Road Code requires that Bethel Church Road be upgraded to a Minor Collector Road, Cecil County Road Code Standard R-7 for 100’ either side of the proposed entrance. The design engineer must address the requirement for minimum acceleration, deceleration, and bypass lanes. Any right-of-way acquisition necessary shall be performed by the applicant and at the applicant’s expense.

4. Where determined necessary by the utility companies, the owner, the designer, or DPW, utility poles must be relocated at the Developer’s expense.

5. A Public Works Agreement is required for the streets & storm drainage, and public sewer system constructions.

6. An Inspection & Maintenance Agreement is required for the private SWM facilities.

7. The internal street grade leaving Bethel Church Road may not exceed 5% within the limits of the intersection right-of-way.

8. 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.

9. 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.

10. 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. Kyte reported that he had consulted with North East Fire Chief Stephen Piatelli. Mr. Kyte indicated that a drafting with a pull-off near the entrance would be desirable.

Ms. Latham indicated that a GAP would be needed. Ms. Latham also presented the applicant with a copy of MDE’s Basic Permit Process for Water Use and Appropriation document (see attached). Mr. Moore read Health Department comments (see attached).

Mr. Di Giacomo said that this proposal was in compliance with §3.8 of the Subdivision Regulations regarding public notification signs. With regard to the posting of plats on the County’s website, 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.

The zoning is DR, which permits a maximum base density of 1 du/ 1 ac. With community facilities, a density of 4/1 permitted. This Concept Plat proposes 33 lots, streets, and 14.16
acres of common open space on 33.23 acres, for a proposed density of 1/0.993. This same proposal was approved by the Planning Commission on 3/15/04, but that approval expired on 3/15/06, per §4.0.9 of the Subdivision Regulations, which provides that Concept Plats shall be valid for two years from date of approval. The Subdivision Regulations are silent on the issue of the re-approval of an expired Concept Plat, which has no standing.3

There have been modifications since this proposal was first reviewed by the TAC in May 2002, including landscaped island in the proposed cul-de-sacs and a stub road connecting to the adjacent lands of Schultz. There have been no modifications since the 3/15/04 review by the Planning Commission. A boundary line survey must be done for the preparation of the Preliminary Plat for density calculation purposes.

Dwellings or impervious surfaces shall not occur on slopes with a grade of 25% or more covering a contiguous area of 10,000 ft² or more. On slopes between 15 and 25%, good engineering practices shall be used to ensure sediment and erosion control and slope stabilization before, during and after disturbance activities. Slopes greater than 25% must be shown on the preliminary plat. 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. A Jurisdictional Determination (JD) must be done prior to preliminary plat review by the Planning Commission. A sensitive species survey conducted on 11/15/03 revealed that there were no habitats of rare, threatened, and endangered species on the site. 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’.

Fifteen (15%) common open space is required; 43 % 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, if any. The Stony Run stream buffer has been shown on the plat.

The easements/rights-of-way across the areas of common open space are inconsistent with §176 of the Zoning Ordinance. The one from Baron Road can be eliminated because of the stub road to the Lands of Schultz. What is the purpose of the 100’ wide right-of-way through the proposed common open space to the south of proposed Lot 14? Mr. Pyles indicated that is was a farm access easement for cattle to get to the stream.

Has any consideration been given to extending the common open space along the rear of proposed Lots 28.29 & 33 to join the westerly common open space strip along the entranceway? Mr. Pyles answered in the affirmative. Access to common open space between lots must be marked with concrete monuments. Twenty percent (20%)

3 However, in seeking a basis upon which to make a reasonable recommendation, staff notes that §4.0.10 deals with extensions of Concept Plat approval, and mandates that “The [Planning] Commission shall consider the following: a) Change in the zoning classification of the property; b) Change in the Zoning Ordinance; c) Change in the Subdivision Regulations; d) Change in the Comprehensive Plan; e) Change in the Critical Area designation of the property; f) Change in the Critical Area Program; g) Change in the Forest Conservation Regulations.”
The landscaping of the development envelope is required in the DR zone. Sidewalks are recommended on both sides of all internal roads in the DR zone. The proposed road names, Falling Water Drive and Cascade Court, have been approved.

Bufferyard Standard A is required along a portion of the rear lot line of proposed Lot 13 to buffer adjacent agricultural uses. 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.

Rows of street trees with 10’ planting easements are required, outside the right-of-way, along both sides of all internal roads. Where feasible, the natural vegetative equivalent may be used to satisfy the bufferyard and street tree requirements. In areas with community facilities, no street trees shall be planted within 20 feet of sewer laterals and cleanouts. Any tree removal within a public right-of-way requires approval from the Maryland Department of Natural Resources. The Forest Stand Delineation (FSD) was approved on 5/28/02. The Natural Heritage Service recommends that “appropriate sediment and erosion control measures be taken to minimize impacts to nearby wetlands.” The Preliminary Forest Conservation Plan (PFCP) must be approved prior to Planning Commission review of the Preliminary Plat. The final Forest Conservation Plan (FCP) and Landscape Plan must be approved prior to Planning Commission review of the Final Plat. 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. The metes and bounds description of the FRA must be shown on the Final and Record Plats.

A Homeowners’ Association for maintenance of common open space must be established with $50 per recorded lot placed in escrow for improvements prior to recordation. The Cecil County DPW must verify sewer capacity prior to the review of the Final Plat by the Planning Commission. Has any consideration been given to relocating the power line over proposed Lots 3-8? It should be relocated. Mr. Pyles said the intent was to move the line. The Record Plats shall contain a statement signed by the Health Department, approving authority, to the effect that use of the community sewerage system is in conformance with the Master Water and Sewer Plan. The Master Water and Sewer Plan classifies this site as S1. The Record Plats shall also contain a statement, signed by the owner, to the effect that such facilities will be available to all lots/homes offered for sale.

For subdivisions proposed on property contiguous to operating farms, notice shall be provided on the plat that an agricultural operation is being conducted on a contiguous property and said agricultural operation is protected from nuisance claims provided the conditions of Article I, § 4 are being complied with. The applicant was reminded of the Monday noon submission deadline for review by the Planning Commission this month. Mr. Di Giacomo announced that the 9th agenda item, the Chesapeake Club, Preliminary Plat, had just been withdrawn.
5) **Clover Meadows, Concept Plat, Weaver Meadows Road, Michael S. McAllister, Surveyor, Eighth Election District**

Mr. McAllister presented the proposal, along with Mr. Vanderhoef, explaining the inclusion of 3 minor subdivision lots and the requesting of bonus density.

Mr. Graham had no comments.

Mr. Markwardt questioned the home sizes and pricing, as well as the timing of the development. Mr. Vanderhoef indicated that, if approved, the development would commence as soon as possible.

Mr. Brown read Soil Conservation Service comments and presented the comments and appropriate soils maps to the applicant.

