

**CECIL COUNTY TECHNICAL ADVISORY COMMITTEE**  
**Wednesday, December 6, 2006, 9:00 a.m.**  
**County Administration Building**  
**107 North Street, Elkton, Maryland**

Present: Di Giacomo, Tony (CCP&Z), Woodhull, Mark (CCDPW), Moore, Joe (DEH), Latham, Cynthia (MDE), Kyte, James (FA), Graham, Daniel (CR), King, Butch (SHA), Bakeoven, Jennifer (CCP&Z)

Absent: Cwiek, Philip (USACoE), Ouano, Jun (Delmarva Power), Markwardt, Bob (CCBoE), Brown, Chris (CCSCS).

Mr. Di Giacomo called the meeting to order at 9:07 a.m.

**1) Springhill**, Section 2, Lots 5-18 and 23-24, Concept Plat, Ridge & Spring Hill Roads, American Engineering and Surveying, Inc., Sixth Election District.

Tim Granger with American Engineering and Surveying appeared and presented an overview of the project. This has been a long term project for the developer, Mr. Sherrard. The original Concept Plat was approved in 1998. No bonus density was sought at that time. There has been a series of minor subdivisions, add on subdivisions and also Section 1 was approved. At this time for density purposes they subtracted out all of the minor subdivisions that have been done to date. In 1997 there was a complete boundary survey done on the property therefore all of the acreage calculations are accurate. They are proposing a standard density of 1 du/5 acres which would permit a total of 21 lots then subtracting out the 5 lots from Section 1. This would leave 16 lots for Section 2. They are not proposing bonus density for this project. They believe all open space requirements have been met. They plan to request a reduction of ROW on the two 40' wide ROW cul-de-sac's proposed. They will have curbs and gutters.

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

1. A SWM plan, Road & Storm Drain plan, and a Mass & Final Grading plan must be approved by the CCDPW prior to submittal for Final Plat Approval. The fees for design review of this project must be provided at the time of first design submittals.
2. Natalie Way and Amber Court are indicated as private mini-roads on the plat. However, at the October 2006 TAC meeting you advised us that would be public and that you would seek a variance to Section R-14 of the Road Code due to the diameter of the cul-de-sac bulbs (100' shown vs. 150' required). Are they proposed as private or public? They will be county roads. Mr. Woodhull requested that they clarify the plat by taking off the ROW lines.
3. ~~If they are to be private mini roads they must meet the requirements spelled out in Section 2.13 of the Road Code. These requirements include placing a statement, on the approved Final Plat that clearly outlines the responsibilities of the Mini Road Maintenance Association in the maintenance of roads and storm drainage systems. The recommended wording will appear in the minutes, but will not be read at this time: (The proposed internal roads will not be dedicated for public ownership or maintenance. The Mini Road Maintenance Association shall retain title to the road and all maintenance responsibilities.)~~

4. The DPW requires a modified TIS be prepared for this development. The TIS must analyze the site generated traffic distribution pattern. Intersection & link analyzes will not be required.
5. Section 3.07.15 of the Road Code nominally directs that Spring Hill Road be upgraded to a Minor Collector Standard for a distance of 100' either side of the points of intersection between Spring Hill Road and Amber Court & Natalie Way. They may be looking at additional upgrades to Spring Hill Road as they proceed along.
6. Sight distance measurements will be required for both Natalie Way and Amber Court intersections with Spring Hill Road. These locations must be marked in the field.
7. The following standard notes and requirements apply to this plat and project: The details of these notes and requirements will be identified in the record but will not be read at this time:
  - 7.1 The Final Plat Lot Grading Note and the Lot Grading Plan Construction Limits Note.
  - 7.2 Compliance with Sections 251-9.A (5), 251-13, and 251-15.D. of the Cecil County Stormwater Management Ordinance.
  - 7.3 Requirements for Utility relocations.
  - 7.4 Requirements for Stormwater Inspection and Maintenance Agreements
  - 7.5 Requirements for Public Works Agreements.
  - 7.6 Requirements for Driveways.
  - 7.7 Requirements for Private Mini Roads.

***Notes and requirements identified for record:***

1. The Final Plat must include the Lot Grading Plan standard note and the Lot Grading Plan must include the standard construction limits note.
  - a. *Final Plat:* "A lot grading plan has been approved by the CCDPW for the construction shown hereon. A site construction as built shall be submitted to the CCDPW prior to use and/or occupancy of any of the sites shown hereon. Any change to the Forest Retention, Forestation, and/or Reforestation will require a consistency review, of the SWM approval, with CCDPW."
  - b. *Grading Plan:* "No clearing or grading is permitted beyond the limits of disturbance show hereon. Any expanded clearing and/or grading in the absence of an approved revised lot grading plan may be considered non-compliance with Chapter 251 of the Cecil County Code and either or both the developer and/or Builder may be subject to the enforcement of the penalty provisions therein."
2. The downstream conveyance of storm water must be analyzed in accordance with Section 251-9 A. (5) of the county's SWM Ordinance. If stormwater discharge is directed off of the site on to adjacent property it is the responsibility of the Developer to obtain appropriate easements from the affected property owners per Sections 251-13 and 251-15.D of the Cecil County SWM Ordinance.
3. Where determined necessary by the utility companies, the owner, the designer, or DPW, utility poles must be relocated at the Developer's expense.
4. An Inspection & Maintenance Agreement is required for the private SWM facilities.
5. A Public Works Agreement is required for the streets & storm drainage constructions.
6. All driveways must be paved at least to the right of way. The driveway paving must be complete for all lots at the time when the surface course for the internal roads is installed. This requirement includes any vacant but platted lots. Any driveway exceeding 5% up-gradient-slope from the roadway must be paved to the crest. If the development is phased these requirements will apply to each phase when 80% of the lots are built-out. All of these requirements must be reflected on the Lot Grading Plan.
7. The private mini-road subdivision and plans must adhere to the provisions of Section 2.13 of the Road Code which addresses requirements for private roads. A statement clearly outlining the responsibilities of the homeowners in the maintenance of roads and storm drainage systems must be approved by the Planning Commission and placed on the final plat. Deed restrictions must be developed and recorded in accordance with Road Code Section 2.13.D. If mini-road profile grades exceed 5%, the mini-road travel way and cul-de-sac must be paved in accordance with Section 2.13.F of the Road Code.

Mr. Graham, Citizens Representative had no comment.

Mr. Kyte, FA asked about their plans regarding fire suppression. There is a pond that is estimated to be 1800 ft. below Amber Court but it is not a feasible pond for the department. Mr. Granger stated that with talking to the owner they have discussed two scenarios. They include putting in a dry

hydrant out to the pond or putting a suppression tank on the first cul-de-sac. Mr. Kyte said he would prefer it to be located at the entrance of Natalie Way. The only other issue that the department has is the condition of Slicer's Mill Road. Response will be through Slicer's Mill Road but this road is very narrow. This is a concern of the department. Mr. Woodhull stated that the DPW would be looking into this.

Ms. Latham, MDE, said a Water Appropriation Permit will be required for Final Plat approval.

Mr. Moore, DEH, read the comments for the department. See attached.

Mr. Di Giacomo, on behalf of Mr. Markwardt, CCBoE, read the comments for the department. See file.

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

Upon inspection, this proposal was found to be 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, notice is hereby given the jpg file submissions can be only 11 inches, maximum, in any direction. Adherence to that requirement will enable the County to better serve the public.

Zoning: NAR

Density: The NAR zone permits a maximum base density of 1 du/ 5 ac.

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

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

Bonus density was not an issue.

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

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

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

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

Consequently, a Section 2 Concept Plat was submitted and reviewed by the TAC on 11/3/04. It proposed only 14 lots, which, if approved, together with Section 1's 5 lots, would have yielded an overall Springhill proposed density of 1/5.1842 -- 19 total lots on 98.501 acres. Bonus density again was not an issue, and that Section 2 Concept Plat was consistent with the original density, but it was not subsequently submitted for review by the Planning Commission.

This Section 2 Concept proposes 16 new lots. Its math in the “Acreage Data” and the “Density Data” appears correct. However, it is unclear how the original 98.501 acres grew to 105.528. While the original Concept Plat has expired, and there is no issue that 88.417 acres remain, nevertheless, it cannot be overlooked that if there were, and are, only 98.501 total acres, then 21 total lots would produce a bonus density of 1/4.69, contrary to the statement that no bonus density is requested. Their approval would also run contrary to the density provisions of the Zoning Ordinance and the Comprehensive Plan, and the expiration of Concept Plat approval would, in effect, be a convenient “end run” around those density provisions.

Analysis of the acreage data contained on the 10/17/02 Record Plat shows that the aggregate acreage of the Section 1 lots to have been 17.111. Combined with the cited 88.417 acres of remaining lands, then 105.528 acres can be achieved. Therefore, staff will support this proceeded to the Planning Commission, but a better, clearer job of tracking the original acreage needs to be done. If necessary, the Planning Commission may require a revision of the data section of the 10/17/02 Record Plat.

Why is Lot 1 included in the Lot Acreage Table? Lot 1 was an original minor subdivision that contained 25+ acres and at this point in time, they plan to add approximately 2 acres to Lot 1 and at the same time subtract approximately 2 acres from Lot 1. The 2 acres to be subtracted will be added to the Remaining Lands in the area of Lots 17 & 18 due to some good perc that was found in the area. Mr. Di Giacomo recommended to Mr. Granger that he not include that information in the lot acreage tables. That information should be in acreage data section of the plat.

3 panhandle lots are proposed – 1 of them with an extremely long and curving panhandle. Has any consideration been given to an alternative design, possibly with a looped road?

A boundary line survey must be done in conjunction with 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 ft<sup>2</sup> or more. On slopes between 15 and 25%, good engineering practices shall be used to ensure sediment and erosion control and slope stabilization before, during and after disturbance activities.

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'.

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

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 impacts prior to recordation. A Jurisdictional Determination (JD) must be done prior to preliminary plat review by the Planning Commission.<sup>1</sup>

The 100-year floodplain must again be shown on any Preliminary Plat.

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<sup>1</sup> Per the Planning Commission's policy, established on 3/20/95 and revised on 1/16/96, so long as the wetlands are in the common open space or the forest retention area or the large lot, a **JD** need not be done

The habitats of rare, threatened, and endangered species must be avoided.<sup>2</sup>

15% common open space is required. Based upon the total acreage figure of 105.528<sup>3</sup> acres, a minimum of 15.829 acres is required; 29.447 acres are proposed.

No landscaping of the development envelope is required and no sidewalks are recommended in the NAR zone.

Bufferyard Standard C is required, outside the right-of-way, along the road frontages of Ridge, Spring Hill, and Slicer's Mill Roads.

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

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.

FSDs were approved on 2/9/99 & 3/15/99, and valid for a period of five years. Thus, a new FSD must be submitted or an extension of the approved FSD must be formally requested.

A Preliminary Forest Conservation Plan (PFCP) was approved on 4/10/01, but its roadway and lot configurations differ from those on this Concept Plat. Thus, if this should be approved, a new PFCP must be approved prior to the Planning Commission's review of any Preliminary Plat.

The final Forest Conservation Plan (FCP) and Landscape Plan must be approved prior to Planning Commission review of the Final Plat. Beforehand, all references to an "approved Bufferyard C" must be deleted from the plats.

A landscape agreement for the bufferyard and street trees 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 names have been approved.

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. All lot owners in Sections 1 and 2 must become 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.

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<sup>2</sup> Previously, a Natural Heritage Service indicated that bog turtles "were known to occur downstream within the drainage area of the project site," and recommended that "appropriate sediment and erosion control measures be taken to minimize impact."

<sup>3</sup> This figure is subject to future adjustment due to the add-ons to and from Minor Subdivision Lot 1.

The applicant was reminded of the Monday noon submission deadline for review by the Planning Commission this month.

<b>School information:</b>	<u>Elementary</u> <b>Rising Sun</b>	<u>Middle</u> <b>Rising Sun</b>	<u>High School</u> <b>Rising Sun</b>
FTE	819.5	712	1129
Capacity	615	775	903
% Utilization	<b>133%</b>	<b>92%</b>	<b>125%</b>

Mr. Di Giacomo asked if sidewalks were proposed. Mr. Granger said it would be a standard road section with curbs. Mr. Di Giacomo stated that sidewalks are not recommended in the NAR or the SAR zone. Mr. Woodhull added that the DPW would support not having sidewalks. Mr. Granger added that they did receive the extension of the FSD.

**2) The Estates at Autumn Ridge, Section 2, Lots 6 &7, Concept Plat, Shady Beach Road, American Engineering and Surveying, Inc., Fifth Election District.**

Tim Granger with American Engineering and Doug Day, owner appeared and presented an overview of the project. Section 1 which was a minor subdivision was approved in 2003 which created Lots 1-5. The boundary survey is complete for this project in 2002. They are proposing a density of 3 lots on 24.7 acres which is 1 lot per 8.25 acres. No bonus density is requested. No open space is required. They are proposing a common driveway easement so there would only be one point of access for the 2 new lots.

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

1. A SWM plan and a Mass & Final Grading plan must be approved by the CCDPW prior to submittal for Final Plat Approval. The fees for design review of this project must be provided at the time of first design submittals.
2. Sight distance measurements will be required for the proposed shared driveway for Lots 6 & 7. The proposed driveway centerline location must be marked in the field.
3. The following standard notes and requirements apply to this plat and project: The details of these notes and requirements will be identified in the record but will not be read at this time:
  - 3.1 The Final Plat Lot Grading Note and the Lot Grading Plan Construction Limits Note.
  - 3.2 Compliance with Sections 251-9.A (5), 251-13, and 251-15.D. of the Cecil County Stormwater Management Ordinance.
  - 3.3 Requirements for Utility relocations.
  - 3.4 Requirements for Stormwater Inspection and Maintenance Agreements
  - 3.5 Requirements for Driveways.

***Notes and requirements identified for record:***

1. The Final Plat must include the Lot Grading Plan standard note and the Lot Grading Plan must include the standard construction limits note.
  - a. *Final Plat:* "A lot grading plan has been approved by the CCDPW for the construction shown hereon. A site construction as built shall be submitted to the CCDPW prior to use and/or occupancy of any of the sites shown hereon. Any change to the Forest Retention, Forestation, and/or Reforestation will require a consistency review, of the SWM approval, with CCDPW."
  - b. *Grading Plan:* "No clearing or grading is permitted beyond the limits of disturbance show hereon. Any expanded clearing and/or grading in the absence of an approved revised lot grading plan may be considered non-compliance with Chapter 251 of the Cecil County Code and either or both the developer and/or Builder may be subject to the enforcement of the penalty provisions therein."
2. The downstream conveyance of storm water must be analyzed in accordance with Section 251-9 A. (5) of the county's SWM Ordinance. If stormwater discharge is directed off of the site on to adjacent property it is the responsibility of the

Developer to obtain appropriate easements from the affected property owners per Sections 251-13 and 251-15.D of the Cecil County SWM Ordinance.

3. Where determined necessary by the utility companies, the owner, the designer, or DPW, utility poles must be relocated at the Developer's expense.
4. An Inspection & Maintenance Agreement is required for the private SWM facilities.
5. All driveways must be paved at least to the right of way. The driveway paving must be complete for all lots at the time when the surface course for the internal roads is installed. This requirement includes any vacant but platted lots. Any driveway exceeding 5% up-gradient-slope from the roadway must be paved to the crest. If the development is phased these requirements will apply to each phase when 80% of the lots are built-out. All of these requirements must be reflected on the Lot Grading Plan.

Mr. King, SHA, had no comment.

Mr. Graham, Citizens Representative had no comments.

Mr. Kyte, FA, had no comments.

Ms. Latham, MDE, said if there are less than 10 lots, a Water Appropriation Permit is not required.

Mr. Moore, DEH, read the comments for the department. See attached.

Mr. Di Giacomo, on behalf of Mr. Markwardt, CCB&E, read the comments of the department. See file.

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

Upon inspection, this proposal was found to be 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, notice is hereby given the jpg file submissions can be only 11 inches, maximum, in any direction. Adherence to that requirement will enable the County to better serve the public.

Zoning: NAR ("Section 1" was created by Minor Subdivision # 3420.)

Density: The NAR zone permits a maximum base density of 1 du/ 5 ac. Proposed<sup>4</sup> are 3 lots on 24.7436 acres, for a density of 1/8.25. Thus, bonus density is not an issue.

A boundary line survey must be done in conjunction with 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 ft<sup>2</sup> or more. On slopes between 15 and 25%, good engineering practices shall be used to ensure sediment and erosion control and slope stabilization before, during and after disturbance activities.<sup>5</sup>

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

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<sup>4</sup> §4.0.1 of the Subdivision Regulations allows for the elimination of a Concept Plat for projects with fewer than 10 lots and 25 acres. §2.0 of the Subdivision Regulations allows for a combined Preliminary-Final Plat if there are from 1 to 5 lots.

<sup>5</sup> The Cecil County Subdivision Regulations define steep slopes as "15 percent or greater incline." The Cecil County Zoning Ordinance defines steep slopes as consisting of a grade of 25% or more covering a contiguous area of 10,000 ft<sup>2</sup> or more. The Cecil County Forest Conservation Regulations define steep slopes as "areas with slopes greater than 25 percent slope."

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.<sup>6</sup>

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

No common open space is required for fewer than 10 lots.

No landscaping of the development envelope is required and no sidewalks are recommended in the NAR zone.

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

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

Where feasible, the natural vegetative equivalent may be used to satisfy the bufferyard 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 (§5.1.C, Cecil County Forest Conservation Regulations).

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

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

A Landscape Agreement must be executed prior to recordation.

Deed restrictions for the long-term protection of the 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.

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.

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<sup>6</sup> Per the Planning Commission's policy, established on 3/20/95 and revised on 1/16/96, so long as the wetlands are in the common open space or the forest retention area or the large lot, a **JD** need not be done.

The applicant was reminded of the Monday noon submission deadline for review by the Planning Commission this month.