Mr. Woodhull read DPW comments, as follows: A SWM plan, Street and storm drainage plan, and a Mass and Final Grading plan must be approved by the CCDPW prior to submittal for Final Plat Approval. Any Road Code Variances sought must be requested prior to submittal for Preliminary Plat approval. Correctly identify the 30’ RWUS shown as “30’ wide strip to be dedicated in fee simple to the Board of County Commissioners of Cecil County”. Verify road geometry compliance with Section 3.04 of the Road Code. Lots A & B are denied access to Weaver meadows Road. The Lots B & C are to be denied access to the 50’ ROW to Parcel 520. The proposed SWM area located on Lots 11 & 12 should be in common open space.

The following standard notes and requirements apply to this plat and project:

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


7.3 Compliance with Section 3.07.15 of the Cecil County Road Code.

7.4 Requirements for Utility relocations.

7.5 Requirements for Public Works Agreements.

7.6 Requirements for Stormwater Inspection and Maintenance Agreements

7.7 Requirements for County Roads.

7.8 Requirements for Driveways.

7.9 Requirements for Stopping Sight Distance

*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. Section 3.07.15 of the Road Code directs that Weaver Meadows Road must be upgraded to a Minor Road Standard for a distance of 100’ either side of the proposed entrance. The design engineer must address the requirement for minimum acceleration, deceleration, and bypass lanes. Any right-of-way acquisition necessary shall be performed by the applicant and at the applicant’s expense.

4. Where determined necessary by the utility companies, the owner, the designer, or DPW, utility poles must be relocated at the Developer’s expense.

5. A Public Works Agreement is required for the private mini road & storm drainage construction. A Public Works Agreement is required for the county streets & storm drainage constructions.

6. An Inspection & Maintenance Agreement is required for the private SWM facilities.

7. The street R.O.W. entrance tapers must be offset 25’ from the R.O.W. point of intersection and be straight lines, per 7.2.12.E.3 of the Subdivision Regulations. The internal street grade leaving Weaver Meadows Road may not exceed 5% within the limits of the intersection right-of-way.

8. For County Roads, all driveways must be paved at least to the right of way. The driveway paving must be complete for all lots at the time when the surface course for the internal roads is installed. This requirement includes any vacant but platted lots. Any driveway exceeding 5% up-gradient-slope 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.

9. Applicant must provide stopping sight distance measurements for the Weaver Meadows Road access location to DPW prior to preliminary plat submittal. Mark the proposed entrance locations in the field by a survey stake or paint.

Mr. Kyte recommended the inclusion of a drafting tank. He and Mr. Vanderhoeft discussed drafting tank costs and specifications. Ms. Latham indicated that a GAP would be needed. Mr. Moore read Health Department comments (see attached).
Mr. Di Giacomo said that this proposal was in compliance with §3.8 of the Subdivision Regulations regarding public notification signs. With regard to the posting of plats on the County’s website, 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.

The zoning is NAR, which permits a maximum base density of 1 du/5 ac. Bonus density eligibility carries with it a permitted density of 1/3. This Concept Plat proposes 16 major- and 3 minor-subdivision lots on 53.62 acres. After deducting 3.73 acres for the proposed minor subdivision lots, a major subdivision bonus density of 1/3.12 is proposed.

§2.4.1 has not been invoked. If the proposed bonus density were to be disapproved by the Planning Commission, then, with the invocation of §2.4.1, the maximum potential lot yield would be 13, instead of the 19 now proposed. Had §2.4.1 been invoked in conjunction with bonus density, then, the potential lot yield would have been 20, instead of the 19 now proposed.4

Nowhere do the Subdivision Regulations countenance the use subdivision letters instead of the convention subdivision numbers. Nor is there any precedent for lettering subdivision lots. A boundary line survey must be done in conjunction with the preparation of the Preliminary Plat for density calculation purposes.

What is the acreage of the 50’ wide right-of-way going to P. 520, and how would that affect the density calculation? Mr. McAllister said it is proposed to be part of Lot C; therefore; the acreage has already been included in all calculations. Pursuant to §7.2.12.E.4, has it been determined that the proposed entrance location is at least 450’ distant from the 50’ wide right-of-way entrance to P. 520 to the north? Mr. McAllister said that the application §7.2.12.E.4 is more appropriate for public streets than common driveways.

Dwellings or impervious surfaces shall not occur on slopes with a grade of 25% or more covering a contiguous area of 10,000 ft² or more. On slopes between 15 and 25%, good engineering practices shall be used to ensure sediment and erosion control and slope stabilization before, during and after disturbance activities. 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. A Jurisdictional Determination (JD) must be done prior to preliminary plat review by the Planning Commission. The habitats of rare, threatened, and endangered species must be avoided. Fifteen percent (15%) common open space is required, 34.37% is proposed. The proposed large lot, Lot 8, would consist

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4 That, however, would have resulted in there only being 58% open space, given the present design, because the minor sub acreage would not have been deducted.
of 12.72 acres, or 23.72%. The proposed large lot and common open space would total a combined 31.15 acres, or 62.44% of the total, after deducting 3.73 acres for the proposed minor subdivision lots. No landscaping of the development envelope is required in the NAR zone. Sidewalks are not recommended.

Bufferyard Standard C is required, outside the right-of-way, along the road frontages of Weaver Meadows Road. 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. Any tree removal within a public right-of-way requires approval from the Maryland Department of Natural Resources.

The Forest Stand Delineation (FSD) must be approved prior to Planning Commission review of the Concept Plat. The Preliminary Forest Conservation Plan (PFCP) must be approved prior to Planning Commission review of the Preliminary Plat. The final Forest Conservation Plan (FCP) and Landscape Plan must be approved prior to Planning Commission review of the Final Plat. 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 proposed road name, Blarney Lane, has been approved. Access to common open space between lots must be marked with concrete monuments. Covenants prohibiting the subdivision of the large lot must be recorded and noted on the plat prior to recordation. A Homeowners’ Association for maintenance of common open space must be established with $50 per recorded lot placed in escrow for improvements prior to recordation. For subdivisions proposed on property contiguous to operating farms, notice shall be provided on the plat that an agricultural operation is being conducted on a contiguous property and said agricultural operation is protected from nuisance claims provided the conditions of Article I, § 4 are being complied with. The applicant was reminded of the Monday noon submission deadline for review by the Planning Commission this month.

6) **Clinton Reddig, Lands of, Concept Plat, Shady Beach Road, RJ Engineering Corp., Fifth Election District**

   WITHDRAWN

7) **Liberty Grove Reserve, Concept Plat, Liberty Grove Road, Bay State Land Services, Inc., Sixth Election District**

Mr. David Dodge and Mr. John Mars, Bay State Land Services, Inc. presented the subdivision proposal, explaining the rationale for the requesting of bonus density.