School information:	<u>Elementary</u>	<u>Middle</u>	<u>High School</u>
	<b>Elk Neck</b>	<b>North East</b>	<b>North East</b>
FTE	417	826	1110
Capacity	479	812	1009
% Utilization	87%	116%	110%

**3) Lands of Ronald R. and Sarah F. King, Lots 1-4, Concept Plat, Firetower Road, Will Whiteman Land Surveying, Inc., Sixth Election District.**

Will Whiteman, Surveyor and Sarah King, owner appeared and presented an overview of the project. A boundary survey was performed on the property. They found it to be 25.511 acres of land. They are proposing 4 lots. Lot 1 consists of 6 acres with the existing dwelling and barn. Lots 2 conveyed to Mrs. Kings daughter. Lot 3 is to be retained by the owners and Lot 4 would be offered for sale. Lot 1, at sometime would be offered for sale. The density that they are requesting is 1du / 6.37 acres. Prior to submitting the plat for TAC they were having a problem with road frontage on Firetower Road. The Kings approached the county and have since been granted a variance although they have not had the case returned to us as of yet.

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

1. A SWM plan and a Mass & Final Grading plan must be approved by the CCDPW prior to submittal for Final Plat Approval. The fees for design review of this project must be provided at the time of first design submittals.
2. The proposed use of a Perpetual Road Maintenance Agreement (PRMA) to provide access to Lots 1 & 2 implies that these lots are to be conveyed to children or grandchildren of the property owner who would retain ownership of Lot 3. What right does Lot 4 have to use a PRMA serving the other lots? Lot 1 would have a separate easement from the PRMA. Lot 4 would use the existing driveway.
3. The deed language for Lots 1-4 must include the rights and responsibilities of each lot owner in relationship to the common access provided either by PRMA or easement.
4. ~~Sight distance measurements for the proposed Lot 4 driveway must be submitted to the DPW prior to presenting the preliminary plat to TAC for review.~~
5. The following standard notes and requirements apply to this plat and project: The details of these notes and requirements will be identified in the record but will not be read at this time:
  - 5.1 The Final Plat Lot Grading Note and the Lot Grading Plan Construction Limits Note.
  - 5.2 Compliance with Sections 251-9.A (5), 251-13, and 251-15.D. of the Cecil County Stormwater Management Ordinance.
  - 5.3 Requirements for Stormwater Inspection and Maintenance Agreements
  - 5.4 Requirements for Driveways.

*Notes and requirements identified for record:*

1. The Final Plat must include the Lot Grading Plan standard note and the Lot Grading Plan must include the standard construction limits note.
  - a. *Final Plat:* "A lot grading plan has been approved by the CCDPW for the construction shown hereon. A site construction as built shall be submitted to the CCDPW prior to use and/or occupancy of any of the sites shown hereon. Any change to the Forest Retention, Forestation, and/or Reforestation will require a consistency review, of the SWM approval, with CCDPW."

- b. *Grading Plan:* “No clearing or grading is permitted beyond the limits of disturbance show hereon. Any expanded clearing and/or grading in the absence of an approved revised lot grading plan may be considered non-compliance with Chapter 251 of the Cecil County Code and either or both the developer and/or Builder may be subject to the enforcement of the penalty provisions therein.”
2. The downstream conveyance of storm water must be analyzed in accordance with Section 251-9 A. (5) of the county’s SWM Ordinance. If stormwater discharge is directed off of the site on to adjacent property it is the responsibility of the Developer to obtain appropriate easements from the affected property owners per Sections 251-13 and 251-15.D of the Cecil County SWM Ordinance.
3. An Inspection & Maintenance Agreement is required for the private SWM facilities.
4. All driveways must be paved at least to the right of way. The driveway paving must be complete for all lots at the time when the surface course for the internal roads is installed. This requirement includes any vacant but platted lots. Any driveway exceeding 5% up-gradient-slope from the roadway must be paved to the crest. If the development is phased these requirements will apply to each phase when 80% of the lots are built-out. All of these requirements must be reflected on the Lot Grading Plan.

Mr. King, SHA, had no comments.

Mr. Graham, Citizens Representative, had no comments.

Mr. Kyte, FA had no comment.

Ms. Latham, MDE, stated they do not require a Water Appropriation Permit for Final Plat.

Mr. Moore, DEH, read the comments for the department. See attached.

Mr. Di Giacomo, on behalf of Mr. Markwardt, CCBoE, read the comments for the department. See file.

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

Upon inspection, this proposal was found to be 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, notice is hereby given the jpg file submissions can be only 11 inches, maximum, in any direction. Adherence to that requirement will enable the County to better serve the public.

Zoning: NAR

Density: The NAR zone permits a maximum base density of 1 du/ 5 ac. This Concept Plat<sup>7</sup> proposes 4 lots on 25.511 acres, for a proposed density of 1/6.38. Thus, bonus density is not an issue.

The Board of Appeals granted Variance request 3268 to permit the creation of lots on this parcel with less than minimum road frontage.

Lot 1 is invoking the §170.5 road frontage exemption.<sup>8</sup> Proposed Lot 2 will utilize the Perpetual Road Maintenance Agreement to create a second lot without road frontage. The 20’ wide access easement to Lot 4 across Lot 3 indicates that the existing lane will serve to access all four lots. If this is the situation, this should be noted on the plat and Lot 4 should be denied access to Firetower Road.

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<sup>7</sup> Minor subdivision eligibility has been exhausted by the approval of Minor Subdivisions (343-P.487), (676-P.501), (836-P.508), (1809-P.328, 553), (3024-P.616).

<sup>8</sup> It permits lots being created around existing dwellings to be created without providing the minimum road frontage.

A boundary line survey must be done in conjunction with the preparation of the Preliminary Plat<sup>9</sup> 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 ft<sup>2</sup> or more. On slopes between 15 and 25%, good engineering practices shall be used to ensure sediment and erosion control and slope stabilization before, during and after disturbance activities.<sup>10</sup>

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

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

A 25' buffer is required around all non-tidal wetlands and intermittent streams present. Permits are required from the (US Army) Corps of Engineers and MDE for all non-tidal wetland and stream impacts prior to recordation. A Jurisdictional Determination (JD) must be done prior to preliminary plat review by the Planning Commission.<sup>11</sup>

The habitats of rare, threatened, and endangered species must be avoided.  
No common open space is required for fewer than 10 lots.

No landscaping of the development envelope is required and no sidewalks are recommended in the NAR zone.

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

Per §187.2, the Planning Commission may require bufferyards to separate different zoning districts from one another. The adjacent properties' zoning has not been shown.

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

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.

Per Note # 8, proposed Lots 1, 2 & 3 are invoking Forest Conservation Regulation exemptions per §3.2N (No new development – Lot 1) and §3.2K (Owner and Child's lot –Lots 2&3).

The FSD has been approved with the condition that the Natural Heritage Letter be submitted w/ the PFCP.

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

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<sup>9</sup> §2.0 of the Subdivision Regulations allows for a combined Preliminary-Final Plat if there are from 1 to 5 lots.

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

<sup>11</sup> Per the Planning Commission's policy, established on 3/20/95 and revised on 1/16/96, so long as the wetlands are in the common open space or the forest retention area or the large lot, a **JD** need not be done.

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

A Landscape Agreement must be executed prior to recordation.

Deed restrictions for the long-term protection of the 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.

Per §4.0.13 (h), Belhaven Lane needs to be identified on any plat submitted to the Planning Commission.

A PRMA must be established 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.

<b>School information:</b>	<u>Elementary</u> <b>Rising Sun</b>	<u>Middle</u> <b>Rising Sun</b>	<u>High School</u> <b>Rising Sun</b>
FTE	819.5	712	1129
Capacity	615	775	903
% Utilization	<b>133%</b>	<b>92%</b>	<b>125%</b>

**4) Lands of Gregory L. Walker and Danita M. Walker, 2 Lots plus Remaining Lands, Concept Plat, Old Elk Neck Road, Coastal Land Surveying, Inc., Fifth Election District.**

Shane with Coastal Land Surveying and Greg Walker, owner appeared and presented an overview of the project. Mr. Walker owns parcel 351 and 385. Their intent is to add pieces of parcel 351 to 385 to make 2 lots for his children. The Remaining Lands would not be a building lot at this time. Both lots will have road frontage on Old Elk Neck Road. Both lots will be a minimum of 1 acre.

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

1. A SWM plan and a Mass & Final Grading plan must be approved by the CCDPW prior to submittal for Final Plat Approval. The fees for design review of this project must be provided at the time of first design submittals.
2. Sight distance measurements for the proposed driveways must be provided to the DPW prior to submitting this project TAC for preliminary plat review.
3. The Department would prefer to see a common driveway access point for the two lots along the property line between Lots 1 & 2.
4. The following standard notes and requirements apply to this plat and project: The details of these notes and requirements will be identified in the record but will not be read at this time:
  - 4.1 The Final Plat Lot Grading Note and the Lot Grading Plan Construction Limits Note.
  - 4.2 Compliance with Sections 251-9.A (5), 251-13, and 251-15.D. of the Cecil County Stormwater Management Ordinance.
  - 4.3 Requirements for Stormwater Inspection and Maintenance Agreements
  - 4.4 Requirements for Driveways.

*Notes and requirements identified for record:*

1. The Final Plat must include the Lot Grading Plan standard note and the Lot Grading Plan must include the standard construction limits note.
  - a. *Final Plat:* “A lot grading plan has been approved by the CCDPW for the construction shown hereon. A site construction as built shall be submitted to the CCDPW prior to use and/or occupancy of any of the sites shown hereon. Any change to the Forest Retention, Forestation, and/or Reforestation will require a consistency review, of the SWM approval, with CCDPW.”
  - b. *Grading Plan:* “No clearing or grading is permitted beyond the limits of disturbance show hereon. Any expanded clearing and/or grading in the absence of an approved revised lot grading plan may be considered non-compliance with Chapter 251 of the Cecil County Code and either or both the developer and/or Builder may be subject to the enforcement of the penalty provisions therein.”
2. The downstream conveyance of storm water must be analyzed in accordance with Section 251-9 A. (5) of the county’s SWM Ordinance. If stormwater discharge is directed off of the site on to adjacent property it is the responsibility of the Developer to obtain appropriate easements from the affected property owners per Sections 251-13 and 251-15.D of the Cecil County SWM Ordinance.
3. An Inspection & Maintenance Agreement is required for the private SWM facilities.
4. All driveways must be paved at least to the right of way. The driveway paving must be complete for all lots at the time when the surface course for the internal roads is installed. This requirement includes any vacant but platted lots. Any driveway exceeding 5% up-gradient-slope from the roadway must be paved to the crest. If the development is phased these requirements will apply to each phase when 80% of the lots are built-out. All of these requirements must be reflected on the Lot Grading Plan.

Mr. King, SHA had no comments.

Mr. Graham, Citizens Representative had no comments.

Mr. Kyte, FA had no comments.

Ms. Latham, MDE said that a Water Appropriation Permit would not be required.

Mr. Moore, DEH read the comments for the department. See attached.

Mr. Di Giacomo, on behalf of Mr. Markwardt, read the comments of the department. See file.

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

Upon inspection, this proposal was found to be 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, notice is hereby given the jpg file submissions can be only 11 inches, maximum, in any direction. Adherence to that requirement will enable the County to better serve the public.

Zoning: NAR

Density: The NAR zone 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 2 lots plus remaining lands on 10.0179 acres, for a proposed bonus density of 1/3.34.

Technically, this proposal does not qualify for bonus density consideration, pursuant to §22.2.c (1) & (2) – which require that a “large lot” constitute at least 60% of the acreage. The “remaining lands” do not satisfy that requirement, and since there is already an existing dwelling there, they should have been labeled as proposed “Lot 1.”

A boundary line survey must be done in conjunction with the preparation of the Preliminary Plat<sup>12</sup> for density calculation purposes.

It is unclear why signature blocks have been included on a Concept Plat.

General Note # 1 needs to add language about the add-on from P. 385 to P. 351 to create road frontage for proposed Lots 1 & 2.

General Note # 7 needs to be corrected. The front setback in the NAR zone is 40' except when there is frontage on a road that is functionally classified as an arterial or collector.

Dwellings or impervious surfaces shall not occur on slopes with a grade of 25% or more covering a contiguous area of 10,000 ft<sup>2</sup> or more. On slopes between 15 and 25%, good engineering practices shall be used to ensure sediment and erosion control and slope stabilization before, during and after disturbance activities.<sup>13</sup>

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

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

A 25' buffer is required around all non-tidal wetlands and intermittent streams present. Permits are required from the (US Army) Corps of Engineers and MDE for all non-tidal wetland and stream impacts prior to recordation. A Jurisdictional Determination (JD) must be done prior to preliminary plat review by the Planning Commission.<sup>14</sup>

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

No common open space is required for fewer than 10 lots.

No landscaping of the development envelope is required and no sidewalks are recommended in the NAR zone.

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

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

Where feasible, the natural vegetative equivalent may be used to satisfy the bufferyard 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 (§5.1.C, Cecil County Forest Conservation Regulations).

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<sup>12</sup> §2.0 of the Subdivision Regulations allows for a combined Preliminary-Final Plat if there are from 1 to 5 lots.

<sup>13</sup> The Cecil County Subdivision Regulations define steep slopes as "15 percent or greater incline." The Cecil County Zoning Ordinance defines steep slopes as consisting of a grade of 25% or more covering a contiguous area of 10,000 ft<sup>2</sup> or more. The Cecil County Forest Conservation Regulations define steep slopes as "areas with slopes greater than 25 percent slope."

<sup>14</sup> Per the Planning Commission's policy, established on 3/20/95 and revised on 1/16/96, so long as the wetlands are in the common open space or the forest retention area or the large lot, a JD need not be done.

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

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

A Landscape Agreement must be executed prior to recordation.

Deed restrictions for the long-term protection of the 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.

Covenants prohibiting the subdivision of any large lot must be recorded and noted on the plat 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.

<b>School information:</b>	<u>Elementary</u> <b>Elk Neck</b>	<u>Middle</u> <b>North East</b>	<u>High School</u> <b>North East</b>
FTE	417	826	1110
Capacity	479	712	1009
% Utilization	<b>87%</b>	<b>116%</b>	<b>110%</b>

**5) Farmcrest VIII**, Preliminary Resubdivision of Lot 79, Willard Drive, Will Whiteman Land Surveying, Inc., Ninth Election District.

Will Whiteman with Will Whiteman Land Surveying and Zachary Baeder, son of the Eugene Baeder, owner appeared and presented an overview of the project. Mr. Baeder is the owner of Lot 79 and it is approximately 5.5 acres of ground. He has 3 existing dwellings at the present time on the land. There are 3 existing septic disposal area, an existing well and there will need to be a new well on Lot 79. They would access Lot 79A by virtue of a PRMA. Since this is an existing situation, they would be requesting an exemption for SWM.

Mr. Woodhull, DPW read the comments for the department:  
This re-subdivision appears to be for the purpose of creating lots around existing dwellings. If this is the case the Department has no comment.

Mr. King, SHA had no comments.

Mr. Graham, Citizens Representative had no comments.

Mr. Kyte, FA had no comments.

Ms. Latham, MDE said a Water Appropriation Permit is not required for this project.

Mr. Moore, DEH read the comments for the department. See attached.

Mr. Di Giacomo, on behalf of Mr. Markwardt, CCBoE read the comments of the department. See file.

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

Upon inspection, this proposal was found to be 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, notice is hereby given the jpg file submissions can be only 11 inches, maximum, in any direction. Adherence to that requirement will enable the County to better serve the public.

Zoning: RR

Density: The RR zone permits a maximum base density of 1 du/ 5 ac. This proposed resubdivision of Lot 79 is in Section VIII (of IX) of Farmcrest, whose files date back to 1977. Those sections were recorded between 1977 and 1994.

The Concept density, or full build-out, for Farmcrest was established at 100 lots by the Planning Commission in October, 1979. In February, 1982, the Planning Commission reaffirmed the Concept density, stated in terms of the number lots: 100.

Because Concept Plat densities that were approved prior to 7/25/89 remain valid, the crucial test for this proposal is the number of existing Farmcrest lots. Staff finds that Lot 37B would count as the 96<sup>th</sup> lot, and that Lots 65B – 65D would count as the 97<sup>th</sup> through 99<sup>th</sup> lots. If approved, therefore, proposed Lot 79A would be the 100<sup>th</sup> and final lot.

A boundary line survey must be done in conjunction with 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 ft<sup>2</sup> or more. On slopes between 15 and 25%, good engineering practices shall be used to ensure sediment and erosion control and slope stabilization before, during and after disturbance activities.<sup>15</sup>

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

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

A 25' buffer is required around all non-tidal wetlands and intermittent streams present. Permits are required from the (US Army) Corps of Engineers and MDE for all non-tidal wetland and stream impacts prior to recordation. A Jurisdictional Determination (JD) must be done prior to preliminary plat review by the Planning Commission.<sup>16</sup>

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

<sup>16</sup> Per the Planning Commission's policy, established on 3/20/95 and revised on 1/16/96, so long as the wetlands are in the common open space or the forest retention area or the large lot, a **JD** need not be done.

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

Common open space has already been provided.

No landscaping of the development envelope is required in the NAR zone.

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

Where feasible and necessary, the natural vegetative equivalent may be used to satisfy any bufferyard 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 (§5.1.C, Cecil County Forest Conservation Regulations).

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

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

A Landscape Agreement must be executed prior to recordation.

Deed restrictions for the long-term protection of the 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.

If approved, this lot's owners must become members of the Homeowners' Association that was established for maintenance of common open space, with \$50 being 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.