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5 Absent that deduction, there would have been only 58% open space, thus disqualifying this design from bonus density eligibility.
Mr. Graham read a letter sent to Mr. Di Giacomo by Ms. Ella Mae Truslow, in opposition to this proposal.

Mr. Markwardt questioned the home sizes and pricing, as well as the timing of the development.

Mr. Brown read Soil Conservation Service comments and presented the comments and appropriate soils maps to the applicant.

Mr. Woodhull read DPW comments, as follows: 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 cul-de-sac bulb is not in compliance with Road Code Standard Detail R-14. New intersection/entrance signage will be required along Liberty Grove Road. Is open section road proposed for this site? Have you given any consideration as to how you will address SWM for this site? Steep slopes on site will present a serious challenge to your SWM design approach. Any stormwater management facilities discharging to the Basin Run watershed shall be designed to meet Stream class III and IV standards in the 2000 Maryland Stormwater Design Manual (specifically addresses thermal impacts).

The following standard notes and requirements apply to this plat and project:

8.1 The Final Plat Lot Grading and the Lot Grading Plan Construction Limits Note.
8.3 Compliance with Section 3.07.15 of the Cecil County Road Code.
8.4 Requirements for Utility relocations.
8.5 Requirements for Public Works Agreements.
8.6 Requirements for Stormwater Inspection and Maintenance Agreements.
8.7 Requirements for Stopping Sight Distance measurements.
8.8 Requirements for County Roads.
8.9 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
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. Section 3.07.15 of the Road Code requires that Liberty Grove Road be upgraded to a Minor Collector Road standard for 100’ either side of the proposed entrance. The design engineer must address the requirement for minimum acceleration, deceleration, and bypass lanes. Any right-of-way acquisition necessary shall be performed by the applicant and at the applicant’s expense.

4. Where determined necessary by the utility companies, the owner, the designer, or DPW, utility poles must be relocated at the Developer’s expense.

5. A Public Works Agreement is required for the streets & storm drainage construction.

6. An Inspection & Maintenance Agreement is required for the private SWM facilities.

7. Applicant must provide stopping sight distance measurements for the Liberty Grove Road access to DPW prior to preliminary plat submittal. Please mark the proposed entrance location in the field by flagging or stake on the roadside bank.

8. The street R.O.W. entrance tapers must be offset 25’ from the R.O.W. point of intersection and be straight lines, per 7.2.12.E.3 of the Subdivision Regulations. The internal street grade leaving Liberty Grove Road may not exceed 5% within the limits of the intersection right-of-way.

9. 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. Kyte recommended the inclusion of a drafting tank and questioned road widths and the radius of the cul-de-sac bulb.

Ms. Latham indicated that a GAP would be needed. Mr. Moore read Health Department comments (see attached).

Mr. Di Giacomo said that originally this proposal was not in compliance with §3.8 of the Subdivision Regulations regarding public notification signs. Subsequently, it was found to be in compliance. With regard to the posting of plats on the County’s website, 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.
The zoning is NAR, which permits a maximum base density of 1 du/5 ac. Bonus density eligibility carries with it a permitted density of 1/3. This Concept Plat proposes 10 lots on 32.34 acres, for a proposed density of 1/3.234. Mr. Mars indicated that a boundary line survey had already been completed in conjunction with the preparation of the Concept Plat for density calculation purposes.

Inasmuch as Canning House Lane, now used to access adjacent properties, is situated on land that is proposed to be common open space, and inasmuch as common open space, pursuant to §176.2.a, cannot contain road rights-of-way, how are the adjacent residents proposed to access their homes? Mr. Mars specified that the boundary line survey revealed that Canning House Lane is not on this property. Canning House Lane is depicted in the vicinity map. What isn’t it also depicted on the plat?

The title block indicates that the site is in both the 6th and 7th Election Districts. As the boundary between those election districts is Basin Run, and the plat does not show the property boundary to cross the stream, then, therefore, this project is in the 6th Election District only. That must be corrected prior to any submission to the Planning Commission. “Frist” Road has been misspelled on the plat, but not the vicinity map. That must be corrected prior to any submission to the Planning Commission.

Dwellings or impervious surfaces shall not occur on slopes with a grade of 25% or more covering a contiguous area of 10,000 ft² or more. On slopes between 15 and 25%, good engineering practices shall be used to ensure sediment and erosion control and slope stabilization before, during and after disturbance activities. 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. A Jurisdictional Determination (JD) must be done prior to preliminary plat review by the Planning Commission. The habitats of rare, threatened, and endangered species must be avoided.

Fifteen percent (15%) common open space is required; 26.65% is proposed. Note #4 erroneously indicates that 71% common open space is proposed. That must be corrected prior to any submission to the Planning Commission. The proposed large lot, Lot 10, would consist of 44.31% of the total acreage. The proposed common open space and large lot together total 70.96% of the total acreage – unless the Canning House Lane right-of-way acreage is deducted, pursuant to §176.2.a. The proposed common open space and large lot together must total 60% of the total acreage to qualify for bonus density eligibility in the NAR zone. Proposed Lot 10 is shown to be both an individual lot and common open space. That must be corrected prior to any submission to the Planning Commission. This plat shows Parcel 135’s having three different road frontages on Liberty Grove Road. However, the tax maps depict a fourth Liberty Grove Road frontage between adjacent
Parcels 107 and 514. It was explained that the boundary line survey revealed that the tax map configuration is incorrect.

No landscaping of the development envelope is required in the NAR zone. No sidewalks are recommended. Bufferyard Standard C is required, outside the right-of-way, along the road frontages of Liberty Grove Road. 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. A Bufferyard Standard A will be required along the northern property line of proposed Lot 1. Given the Bufferyard A and other required setbacks, proposed Lot 1 may be difficult to achieve. Any tree removal within a public right-of-way requires approval from the Maryland Department of Natural Resources. The FSD must be approved prior to Planning Commission review of the Concept Plat. The PFCP must be approved prior to Planning Commission review of the Preliminary Plat. The FCP and Landscape Plan must be approved prior to Planning Commission review of the Final Plat. 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 proposed road name, Pine Needle Court, has been approved. Pursuant to §7.2.12.E.5, has it been determined that the proposed Pine Needle Court is either directly opposite the opposite-side entrance or offset at least 125’, and why hasn’t the opposite-side entrance on Liberty Grove Road been depicted on the plat?

Pursuant to §7.2.12.E.4, has it been determined that the proposed entrance location is at least 450’ distant from the proposed Murphy’s Run entrance to the north? Access to common open space between lots must be marked with concrete monuments. Covenants prohibiting the subdivision of the large lot must be recorded and noted on the plat prior to recordation. A Homeowners’ Association for maintenance of common open space must be established with $50 per recorded lot placed in escrow for improvements prior to recordation. For subdivisions proposed on property contiguous to operating farms, notice shall be provided on the plat that an agricultural operation is being conducted on a contiguous property and said agricultural operation is protected from nuisance claims provided the conditions of Article I, § 4 are being complied with. The applicant was reminded of the Monday noon submission deadline for review by the Planning Commission this month.