School information:	Elementary	Middle	High School
	Calvert	Rising Sun	Rising Sun
FTE	321	712	1129
Capacity	304	775	903
% Utilization	106%	92%	125%

\*Mr. Whiteman asked Mr. Di Giacomo if a FSD is still required even though the property is going to a son. Mr. Di Giacomo asked if the exemption was requested. Mr. Whiteman said it wasn't shown on the plat. Mr. Di Giacomo said it qualify for the exemption.\*

**6) Providence Reserve and Lands of Terrill O. Stammler, Lots 1-23 and 1-6, Concept Plat and Revised Concept Plat, Rising Sun Road (MD 273) and Charles Johnson Farm Lane, P.E.L.S.A Company, Inc., Sixth Election District.**

Mike Paraskevich with P.E.L.S.A., Terrill Stammler owner/ applicant and Mr. Williams, Rep. for the sellers appeared and presented an overview of the project. Mr. Paraskevich started with addressing the major concerns that were brought forth to them. This is two combined subdivisions that originally were presented independently. One came in as a mini road subdivision under Cecil County standards. The other was going to be 23 lots not connecting the two projects. The TAC and PC disapproved that concept wanting to see an interconnecting between the two developments. They also had some issues with the entrances and safety. A looped road was recommended which has now been created. This will also contribute to the safety concerns for emergency vehicle access. They are proposing a monumental entrance. They are suggesting a wide commercial type entrance to assist in access for the snow plows and emergency vehicles. They have reduced the flag shape lots by 2. They revised the open space where they have a connector now. Their open space will connect with Mount Rocky open space. They have eliminated the stream crossing. They have also eliminated the second entrance. They have also revisited the statement that was made at the PC meeting regarding the guest house on Lot 8. They have revised that to call it an in-law suite. The Eckroade's received a permit for that building 6 or 7 years ago.

Mr. Woodhull first remark what a well revised layout this has become.

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

1. A SWM plan, Road & Storm Drain plan, and a Mass and Final Grading plan must be approved by the CCDPW prior to submittal for Final Plat Approval. The fees for design review of this project must be provided at the time of first design submittals.
2. If the existing pond on Lot 8 is proposed to be used as a SWM BMP an as-built, dam breach analysis, and an engineer's report addressing MD Pond 378 requirements must be submitted with the SWM plan.
3. The minimum horizontal curvature radius for a Minor Road is 200'.
4. The following standard notes and requirements apply to this plat and project: The details of these notes and requirements will be identified in the record but will not be read at this time:
  - 4.1 The Final Plat Lot Grading Note and the Lot Grading Plan Construction Limits Note.
  - 4.2 Compliance with Sections 251-9.A (5), 251-13, and 251-15.D. of the Cecil County Stormwater Management Ordinance.
  - 4.3 Requirements for Utility relocations.
  - 4.4 Requirements for Stormwater Inspection and Maintenance Agreements
  - 4.5 Requirements for Public Works Agreements.
  - 4.6 Requirements for Driveways.

***Notes and requirements identified for record:***

1. The Final Plat must include the Lot Grading Plan standard note and the Lot Grading Plan must include the standard construction limits note.
  - a. *Final Plat:* "A lot grading plan has been approved by the CCDPW for the construction shown hereon. A site construction as built shall be submitted to the CCDPW prior to use and/or occupancy of any of the sites shown hereon. Any change to the Forest Retention, Forestation, and/or Reforestation will require a consistency review, of the SWM approval, with CCDPW."
  - b. *Grading Plan:* "No clearing or grading is permitted beyond the limits of disturbance show hereon. Any expanded clearing and/or grading in the absence of an approved revised lot grading plan may be

*considered non-compliance with Chapter 251 of the Cecil County Code and either or both the developer and/or Builder may be subject to the enforcement of the penalty provisions therein.”*

2. The downstream conveyance of storm water must be analyzed in accordance with Section 251-9 A. (5) of the county's SWM Ordinance. If stormwater discharge is directed off of the site on to adjacent property it is the responsibility of the Developer to obtain appropriate easements from the affected property owners per Sections 251-13 and 251-15.D of the Cecil County SWM Ordinance.
3. Where determined necessary by the utility companies, the owner, the designer, or DPW, utility poles must be relocated at the Developer's expense.
4. An Inspection & Maintenance Agreement is required for the private SWM facilities.
5. A Public Works Agreement is required for the streets & storm drainage constructions.
6. All driveways must be paved at least to the right of way. The driveway paving must be complete for all lots at the time when the surface course for the internal roads is installed. This requirement includes any vacant but platted lots. Any driveway exceeding 5% up-gradient-slope from the roadway must be paved to the crest. If the development is phased these requirements will apply to each phase when 80% of the lots are built-out. All of these requirements must be reflected on the Lot Grading Plan.

Mr. King, SHA read the comments for the department. See attached.

Mr. Graham, Citizens Representative asked Mr. Paraskevich specific questions to the plat. He also commended them on moving the road as to not cross the stream. This was a major concern of some of the neighbors.

Mr. Kyte, FA asked what the elevation of the road to pond will be. Mr. Paraskevich said it would roughly be a few feet. Not much elevation. The FA would like to see a small pull off there and at least a dry hydrant put within 8 ft of the pull off.

Ms. Latham, MDE said that a Water Appropriation Permit is required for Final Plat.

Mr. Moore, DEH read the comments for the department. See attached.

Mr. Di Giacomo, on behalf of Mr. Markwardt, CCBoE read the comments of the department. See file.

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

This proposal was found to be 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, notice is hereby given the jpg file submissions can be only 11 inches, maximum, in any direction. Adherence to that requirement will enable the County to better serve the public.

Zoning: NAR

Density: The NAR zone permits a density of 1 du/ 5 ac. This Concept Plat invokes the density provisions of §2.4.1 to propose 5 minor & 18 major subdivision lots on 91.8 acres, for a proposed major subdivision density of 1/5.1. Thus, bonus density is not an issue.

The adjacent Stammler Concept Plat was approved by the Planning Commission on 10/16/06, conditioned on:

- 1) The boundary line survey's being completed prior to TAC review of the Preliminary Plat;
- 2) Documentation of the JD's completion being received prior to the Planning Commission's review of the Preliminary Plat;
- 3) All necessary Bufferyards A being shown on the Plat prior to the TAC's review of the Preliminary Plat;

- 4) A setback modification being granted for the existing dwelling on proposed Lot 1; and
- 5) Consideration being given to designing roadway connectivity to the adjacent proposal into the layout.

This proposal, if approved, would, in effect, revise the layout of the adjacent Stammler approved Concept Plat. Inasmuch as proposed Lot 4 on the Stammler proposed accesses Reserve Circle due to the combined submittal.

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

The Lot Area Table does not account for the roadway or common open space acreages, and it does not aggregate acreages.

It was pointed out in Oct. & Nov. TAC reviews that since Terrill O. Stammler, Jr. was the applicant, and since Mr. Stammler had submitted another subdivision proposal on the adjacent property, it was questioned, why, under those circumstances, a unified proposal had not been submitted that would allow for an improved, unified layout with more accessible and centrally-located common open space and a looped road.

This submission includes a redesigned layout that proposes looped roadway connectivity to the lands of Stammler with a single, combined boulevard-style monumental entrance, thus avoiding a roadway stream crossing for a second entrance.

Dwellings or impervious surfaces shall not occur on slopes with a grade of 25% or more covering a contiguous area of 10,000 ft<sup>2</sup> or more. On slopes between 15 and 25%, good engineering practices shall be used to ensure sediment and erosion control and slope stabilization before, during and after disturbance activities.<sup>17</sup>

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

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

A 25' buffer is required around all non-tidal wetlands and intermittent streams present. Permits are required from the (US Army) Corps of Engineers and MDE for all non-tidal wetland and stream impacts prior to recordation. A Jurisdictional Determination (JD) must be done prior to preliminary plat review by the Planning Commission.<sup>18</sup>

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

No landscaping of the development envelope is required, and no sidewalks are recommended in the NAR zone.

15% common open space is required; a combined 14.99% is proposed. Unless a minimum of 15% common open space is proposed, this design cannot be approved.

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

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<sup>17</sup> The Cecil County Subdivision Regulations define steep slopes as "15 percent or greater incline." The Cecil County Zoning Ordinance defines steep slopes as consisting of a grade of 25% or more covering a contiguous area of 10,000 ft<sup>2</sup> or more. The Cecil County Forest Conservation Regulations define steep slopes as "areas with slopes greater than 25 percent slope."

<sup>18</sup> Per the Planning Commission's policy, established on 3/20/95 and revised on 1/16/96, so long as the wetlands are in the common open space or the forest retention area or the large lot, a **JD** need not be done.

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

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

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 required 100' building setback from MD Route 273 has now been cited, but not shown on the plat for Proposed Lot 1.

The Lands of Clamp are shown to access the proposed looped road. Note # 16 indicates that Charles Johnson Farm Lane is to be abandoned.

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

The Providence Reserve FSD was conditionally approved on 11/3/06. The Natural Heritage Service Letter must be received prior to PFCP review. The Stammler FSD was approved on 10/2/06.

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

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

A Landscape Agreement must be executed prior to recordation.

Deed restrictions for the long-term protection of the 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.

6 total panhandle lots are proposed, not counting the Clamp parcel.