8) Bracebridge Estates, Preliminary Plat, Grove Neck Road, Morris & Ritchie Associates, Inc., First Election District

Mr. James Keefer, RLA, Morris & Ritchie Associates, Inc., presented the Preliminary Plat proposal. Mr. Keefer verified that he had received a faxed copy of the Critical Area Commission’s staff comments.

Mr. Graham had no comment.
Mr. Markwardt questioned the home sizes and pricing, as well as the timing of the development.

Mr. Brown read Soil Conservation Service comments and presented the comments and appropriate soils maps to the applicant.

Mr. Woodhull read DPW comments, as follows: 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. It appears that the majority of this site direct discharge into tidally influenced water. Any drainage areas not doing so will require that the downstream conveyance of storm water be analyzed in accordance with Section 251-9 A. (5) of the County’s SWM Ordinance. The Department will allow the use of Road Code Standard R-12, Dual Lane Road, for the full length of McGill Creek Farm Lane in lieu of an intermediate turnaround. It is the Department’s position that the use of Standard R-12 in this instance more adequately addresses the concerns that created the requirement for intermediate turnarounds (R-13) in the first place.

Any applicable Road Code Variances must be requested prior to submittal for Preliminary Plat approval. Regardless of phasing, the Department will not accept McGill Creek Lane until 80% of all the lots are complete, unless the Developer includes a separate, dedicated construction entrance beyond the first phase of construction. Lots 1, 8, 9, 16, 17, 73, 74, 78, 79, 90, 101, 102, & 108 must be denied access to McGill Creek Lane. The dedication note on the Final Plat must read, “30’ wide strip to be dedicated in fee simple to the Board of County Commissioners of Cecil County.”

The following standard notes and requirements apply to this plat and project:

8.1 The Final Plat Lot Grading Note and the Lot Grading Plan Construction Limits Note.
8.3 Compliance with Section 3.07.15 of the Cecil County Road Code.
8.4 Requirements for Utility relocations.
8.5 Requirements for Public Works Agreements.
8.6 Requirements for Stormwater Inspection and Maintenance Agreements
8.7 Requirements for County Roads.
8.8 Requirements for Driveways.
8.9 Requirements for Stopping Sight Distance

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. Section 3.07.15 of the Road Code directs that Grove Neck Road must be upgraded to a Minor Collector Road Standard for a distance of 100’ either side of the proposed entrance. The design engineer must address the requirement for minimum acceleration, deceleration, and bypass lanes. Any right-of-way acquisition necessary shall be performed by the applicant and at the applicant’s expense.

4. Where determined necessary by the utility companies, the owner, the designer, or DPW, utility poles must be relocated at the Developer’s expense.

5. A Public Works Agreement for the county streets & storm drainage constructions.

6. An Inspection & Maintenance Agreement is required for the private SWM facilities.

7. The street R.O.W. entrance tapers must be offset 25’ from the R.O.W. point of intersection and be straight lines, per 7.2.12.E.3 of the Subdivision Regulations. The internal street grade leaving Grove Neck Road may not exceed 5% within the limits of the intersection right-of-way.

8. For County Roads, all driveways must be paved at least to the right of way. The driveway paving must be complete for all lots at the time when the surface course for the internal roads is installed. This requirement includes any vacant but platted lots. Any driveway exceeding 5% up-gradient-slope 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.

9. Applicant must provide stopping sight distance measurements for the Grove Neck Road access location to DPW prior to preliminary plat submittal. Mark the proposed entrance locations in the field by a survey stake or paint.

Mr. Kyte recommended including a drafting tank, questioned road widths and the placement of dry hydrants, and questioned the naming of the looped President’s Circle. Two consecutive President’s Circles are potential confusing for emergency responders.
Ms. Latham indicated that a GAP would be needed. Mr. Moore read Health Department comments (see attached). Mr. Moore indicated that the Preliminary Plat, as is, is not ready for submission to the Planning Commission. A copy of Mr. King’s SHA comments was provided to the applicant (see attached).

Mr. Di Giacomo said that this proposal was in compliance with §3.8 of the Subdivision Regulations regarding public notification signs. With regard to the posting of plats on the County’s website, 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.

The zoning is SAR and RCA. The SAR zone permits a maximum base density of 1 du/8 ac., or 1/5 if bonus density is granted. The RCA overlay zone permits a density of 1/20. The Concept Plat was approved at 1/5 bonus density on 7/19/04, conditioned on:

1) A boundary line survey being done for the preparation of the Preliminary Plat for density calculation purposes;
2) A sensitive species survey being done prior to the Planning Commission’s review of the Preliminary Plat;
3) A JD being done prior to the Planning Commission’s review of the Preliminary Plat;
4) A note being placed on the plat to the effect that the Critical Area portion of the property is exempt from the Forest Conservation Regulations, per §3.2B;
5) A Traffic Impact Study (TIS) being completed prior to the TAC’s review of the Preliminary Plat;
6) A mid-block turnaround being required on Gettysburg Drive (outside the Critical Area in so far as possible) and a mid-block turnaround being waived on McGill Creek Farm Lane; and
7) Water quality issues being met.

This Preliminary Plat’s proposed density and overall layout are generally consistent with the approved Concept Plat. What is intended for all existing buildings that are to remain? Mr. Keefer said they are to remain in place.

While only thirteen (13) lots are proposed to have dwellings in the Critical Area (RCA), 16 lots are proposed to be at least partially within the RCA boundary. With 303.3 Critical area acres, that works out to a proposed Critical Area density of 1/18.95 – which would trigger a Special Growth Allocation, as indicated in the CBCAC staff letter.

Fifteen percent (15%) common open space is required; 27.6% is proposed. The common open space and the proposed large lot, Lot 41, together consist of 65.3% of the total acreage. Thus, bonus density eligibility has been maintained. All lots except 41 and 53-55 are proposed outside the Critical Area Buffer/Expanded Buffer. All lots except 41 are proposed outside the 100-yr. tidal floodplain. Per §241.2.d (1), any building sites within the 100-yr. tidal floodplain can be approved only after a Variance has been granted. Per Note # 11, the boundary line survey has been completed. Stream and wetlands buffers have been shown. Steep slopes are shown on portions of a number of proposed lots and common open space. 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. Permits are required from the Corps of Engineers and MDE for all non-tidal wetland and stream impacts prior to recordation. A JD must be done prior to preliminary plat review by the Planning Commission. No landscaping of the development envelope is required in the SAR zone. Sidewalks are not recommended. Bufferyard Standard C is required, outside the right-of-way, along the road frontage of Grove Neck Road. Rows of street trees with 10’ planting easements are required, outside the right-of-way, along both sides of all internal roads. Where feasible, the natural vegetative equivalent may be used to satisfy the bufferyard and street tree requirements.