The Reserve Circle road name will need to be approved by the County 911 Emergency Center prior to Planning Commission review of the Preliminary Plat.

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.

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.

<b>School information:</b>	<u>Elementary</u> <b>Rising Sun</b>	<u>Middle</u> <b>Rising Sun</b>	<u>High School</u> <b>Rising Sun</b>
FTE	819.5	712	1129

Capacity	615	775	903
% Utilization	<b>133%</b>	<b>92%</b>	<b>125%</b>

**7) Nieve’s Property, Lots 1-41, Concept Plat, Bohemia Church and Worsell Manor Roads, Century Engineering, First Election District.**

Bob Bathurst with Century Engineering and Ed Nieves, owner appeared and presented an overview of the project. This project was presented at last months TAC meeting. They have brought a revised plat with the recommendation made by the Committee. This is a subdivision of 2 parcels, 42 & 27. This property has zero minor subdivision potential remaining. Parcel 42 consists of 50 acres while parcel 27 has 283 acres for a total of 330.58 acres. This allows for a density of 41 lots.

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

1. A SWM plan, Road & Storm Drain plan, and a Mass and Final Grading plan must be approved by the CCDPW prior to submittal for Final Plat Approval.
2. A Traffic Impact Study will be required for this development.
3. A protocol 3 road condition survey & road improvements plan for Worsell Manor Road, from Bohemia Church Road to MD 282, must be submitted to the Department prior to submitting the preliminary plat to the TAC. See the Road Code Guidance Manual for these requirements.
4. Section 3.07.15 of the Road Code requires that Worsell Manor Road be upgraded to a Minor Collector Road or equivalent 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. The developer must make a legitimate good faith effort to obtain all ROW required to accomplish these improvements. This effort must conform to Section 3.07.15 of the Road Code Guidance Manual. The applicant may seek a variance to these requirements if after these efforts the applicant is unable to obtain the necessary ROW.
5. The applicant must provide stopping sight distance measurements for the Worsell Manor Road access to DPW prior to preliminary plat submittal. Please mark the proposed entrance locations in the field by flagging or stake on the roadside bank.
6. Lots 1-3 are denied direct access to Worsell Manor Road and must be so indicated on the final plat and final lot grading plan.
7. The entrance island proposed severely blocks normal driveway access to Lot 1. The road plans must address this issue as well as entrance geometry issues to the satisfaction of the Department.
8. The minimum horizontal curvature radius for a Minor Road is 200’. The proposed road geometry adjacent to Lots 36-39 and Lots 2-20 must comply.
9. Have you given any consideration as to how you will address SWM for this site?
10. If any of the existing ponds are proposed to be used as a SWM BMP an as-built, dam breach analysis, and an engineer’s report addressing MD Pond 378 requirements must be submitted with the SWM plan.
11. The following standard notes and requirements apply to this plat and project: The details of these notes and requirements will be identified in the record but will not be read at this time:
  - 11.1 The Final Plat Lot Grading and the Lot Grading Plan Construction Limits Note.
  - 11.2 Compliance with Sections 251-9.A(5), 251-13, and 251-15.D. of the Cecil County Stormwater Management Ordinance.
  - 11.3 Requirements for Utility relocations.
  - 11.4 Requirements for Public Works Agreements.
  - 11.5 Requirements for Stormwater Inspection and Maintenance Agreements.
  - 11.6 Requirements for County Roads.

11.7 Requirements for Driveways.

**Notes and requirements identified for record:**

1. The Final Plat must include the Lot Grading Plan standard note and the Lot Grading Plan must include the standard construction limits note.
  - a. *Final Plat: "A lot grading plan has been approved by the CCDPW for the construction shown hereon. A site construction as built shall be submitted to the CCDPW prior to use and/or occupancy of any of the sites shown hereon. Any change to the Forest Retention, Forestation, and/or Reforestation will require a consistency review, of the SWM approval, with CCDPW."*
  - b. *Grading Plan: "No clearing or grading is permitted beyond the limits of disturbance show hereon. Any expanded clearing and/or grading in the absence of an approved revised lot grading plan may be considered non-compliance with Chapter 251 of the Cecil County Code and either or both the developer and/or Builder may be subject to the enforcement of the penalty provisions therein."*
2. The downstream conveyance of storm water must be analyzed in accordance with Section 251-9 A. (5) of the county's SWM Ordinance. If stormwater discharge is directed off of the site on to adjacent property it is the responsibility of the Developer to obtain appropriate easements from the affected property owners per Sections 251-13 and 251-15.D of the Cecil County SWM Ordinance.
3. Where determined necessary by the utility companies, the owner, the designer, or DPW, utility poles must be relocated at the Developer's expense.
4. A Public Works Agreement is required for the streets & storm drainage construction.
5. An Inspection & Maintenance Agreement is required for the private SWM facilities.
6. The street R.O.W. entrance tapers must be offset 25' from the R.O.W. point of intersection and be straight lines, per 7.2.12.E.3 of the Subdivision Regulations. The internal street grade leaving the County road may not exceed 5% within the limits of the intersection right-of-way.
7. All driveways must be paved at least to the right of way. The driveway paving must be complete for all lots at the time when the surface course for the internal roads is installed. This requirement includes any vacant but platted lots. Any driveway exceeding 5% up-gradient-slope from the roadway must be paved to the crest. If the development is phased these requirements will apply to each phase when 80% of the lots are built-out. All of these requirements must be reflected on the Lot Grading Plan.

Mr. King, SHA read the comments for the department. See attached.

Mr. Graham, Citizens Representative asked if they had considered placing a bridal path from Bohemia Church Road to Route 282. Mr. Bathurst stated that the adjoining neighbors are welcomed to call him regarding this request. See file.

Mr. Kyte, FA stated that the location of the fire suppression tank in the C.O.S. is a good location. Streets with no sidewalks proposed but there will be shoulders. Lastly, during construction they will need to mark all of the corner roads so the Fire Department can find their way around in case of an emergency.

Ms. Latham, MDE stated that a Water Appropriation Permit will be required for Final Plat.

Mr. Moore, DEH read the comments for the department. See attached.

Mr. Di Giacomo, on behalf of Mr. Markwardt, CCBoE read the comments of the department. See file.

Mr. Di Giacomo, P&Z read the comments for the department:  
Upon inspection, this proposal was found to be 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, notice is hereby given the jpg file submissions can be only 11 inches, maximum, in any direction. Adherence to that requirement will enable the County to better serve the public.

Zoning: SAR

Density: The SAR zone permits a maximum base density of 1 du/ 8 ac. This Concept Plat proposes 41 lots on 330.58 (was 332.578) acres, for a proposed bonus density of 1/8.06. Thus, bonus density is not an issue. What is the basis for the acreage reduction? They did a deed mosaic working off of the deeds. In the main deed for Lot 27 there are add on's and subtractions that tie back to McCrone survey that was not a recorded plat. They adjust accordingly.

It is unclear if Parcel 42 is coterminous with proposed Lot 41; however, parcel 42 is shown to consist of 50 acres, while Lot 41 is proposed to consist of 48.32 acres.

A boundary line survey must be done in conjunction with 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 ft<sup>2</sup> or more. On slopes between 15 and 25%, good engineering practices shall be used to ensure sediment and erosion control and slope stabilization before, during and after disturbance activities.<sup>19</sup>

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

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

A 25' buffer is required around all non-tidal wetlands and intermittent streams present. Permits are required from the (US Army) Corps of Engineers and MDE for all non-tidal wetland and stream impacts prior to recordation. A Jurisdictional Determination (JD) must be done prior to preliminary plat review by the Planning Commission.<sup>20</sup>

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

A minimum of 15% common open space is required; 16.92% is proposed. The 16.8% cited on the plat can be arrived at only by using the previous gross acreage – 332.578.

What is the rationale for the division line in the common open space adjacent to proposed Lot 27?  
This is a public access easement for the SWM.

The details the proposed barn, paddocks, and arenas, as required in Appendix A of the Zoning Ordinance, must be submitted with the Preliminary Plat. Would these facilities be open to the public?  
No, they will be private.

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<sup>19</sup> The Cecil County Subdivision Regulations define steep slopes as "15 percent or greater incline." The Cecil County Zoning Ordinance defines steep slopes as consisting of a grade of 25% or more covering a contiguous area of 10,000 ft<sup>2</sup> or more. The Cecil County Forest Conservation Regulations define steep slopes as "areas with slopes greater than 25 percent slope."

<sup>20</sup> Per the Planning Commission's policy, established on 3/20/95 and revised on 1/16/96, so long as the wetlands are in the common open space or the forest retention area or the large lot, a JD need not be done.

No landscaping of the development envelope is required and no sidewalks are recommended in the SAR zone.

Bufferyard Standard C is required, outside the right-of-way, along the road frontages of Bohemia Church and Worsell Manor Roads.

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

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.

Parcel 42 and part of 27 are currently in MALPF districts. MALPF termination documentation must be recorded prior to the Planning Commission's review of the Final Plat.

The Forest Stand Delineation (FSD) must be approved prior to Planning Commission review of the Concept plat (§5.1.C, Cecil County Forest Conservation Regulations).

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

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

A Landscape Agreement must be executed prior to recordation.

Deed restrictions for the long-term protection of the 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.

Lot 2 exceeds the 3:1 length to width ratio established in §7.4.2.

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

Has any consideration been given to roadway connectivity to the Merrill Lynch property to the south?  
No.

Given the 27-lot subdivision proposed on the adjacent Merrill Lynch property, a Traffic Impact Study (TIS) may be required to be completed prior to the TAC's review of any Preliminary Plat.

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.

If the 2 proposed cul-de-sacs are intended as private mini-roads, then Mini-road Maintenance Associations for maintenance of the mini roads must be established prior to recordation, with the owners of all lots accessing the mini-roads 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.

<b>School information:</b>	<u>Elementary</u> <b>Cecilton</b>	<u>Middle</u> <b>Bo Manor</b>	<u>High School</u> <b>Bo Manor</b>
FTE	306	513	717
Capacity	295	-----1244-----	-----
% Utilization	<b>104%</b>	<b>99%</b>	<b>99%</b>

**8) Lands of John R. Harrison, Lots 12, 13 & 4A, Concept Plat, Welder’s Lane, Coastal Land Surveying, Inc., First Election District.**

Shane Granger with Coastal Land Surveying, Inc. appeared and presented an overview of the project. This property was originally approved for a Concept in August of 2002. It was approved for 9 lots including an existing dwelling. A one year extension was granted in August 2005. In October 2006, Mr. Harrison realized that it had expired in August of 2006. Mr. Granger recognized that the members of the TAC did not have a complete presentation of the plat regarding this project. Mr. Di Giacomo advised Mr. Granger that a complete plat needs to be submitted for the Planning Commission. Mr. Granger stated that the copy of the plat that was presented was an exact duplicate of the plat that was approved in August 2002 and the extension that was granted in August 2005.

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

1. All of the Department’s comments from the August 16, 2004 Planning Commission hearing on this concept remain applicable. With the Chairman’s permission, the Department will not re-read these comments, rather we will make these comments part of the record by reference alone.
2. 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.
3. The cul-de-sac bulb on Creek Lane is in noncompliance with Standard R-14 of the Road Code. This Standard requires a 75’ radius for the cul-de-sac bulb.
4. Remove the line between the Rights of Way for Welders and Creek Lanes.
5. The following standard notes and requirements apply to this plat and project: The details of these notes and requirements will be identified in the record but will not be read at this time:
  - 5.1 The Final Plat Lot Grading and the Lot Grading Plan Construction Limits Note.
  - 5.2 Compliance with Sections 251-9.A(5), 251-13, and 251-15.D. of the Cecil County Stormwater Management Ordinance.
  - 5.3 Requirements for Utility relocations.
  - 5.4 Requirements for Stormwater Inspection and Maintenance Agreements.
  - 5.5 *Requirements for Public Works Agreement.*
  - 5.6 Requirements for Driveways.

*Notes and requirements identified for record:*

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

Mr. King, SHA had no comments.

Mr. Graham, Citizens Representative had many comments from various citizens. See file.

Mr. Kyte, FA had no comments.

Ms. Latham, MDE stated that a Water Appropriation Permit was already on file. Nothing further is needed at this time.

Mr. Moore, DEH read the comments for the department with a few modifications. See attached.

Mr. Di Giacomo, on behalf of Mr. Markwardt, CCBoE, read the comments for the department. See file.

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

Upon inspection, this proposal was found to be 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, notice is hereby given the jpg file submissions can be only 11 inches, maximum, in any direction. Adherence to that requirement will enable the County to better serve the public.

Zoning: SAR & RCA (Critical Area)

Density: The RCA overlay zone permits a density of 1 du/ 20 ac.

The SAR zone currently permits a maximum base density of 1 du/ 8 ac.

The title block indicates that this Concept Plat is proposing the creation of lots 4A, 12 & 13. However, General Note 1 and the Proposed Lot Areas table indicate nine (9) new lots and a re-

subdivision of a tenth. This confusion must be eliminated on any Concept Plat that might be submitted for Planning Commission review.

The proposal may or may not be creating 10 new lots on 145.865 for a proposed density of 1 dwelling unit per 14.59 acres. The SAR zone has a base density of one (1) dwelling unit per eight (8) acres. Bonus density is not being sought. The dwelling on Lot 5 in Smith Creek must be included in density calculations for this deed parcel bringing the overall density to 1 dwelling unit to 13.26 acres.<sup>21</sup>

The Proposed Lot Areas table suggests that 3 lots are proposed in the Critical Area portion of the property. However, without a complete plat this is impossible to verify. If this is indeed correct, 3 lots<sup>22</sup> are proposed on 104.351 acres in the Resource Conservation Area (RCA) portion of the site for a proposed density of one (1) dwelling unit per 34.78 acres. The RCA permits a density of one (1) dwelling unit per twenty (20) acres.

The Proposed Lot Areas table indicates that Lots 6, 7, 8 and 11 are part of this submittal. However, the plat omits Lots 6, 7, and 8 in their entirety and only includes a portion of Lot 11. This sloppiness is intolerable and cannot be carried over to the concept plat submitted for the Planning Commission's review. Either the missing lots are part of this concept plat or they are not part of it. Either Lot 11 is a part or it is not a part. Partial inclusion is not acceptable nor is a misleading title block.

The Site Data tax map information must be changed from 10 to 58 to accurately reflect the correct tax map.

The Site Data parcel information needs to include Parcel 77.

Pursuant to §4.0.13(n), the 110' buffer needs to be shown and expand where appropriate.

Per §4.0.13(n), the acreage of the site within the Chesapeake Bay Critical Area needs to be included on the plat.

Per §4.0.13(n), all habitat protection areas that may occur on or in the vicinity of the proposed subdivision must be included on the plat and disturbance must be avoided.

Any Concept Plat submitted for Planning Commission review cannot contain these errors, omissions and other contradictory information. Any plat of such quality submitted for Planning Commission review will not be placed on the December agenda or reviewed, and it will be returned to the preparer.

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

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

Dwellings or impervious surfaces shall not occur on slopes with a grade of 25% or more covering a contiguous area of 10,000 ft<sup>2</sup> or more. On slopes between 15 and 25%, good engineering practices

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<sup>21</sup> As stated at the 2/22/00 Planning Commission meeting: "The dwelling on the proposed lot 5 must be located on the original Parcel 1 portion of the lot, not the Parcel 3 add-on piece. Therefore, lot 5 will be included in the density calculation for this and all future subdivision proposals for Parcel 1." Those comments pertain to Lot 5 of Smith Creek.

<sup>22</sup> Proposed Lots 11, 12 & 13 are situated in the Critical Area, and each individually exceeds 20 RCA acres.

shall be used to ensure sediment and erosion control and slope stabilization before, during and after disturbance activities.<sup>23</sup>

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

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

A 25' buffer is required around all non-tidal wetlands and intermittent streams present. Permits are required from the (US Army) Corps of Engineers and MDE for all non-tidal wetland and stream impacts prior to recordation. A Jurisdictional Determination (JD) must be done prior to preliminary plat review by the Planning Commission.<sup>24</sup>

The habitats of rare, threatened, and endangered species must be avoided. A sensitive species survey must be done prior to TAC review of the Preliminary Plat for the 9 possible threatened and endangered species.

With 14 lots, why has no common open space been proposed? Mr. Granger did not know.

No landscaping of the development envelope is required and no sidewalks are recommended in the NAR zone.

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

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 (§5.1.C, Cecil County Forest Conservation Regulations).

An Environmental Assessment will need to be reviewed and approved prior to Planning Commission review of a Preliminary Plat. (§4.1.23(h))

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

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

A Landscape Agreement must be executed prior to recordation.

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<sup>23</sup> The Cecil County Subdivision Regulations define steep slopes as "15 percent or greater incline." The Cecil County Zoning Ordinance defines steep slopes as consisting of a grade of 25% or more covering a contiguous area of 10,000 ft<sup>2</sup> or more. The Cecil County Forest Conservation Regulations define steep slopes as "areas with slopes greater than 25 percent slope."

<sup>24</sup> Per the Planning Commission's policy, established on 3/20/95 and revised on 1/16/96, so long as the wetlands are in the common open space or the forest retention area or the large lot, a **JD** need not be done.

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 Creek Lane road name had been previously disapproved by DES. Therefore, a new name will need to be submitted and approved.

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

A Homeowners' Association for maintenance of any 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.

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.

The areas of steep slopes have been labeled on the plat. However, their extent must be shown on the plat submitted for Planning Commission review per the requirements of §4.0.13(n) 1 of the Cecil County Subdivision regulations.

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, and no more than 20% of the forest or developed woodland may be removed.

In the critical area, no structure shall exceed 35' in height.

The applicant was reminded of the Monday noon submission deadline for review by the Planning Commission this month.