The FSD and an Environmental Assessment were approved on 6/11/04. In addition to the eagle’s nests, the Natural Heritage Service indicated that four other sensitive species are known to occur in the vicinity. Therefore, a sensitive species survey was required to be completed prior to Preliminary Plat review by the Planning Commission. What progress has been made? Mr. Keefer responded that he thought it had been completed.

There may be some confusion regarding the Bald Eagle’s Nests. Are there 2 active nests, or have the eagles moved from the “old” to the “new” nest? Mr. Keeper stated that there is one nest – which has relocated from the old to the new location. Zone 3’s critical dates must be listed on the Final/Record Plats. The PFCP must be approved prior to Planning Commission review of the Preliminary Plat. The FCP and Landscape Plan must be approved prior to Planning Commission review of the Final Plat.

The RCA portion of the project is exempt under §3.2B, as noted. A 110’ 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. No development is permitted in the tidal wetlands and tidal waters buffer, including septic systems, impervious surfaces, parking areas, roads, or structures. No more than 15% of the surface area can be converted to impervious surface in the RCA. The 15% impervious cover threshold applies to the entire portion of the subdivision within the Critical Area and those proposed lots greater than one acre in size. For proposed lots one acre or less in size (50 & 54-55) the impervious cover limitation is 25% (§200.8.a). That must be noted on the plat. No more than 20% of the forest or developed woodland may be removed. In the critical area, no structure shall exceed 35’ in height.

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. The metes and bounds description of the FRA must be shown on the record plat. All proposed road names have been approved. A TIS has been completed, as required, and it is under review. It appears that all affected intersections would continue to operate at an acceptable LOS. Access to common open space between and beside lots must be marked with concrete monuments.

If there are any plans for a community pier, then §’s169 and 198 of the Zoning Ordinance must be adhered to. In addition, an easement will be necessary. A Homeowners’ Association for maintenance of common open space must be established with $50 per recorded lot placed in escrow for improvements prior to recordation. A Mini-road
Maintenance Association for maintenance of the Lookout Point Court mini road must be established prior to recordation, with the owners of all lots accessing the mini-road becoming members. For subdivisions proposed on property contiguous to operating farms, notice shall be provided on the plat that an agricultural operation is being conducted on a contiguous property and said agricultural operation is protected from nuisance claims provided the conditions of Article I, § 4 are being complied with. The applicant was reminded of the Monday noon submission deadline for review by the Planning Commission this month.

9) The Chesapeake Club, Preliminary Plat, Section G, Lots 1-5, Route 272, McCrone, Inc., Fifth Election District

WITHDRAWN

10) Louise, Preliminary Plat, Section 1, Lots 1-11 & 27-40, Dr. Jack & Waibel Roads, McCrone, Inc., Sixth Election District

Messrs. Mike Burcham, Tom Montgomery, and Jeff Sellers presented the Preliminary Plat.

Mr. Graham had no comment.

Mr. Markwardt questioned the home sizes and pricing, as well as the timing of the development. He also expressed concern about school bus access so long as there are barricades on Waibel Road.

Mr. Brown read Soil Conservation Service comments and presented the comments and appropriate soils maps to the applicant.

Mr. Woodhull read DPW comments, as follows: 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. Any Road Code Variances sought must be requested prior to submittal for Preliminary Plat approval. Show all private stormwater management and stormwater management outfall easements across the common open space on the final plat(s). Public Storm drainage easements must be separated from private stormwater management and access easements. Identify the existing gas transmission line and its owner on the preliminary and final plats. The southern Waibel Road entrance may require vertical profile improvements along Waibel Road for adequate stopping sight distance as part of the entrance improvements approval. New entrance signage will be required and must be shown as to type and location on the internal street and subdivision access construction drawings. Applicant must obtain the Susquehanna Transmission Company of Maryland’s right-of-way and easement dedication conditions and approval for construction of the internal county road (Herbies Curve). The Susquehanna Transmission Company of Maryland must approve of the construction of a public road over the transmission company right-of-way before final plat submittal to the planning commission. It is recommended that the Applicant obtain this information prior to preliminary plat approval by the planning commission, so as to avoid any costly site re-design that might be necessitated by a refusal from the transmission company.
The following standard notes and requirements apply to this plat and project:

6.1 The Final Plat Lot Grading and Lot Grading Plan Construction Limits Notes.
6.3 Compliance with Section 3.07.15 of the Cecil County Road Code.
6.4 Requirements for Utility relocations.
6.5 Requirements for Public Works Agreements.
6.6 Requirements for Stormwater Inspection and Maintenance Agreements.
6.7 Requirements for County Roads.
6.8 Requirements for Driveways.
6.9 Requirements for Stopping Sight Distance Measurements.

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.
   e. 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.”
   f. 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. Section 3.07.15 of the Road Code requires that Doctor Jack Road be upgraded to a Minor Collector Road standard and that Waibel Road be upgraded to a Minor Road standard for 100’ either side of the proposed entrance locations. The design engineer must address the requirement for minimum acceleration, deceleration, and bypass lanes. Any right-of-way acquisition necessary shall be performed by the applicant and at the applicant’s expense.

4. Where determined necessary by the utility companies, the owner, the designer, or DPW, utility poles must be relocated at the Developer’s expense.

5. A Public Works Agreement is required for the streets & storm drainage constructions.

6. An Inspection & Maintenance Agreement is required for the private SWM facilities.
7. 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. This also applies to the intersection R.O.W. dedication at Doctor Jack and Waibel Roads. The internal street grade leaving Doctor Jack and Waibel Roads may not exceed 5% within the limits of the intersection right-of-way.

8. 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.

9. Applicant must provide stopping sight distance measurements for the Doctor Jack and Waibel Road access locations to DPW prior to preliminary plat submittal. Mark the proposed entrance locations in the field by a survey stake or paint.

Mr. Kyte questioned road widths and the placement of a drafting tank.

Ms. Latham indicated that a GAP would be needed. Mr. Moore read Health Department comments (see attached).

Mr. Di Giacomo said that this proposal was in compliance with §3.8 of the Subdivision Regulations regarding public notification signs. With regard to the posting of plats on the County’s website, 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.

The zoning is NAR. The Concept Plat, proposing 5 minor subdivision lots and 44 major subdivision lots on 134.5 acres, was approved at the bonus NAR density of 1/3.06 on 1/21/06, conditioned on:

1) The boundary line survey being completed prior to the TAC’s review of the Preliminary Plat;
2) The JD being completed prior to the Planning Commission’s review of the Preliminary Plat; and
3) The applicant’s obtaining verification from MDE that the pumping at full yield of wells on this project will not be affected by any contaminants moving in the direction of these wells from contaminated sites.

Has the boundary line survey been completed? Mr. Burcham answered in the affirmative. 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. Slopes greater than 25% have been shown. The stream and wetland buffers have been shown. Permits are required from the Corps of Engineers and MDE for all non-tidal wetland and stream impacts prior to recordation. A JD must be done prior to preliminary plat review by the Planning Commission. The habitats of rare, threatened, and endangered species must be avoided.
Fifteen percent (15%) common open space is required; 21.49% was proposed on the approved Concept Plat – with which this Section 1 Preliminary Plat is consistent. No landscaping or sidewalks are required. Bufferyard Standard C is required, outside the right-of-way, along the Doctor Jack & Waibel Road frontages. They have not been depicted. Rows of street trees with 10’ planting easements are required, outside the right-of-way, along both sides of all internal roads. Where feasible, the natural vegetative equivalent may be used to satisfy the bufferyard and street tree requirements. The FSD was approved on 1/13/06. The PFCP must be approved prior to Planning Commission review of the Preliminary Plat. The FCP and Landscape Plan must be approved prior to Planning Commission review of the Final Plat. A Landscape Agreement must be executed prior to recordation, with the metes and bounds description of the FRA being shown on the Final and Record Plats.

The internal road names have been approved. Common open space access between and beside lots must be marked with concrete monuments. A Homeowners’ Association for maintenance of common open space must be established with $50 per recorded lot placed in escrow for improvements prior to recordation. Documentation of all necessary easement agreements with Susquehanna Transmission Co. of MD will be required prior to the Planning Commission’s review of any Final Plat. All documents requiring recordation must be recorded prior to the recordation of the Record Plat. For subdivisions proposed on property contiguous to operating farms, notice shall be provided on the plat that an agricultural operation is being conducted on a contiguous property and said agricultural operation is protected from nuisance claims provided the conditions of Article I, § 4 are being complied with. The applicant was reminded of the Monday noon submission deadline for review by the Planning Commission this month.

11) Silverado, Preliminary Plat Lots 5-75, Razor Strap Road, McCrone, Inc., Fifth Election District

Messrs. Mike Burcham, Tom Montgomery, and Jeff Sellers presented the Preliminary Plat.

Mr. Graham had no comment.

Mr. Markwardt questioned the home sizes and pricing, as well as the timing of the development. He also expressed concern about school bus access.

Mr. Brown read Soil Conservation Service comments and presented the comments and appropriate soils maps to the applicant.

Mr. Woodhull read DPW comments, as follows: It is the Department’s understanding that the Town of North East will own the water distribution system in this development. The CCDPW recommends that the water distribution system, including fire hydrant locations, be designed to meet or exceed the County’s standards. We also recommend that the Town request that the serving fire company review fire hydrant spacing and locations. The water lines must be reflected on the sanitary sewer plans and as-builts. All easements for the
water lines must be reflected on the final plat. A SWM plan, Road & Storm Drain plan, Sanitary Sewer plan and a Mass and Final Grading plan must be approved by the CCDPW prior to submittal for Final Plat Approval. The off-street parking lots shown will require a road code variance. No Road Code Variances have been sought for this project. The required variance must be requested prior to submitting this project to the Planning commission for Preliminary Plat approval. 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. Upgrades to Razor Strap Road west of the bridge over Stoney Run are funded in the Cecil County CIP for fiscal years 2006 and 2007. At this time, the design is complete, with right-of-way acquisition being performed by Cecil County. The overall improvements project may be phased. At this time, the Department cannot definitively state when Razor Strap Road will be upgraded from the bridge over Stoney Run to Red Toad Road. All parking areas are to be maintained by the HOA unless otherwise noted. Identify parking easements as private easements for HOA maintenance of the parking areas. Identify permanent maintenance easements in accordance with footnote one of standard detail R-5 of the Cecil County Road Code. The Department recommends that the Town require a PWA for the water.

The following standard notes and requirements apply to this plat and project:

9.1 The Final Plat Lot Grading, Sidewalk Maintenance, and Lot Grading Plan Construction Limits Notes.
9.3 Compliance with Section 3.07.15 of the Cecil County Road Code.
9.4 Requirements for Utility relocations.
9.5 Requirements for Public Works Agreements.
9.6 Requirements for Stormwater Inspection and Maintenance Agreements.
9.7 Requirements for County Roads.
9.8 Requirements for Driveways.
9.9 Requirements for Final Plat - Public Water and Sewer Allocation.
9.10 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 a note indicating that sidewalk maintenance will be required of the adjacent property owner (if sidewalks are required). The Lot Grading Plan must include the standard construction limits note.
   a. Final Plat: “A lot grading plan has been approved by the CCDPW for the construction shown hereon. A site construction as built shall be submitted to the CCDPW prior to use and/or occupancy of any of the sites shown hereon. Any change to the Forest Retention, Forestation, and/or Reforestation will require a consistency review, of the SWM approval, with CCDPW.”
   b. Final Plat: “Sidewalk maintenance will be required of the adjacent property owner, as required by the Cecil County Road Code.”
c. **Grading Plan:** “No clearing or grading is permitted beyond the limits of disturbance 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. Section 3.07.15 of the Road Code requires that Razor Strap Road be upgraded to a Minor Collector Road, Cecil County Road Code Standard R-7 for 100’ either side of the proposed entrance. The design engineer must address the requirement for minimum acceleration, deceleration, and bypass lanes. Any right-of-way acquisition necessary shall be performed by the applicant and at the applicant’s expense.

4. Where determined necessary by the utility companies, the owner, the designer, or DPW, utility poles must be relocated at the Developer’s expense.

5. A Public Works Agreement is required for the streets & storm drainage, and public sewer system constructions.

6. An Inspection & Maintenance Agreement is required for the private SWM facilities.

7. The internal street grade leaving Bethel Church Road may not exceed 5% within the limits of the intersection right-of-way.

8. 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.

9. 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.

10. 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. Kyte questioned road widths and the placement of fire hydrants.

Ms. Latham indicated that a GAP would not be needed. Mr. Moore read Health Department comments (see attached). Mr. Di Giacomo provided a copy of Mr. King’s SHA comments and reported that a revised TIS had not yet been received.
Mr. Di Giacomo said that this proposal was in compliance with §3.8 of the Subdivision Regulations regarding public notification signs. With regard to the posting of plats on the County’s website, 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.

The zoning is RM, which permits a maximum base density of 6 du/1 ac. with community facilities, and up to 12/1 for townhouses. The Concept Plat, proposing 71 townhouse lots on 14.98 acres, for a proposed density of 4.74/1, was approved on 8/15/05, conditioned on:

1) The boundary line survey being completed prior to the TAC’s review of the Preliminary Plat;
2) The JD being completed prior to the Planning Commission’s review of the Preliminary Plat; and
3) The TIS being completed prior to the TAC’s review of the Preliminary Plat.

This Preliminary Plat is consistent with the approved Concept Plat except that it now includes some of the adjacent lands of Jansen. For that reason, a revised FSD that includes the add-on areas must be approved. A Concept Plat for the adjacent lands of Jansen, reviewed by the TAC on 9/1/04, has no official status. However, coordination between the two projects to effectuate enhanced access was encouraged – especially from the perspective of emergency service response. Do these add-ons represent progress in coordination?

Note # 16 addresses the intended disposition of Lot 2, Minor Subdivision #2650. Has the boundary line survey been completed? Mr. Burcham replied that it had. As noted, this plat is intended to supercede “Montgomery Springs, Lots 5-14,” recorded on 4/23/04. As noted on the Montgomery Springs, Lots 5-14 record plat, the Razor Strap Road driveway for Lot 1 of Minor Subdivision #2650 must be removed at the completion of Stoney Run Creek Road. A new access has been depicted on Stoney Run Creek Road. The 10’ wide access easement running along the southeastern part of the site (per MS #2699, allowing access to parcel 771) has been shown.

The minimum face to face distance between townhouse structures shall be 60’. On slopes between 15 & 25%, good engineering practices shall be used to ensure sediment and erosion control and slope stabilization before, during and after disturbance activities. No slopes greater than 25% have been shown. A note referring to slopes > 15% points to a non-hatched area. Is the entire site > 15%? That was reported to be a drafting error. Permits are required from the (US Army) Corps of Engineers and MDE for all non-tidal wetland and stream impacts prior to recordation. The JD must be completed prior to Preliminary Plat review by the Planning Commission.

This proposal satisfies the common open space provisions of the RM zone. Twenty percent (20%) is required; 50.82% – not including the overflow parking area – is proposed. §176.2.a prohibits any common open space being used for parking. Therefore, that area, 7,902ft², has been accounted for separately from the C.O.S. acreage. Maintenance of the common overflow parking areas will be the responsibility of the Homeowners’ Association. The C.O.S. sensitive areas thresholds have been calculated and included.
A minimum of 25% landscaping of the development envelope is required in the RM zone. In addition, all areas not occupied by buildings, roads, parking areas, service areas, or other required or permitted uses, including open spaces and usable recreation areas shall be landscaped by trees, shrubs, gardens, or other suitable ground cover. Sidewalks are recommended on both sides of all internal roads. Bufferyard Standard C will be required, outside the right-of-way, along the Razor Strap Road frontage. In addition, a 25’ Bufferyard Standard C is required around the perimeter of the development tract. No parking areas, roadways, or accessory structures shall be permitted in the 25’ planted bufferyard. This required bufferyard has been omitted for portions of the site, including the area near the Stoney Run Creek Road rear turnaround. Part of that area is adjacent to an area of common open space in Northwoods, Section III. The balance of the adjacent Northwoods property is not yet developed; therefore, staff cannot recommend a modification of the §29.5.a (2) bufferyard requirement while the possibility exists that the teardrop turnaround would abut the property lines of future Northwoods lots.

Rows of street trees with 10’ planting easements are required, outside the right-of-way, along both sides of all internal roads. In areas with community facilities, no street trees shall be planted within 20 feet of sewer laterals and cleanouts. Where feasible, the natural vegetative equivalent may be used to satisfy the bufferyard and street tree requirements. The FSD was approved on 7/26/05, conditioned on the Natural Heritage Service letter being submitted and any issues being addressed prior to PFCP approval. A revised PFCP and FCP were required because this design differs from the Montgomery Springs FCP approvals. The PFCP must be approved prior to Planning Commission review of the Preliminary Plat. It has not been received.

The FCP and Landscape Plan must be approved prior to Final Plat review. 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. The metes and bounds description of the FRA must be shown on the record plat.

The access easement behind proposed Lots 20-49 must be labeled. Fire hydrant locations must be finalized in consultation with the North East Volunteer Fire Company and the Department of Public Works. The proposed road name has been approved.

Access to common open space between lots must be marked with concrete monuments. A Homeowners’ Association for maintenance of common open space must be established with $50 per recorded lot placed in escrow for improvements prior to recordation. The Record Plats shall contain a statement signed by the Health Department, approving authority, to the effect that use of the community water supply and community sewerage system is in conformance with the Master Water and Sewer Plan. The Master Water and Sewer Plan shows this site to be in W1 and S1 service areas. 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. Water allocation must be confirmed by the Town of North East prior to Final Plat review. Sewer allocation must be confirmed by the DPW prior to Final Plat review. All required documents from AT&T granting permission or agreeing to easement impacts must be received prior to Final Plat review. All documents
requiring recordation must be recorded prior to the recordation of the Record Plat. A Traffic Impact Study (TIS) was completed. It needed additional review, based upon a 3/21/06 letter from SHA. An amended TIS has not yet been received. The applicant was reminded of the Monday noon submission deadline for review by the Planning Commission this month.

12) Montgomery Oaks, Preliminary Plat, Section 2, Lots 62-140, Old Bayview Road, McCrone, Inc., Fifth Election District

Messrs. Mike Burcham, Tom Montgomery, and Jeff Sellers presented the Preliminary Plat.

Mr. Graham had no comment.

Mr. Markwardt questioned the home sizes and pricing, as well as the timing of the development. He also expressed concern about school bus access.

Mr. Brown read Soil Conservation Service comments and presented the comments and appropriate soils maps to the applicant.

Mr. Woodhull read DPW comments, as follows: It is the Department’s understanding that the Town of North East will own the water distribution system in this development. The CCDPW recommends that the water distribution system including fire hydrant locations be designed to meet or exceed the County’s standards. We also recommend that the Town request that the serving fire company review fire hydrant spacing and locations. The water lines must be reflected on the sanitary sewer plans and as-builts. All easements for the water lines must be reflected on the final plat. A SWM plan, Road & Storm Drain plan, Sanitary Sewer plan and a Mass and Final Grading plan must be approved by the CCDPW prior to submittal for Final Plat Approval.

Any Road Code Variances must be sought prior to applying for Preliminary Plat approval to the Planning commission. No Variances have been received to date. A line of sight easement will be necessary along the inner radius of the curve in Madison Paige Drive. Inner lane widening may also be necessary and must be addressed by the engineer. Lot frontage dimensions dictate that closed section road is used. Modified curb and gutter may be used internally, but standard curb will be required for the entrance(s) from at least the curb return PCs. A Protocol Three offsite Road Condition Survey is required for Bailiff Road, from proposed Bay View Woods Lane to Pine Cone Drive and must be submitted to the Department of Public Works along with any Initial Road Improvements Proposal prior to submittal of a Preliminary Plat to Planning Commission.

Sewer services for lots 95 through 103 to connect to a new gravity collection main in Madison Paige Drive. Given the proposed proximity of lot 95 through 103 house foundations to the existing gravity sewer, applicant must engage a professional soil foundation/structural engineer to address the potential for house foundation impact to the gravity sewer, as well as to identify any potential for future foundation stability issues when maintenance excavations are needed along this section of gravity sewer main. The
Department recommends that the Town require a PWA for the water lines and all water line easements required must be reflected on the final plat.

The following standard notes and requirements apply to this plat and project:

9.1 The Final Plat Lot Grading, Sidewalk Maintenance, and Lot Grading Plan Construction Limits Notes.
9.3 Compliance with Section 3.07.15 of the Cecil County Road Code.
9.4 Requirements for Utility relocations.
9.5 Requirements for Public Works Agreements.
9.6 Requirements for Stormwater Inspection and Maintenance Agreements.
9.7 Requirements for County Roads.
9.8 Requirements for Driveways.
9.9 Requirements for Final Plat - Public Water and Sewer Allocation.
9.10 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 a note indicating that sidewalk maintenance will be required of the adjacent property owner (if sidewalks are required). The Lot Grading Plan must include the standard construction limits note.
   a. Final Plat: “A lot grading plan has been approved by the CCDPW for the construction shown hereon. A site construction as built shall be submitted to the CCDPW prior to use and/or occupancy of any of the sites shown hereon. Any change to the Forest Retention, Forestation, and/or Reforestation will require a consistency review, of the SWM approval, with CCDPW.”
   b. Final Plat: “Sidewalk maintenance will be required of the adjacent property owner, as required by the Cecil County Road Code.”
   c. Grading Plan: “No clearing or grading is permitted beyond the limits of disturbance show hereon. Any expanded clearing and/or grading in the absence of an approved revised lot grading plan may be considered non-compliance with Chapter 251 of the Cecil County Code and either or both the developer and/or Builder may be subject to the enforcement of the penalty provisions therein.”

2. The downstream conveyance of storm water must be analyzed in accordance with Section 251-9 A. (5) of the county’s SWM Ordinance. If stormwater discharge is directed off of the site on to adjacent property it is the responsibility of the Developer to obtain appropriate easements from the affected property owners per Sections 251-13 and 251-15.D of the Cecil County SWM Ordinance.

3. Section 3.07.15 of the Road Code requires that Bailiff Road be upgraded to a Minor Collector Road, Cecil County Road Code Standard R-7 for 100’ either side of the proposed entrance. The design engineer must address the requirement for minimum acceleration, deceleration, and bypass lanes. Any
right-of-way acquisition necessary shall be performed by the applicant and at the applicant’s expense.

4. Where determined necessary by the utility companies, the owner, the designer, or DPW, utility poles must be relocated at the Developer’s expense.

5. A Public Works Agreement is required for the streets & storm drainage, and public sewer system constructions.

6. An Inspection & Maintenance Agreement is required for the private SWM facilities.

7. The internal street grade leaving Bethel Church Road may not exceed 5% within the limits of the intersection right-of-way.

8. 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.

9. 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.

10. 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. Kyte questioned road widths and indicated that Chief Piatelli thought the design looked “okay.”

Ms. Latham indicated that a GAP would not be needed. Mr. Moore read Health Department comments (see attached). Mr. Di Giacomo provided a copy of Mr. King’s SHA comments and reported that additional study would be required.

Mr. Di Giacomo said that this proposal was in compliance with §3.8 of the Subdivision Regulations regarding public notification signs. With regard to the posting of plats on the County’s website, 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.

The zoning is DR. The original Section 1 Concept Plat was approved 9/21/92. The Section 1 Preliminary Plat was approved 10/19/92. Subsequently, a number of Section 1 Final Plats have been incrementally approved, as Town of North East water allocation has become available. The Section 2 Concept Plat, proposing 79 lots on 40.8 acres for a proposed Section 2 density of 1.94/1, was approved on 8/15/05, conditioned on:

1) The boundary line survey being completed prior to the TAC’s review of the Preliminary Plat;
2) The JD being completed prior to the Planning Commission’s review of the Preliminary Plat;
3) A TIS being completed prior to the TAC’s review of the Preliminary Plat; and
4) A sensitive species survey being completed prior to the Preliminary Plat review by the TAC.
As commented at that time, the plat’s stated density was incorrect and must be changed. The misstated density of 3.78/1 would yield 154 lots on 40.82 acres; only 79 were approved. Why hasn’t the density been corrected?

Has a boundary line survey been completed? Yes. What has the required sensitive species survey revealed? Mr. Burcham said that he would need to check.

No slopes > 25% are shown. 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. Proposed lots 68 and 80-82 have substantial portions encumbered by steep slopes. Proposed Lots 106-107, 121-123, 127, & 139-140 have significant portions encumbered by wetlands, intermittent streams, and buffers.

Permits are required from the (US Army) Corps of Engineers and MDE for all non-tidal wetland and stream impacts prior to recordation. A JD must be done prior to preliminary plat review by the Planning Commission. Fifteen percent (15%) common open space is required; 34.22% is proposed. The C.O.S. sensitive areas thresholds are included on the plat. Twenty percent (20%) landscaping of the development envelope is required. Sidewalks are recommended, consistent with Section 1.

Street trees required, outside the right-of-way, along the road frontages of Bailiff Road. Rows of street trees with 10’ planting easements are required, outside the right-of-way, along both sides of all internal roads. Where feasible, the natural vegetative equivalent may be used to satisfy the bufferyard and street tree requirements. In areas with community facilities, no street trees shall be planted within 20 feet of sewer laterals and cleanouts.

The FSD was approved on 7/18/05. The Natural Heritage letter indicated that sensitive species were known to occur within the vicinity of the project site, or downstream within the project’s drainage area. The Planning Commission conditioned Concept approval on a species survey being completed prior to the TAC’s review of the Preliminary Plat.

In addition, the PFCP (not yet submitted) must be approved prior to Planning Commission review of the Preliminary Plat. The FCP and Landscape Plan must be approved prior to Planning Commission review of the Final Plat. 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. The metes and bounds description of the FRA must be shown on the Final and Record Plata.

All road names have been approved. Fire hydrant locations must be selected in conjunction with DPW requirements and recommendations from the North East Volunteer Fire Company. Access to common open space between lots must be marked with concrete monuments. All lots owners must become members of the Montgomery Oaks Homeowners’ Association for maintenance of common open space, and $50 per recorded lot must be placed in escrow for improvements prior to recordation.
The Final and 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. This project is located in the W-1 and S-1 service areas. The Final and Record Plats shall also contain a statement, signed by the owner, to the effect that such facilities will be available to all lots/houses offered for sale. Documentation of sewer capacity must be received prior to Final Plat review. Documentation of water allocation by the Town of North East must be received prior to Final Plat review.

The TIS revealed that all affected intersections would operate at acceptable levels of service (LOS) (peak-hour LOS D or higher in the Development District), but additional study was recommended by SHA. The applicant was reminded of the Monday noon submission deadline for review by the Planning Commission this month.