<b>School information:</b>	<u>Elementary</u> <b>Cecilton</b>	<u>Middle</u> <b>Bo Manor</b>	<u>High School</u> <b>Bo Manor</b>
FTE	306	513	717
Capacity	295	-----1244-----	
% Utilization	<b>104%</b>	<b>99%</b>	<b>99%</b>

**9) Highland Crossing, Lots 1-71, Concept Plat, Ridge Road, Morris & Ritchie Associates, Inc., Sixth Election District.**

Fred Sheckles with Morris & Ritchie Associates appeared and presented an overview of the project. This is a 213 acre site. It is proposed to include 70 units plus the existing residents to remain. The site is planned to have water and sewer service by individual well and septic located on the lots.

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

1. A SWM plan, Road & Storm Drain plan, and a Mass & Final Grading plan must be approved by the CCDPW prior to submittal for Final Plat Approval. The fees for design review of this project must be provided at the time of first design submittals.
2. Stone Run is a Use III-P stream and as such the SWM plan must address thermal impacts generated by runoff from this site.
3. A Traffic Impact Study will be required for this development.
4. Ridge Road, providing access to this development is a tar & chip road approximately 19' wide. With the addition of 70 lots the Department believes that Ridge Road is inadequate to handle the additional traffic loading without some form of improvements. Therefore the applicant shall perform a protocol 3 road condition survey & road improvements plan for Ridge Road from Spring Hill Road to Red Pump Road. This must be submitted to the Department prior to submitting the preliminary plat to the TAC. See the Road Code Guidance Manual for these requirements.
5. With the proposed extension of Boyds Road to Slicers Mill Road the Department has the same concern for Slicers Mill Road. Therefore the applicant shall perform a protocol 3 road condition survey & road improvements plan for Slicers Mill Road from the proposed Boyds Road intersection to MD 276. This must be submitted to the Department prior to submitting the preliminary plat to the TAC. See the Road Code Guidance Manual for these requirements.
6. All ROW for this extension must be obtained by the applicant and at the applicant's expense. Has the applicant obtained the necessary ROW to extend Boyds Road to Slicers Mill Road? Mr. Sheckles did not know.
7. The proposed Boyds Road extension must be built to a minor collector road or equivalent standard and the existing section must be improved to match.
8. Pre-design geotechnical evaluation and borings along the proposed road perennial stream and wetlands crossings is required, along with specific remedial recommendations for subsurface drainage and street subgrade placement. Additionally, the stream crossing structure over Stone Run must be approved as part of the road plan approval passing the 25 year storm without overtopping. A re-mapping of the 100-year flood plain onsite and a hydraulic analysis of the new stream crossing must be submitted by the applicant's engineer as part of the crossing design.
9. Please clarify the location of the proposed intersection of Boyds Road at Slicers Mill Road.
10. Does the applicant in fact own both sides of Ridge Road, from Minns road to Boyds Road, allowing the 60 fee simple dedication identified on the plat?
11. The applicant must provide stopping sight distance measurements for the proposed Ridge Road, Boyds Road, & Slicers Mill Road intersections to DPW prior to preliminary plat submittal. Please mark the proposed entrance locations in the field.
12. The minimum horizontal curvature radius for a Minor Road is 200'.
13. If any of the existing ponds are proposed to be used as a SWM BMP an as-built, dam breach analysis, and an engineer's report addressing MD Pond 378 requirements must be submitted with the SWM plan.
14. The following standard notes and requirements apply to this plat and project: The details of these notes and requirements will be identified in the record but will not be read at this time:
  - 14.1 The Final Plat Lot Grading and the Lot Grading Plan Construction Limits Note.
  - 14.2 Compliance with Sections 251-9.A(5), 251-13, and 251-15.D. of the Cecil County Stormwater Management Ordinance.
  - 14.3 Requirements for Utility relocations.
  - 14.4 Requirements for Public Works Agreements.
  - 14.5 Requirements for Stormwater Inspection and Maintenance Agreements.
  - 14.6 Requirements for County Roads.
  - 14.7 Requirements for Driveways.

*Notes and requirements identified for record:*

1. The Final Plat must include the Lot Grading Plan standard note and the Lot Grading Plan must include the standard construction limits note.
  - a. *Final Plat: "A lot grading plan has been approved by the CCDPW for the construction shown hereon. A site construction as built shall be submitted to the CCDPW prior to use and/or occupancy of any of the sites shown hereon. Any change to the Forest Retention, Forestation, and/or Reforestation will require a consistency review, of the SWM approval, with CCDPW."*
  - b. *Grading Plan: "No clearing or grading is permitted beyond the limits of disturbance show hereon. Any expanded clearing and/or grading in the absence of an approved revised lot grading plan may be considered non-compliance with Chapter 251 of the Cecil County Code and either or both the developer and/or Builder may be subject to the enforcement of the penalty provisions therein."*
2. The downstream conveyance of storm water must be analyzed in accordance with Section 251-9 A. (5) of the county's SWM Ordinance. If stormwater discharge is directed off of the site on to adjacent property it is the responsibility of the Developer to obtain appropriate easements from the affected property owners per Sections 251-13 and 251-15.D of the Cecil County SWM Ordinance.
3. Where determined necessary by the utility companies, the owner, the designer, or DPW, utility poles must be relocated at the Developer's expense.
4. A Public Works Agreement is required for the streets & storm drainage construction.
5. An Inspection & Maintenance Agreement is required for the private SWM facilities.
6. The street R.O.W. entrance tapers must be offset 25' from the R.O.W. point of intersection and be straight lines, per 7.2.12.E.3 of the Subdivision Regulations. The internal street grade leaving the County road may not exceed 5% within the limits of the intersection right-of-way. Section 3.07.15 of the Road Code requires that Ridge Road be upgraded to a Minor Collector Road or equivalent 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. The developer must make a legitimate good faith effort to obtain all ROW required to accomplish these improvements. This effort must conform to Section 3.07.15 of the Road Code Guidance Manual. The applicant may seek a variance to these requirements if after these efforts the applicant is unable to obtain the necessary ROW.
7. All driveways must be paved at least to the right of way. The driveway paving must be complete for all lots at the time when the surface course for the internal roads is installed. This requirement includes any vacant but platted lots. Any driveway exceeding 5% up-gradient-slope from the roadway must be paved to the crest. If the development is phased these requirements will apply to each phase when 80% of the lots are built-out. All of these requirements must be reflected on the Lot Grading Plan.

Mr. King, SHA read the comments for the department. See attached.

Mr. Graham, Citizen's Representative read many comments in regards to the traffic impact, the overcrowding of the schools and the possibility of contaminated land. See file.

Mr. Kyte, FA stated that if this project is not annexed into the town the FA would like to see a dry hydrant in possibly both ponds or a fire suppression tank off of Birch Run Road. Also, at least 4 parking spaces off the street per house.

Ms. Latham, MDE stated that a Water Appropriation Permit will be needed as well as aquifer testing and public notice for final plat approval.

Mr. Moore, DEH asked Ms. Latham to explain what is involved with the review on water supplies and wells. Ms. Latham explained when they receive the application from the developer and get county sign off to make sure that it was consistent with County Planning and Zoning, MDE would then send the developer a package of what they require. This package would include forms for public notice, the aquifer testing procedures and the hydra geologic evaluations. Once MDE received all of the forms back and the analysis ran, they would conduct a review of the project. The people notified of the project would go on an interested persons list. Everyone on the list would be notified of the opportunity for a hearing. It would also be advertised in the Cecil Whig. Mr. Moore asked if MDE would consider drought conditions. Ms. Latham said yes.

Mr. Moore, DEH read the comments for the department. See attached. Mr. Moore added the following comments to his comments attached. The following comment is in relation to the comments regarding percolation test and soil evaluations;  
DEH uses monitoring wells to determine when they start testing. Most of the soils in the area of these lots are anytime testing but he would suggest that most subdivisions are testing during the wet weather season.

Mr. Di Giacomo, on behalf of Mr. Markwardt, CCBoE read the comments of the department. See file.

Mr. Di Giacomo, P&Z read the comments for department:  
Upon inspection, this proposal was found to be 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, notice is hereby given the jpg file submissions can be only 11 inches, maximum, in any direction. Adherence to that requirement will enable the County to better serve the public.

Zoning: NAR

Density: The NAR zone 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 71 lots on 213.53 acres, for a proposed bonus density of 1/3.01.

It appears that this proposal meets bonus density eligibility requirements; however, there are serious inconsistencies in the acreage figures provided. For example, Site Data Note # 9 shows that 75.28 acres of common open space are proposed, while the Project Summary Chart represents the figure as 75.47 acres. What's more, neither figure would result in the 131.60 open space acres cited when added to the proposed large lot's 56.14 acres.

A boundary line survey must be done in conjunction with 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 ft<sup>2</sup> or more. On slopes between 15 and 25%, good engineering practices shall be used to ensure sediment and erosion control and slope stabilization before, during and after disturbance activities.<sup>25</sup>

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

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

A water quality management area is depicted partially within the perennial stream buffer and 100-year floodplain. The stream is depicted outside the 100-year floodplain, so has the floodplain boundary been verified?

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

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.<sup>26</sup>

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

15% common open space is required; approximately 35% is proposed.

Is Minns Road located in what would be common open space? If so, then does the current C.O.S. acreage take into account the required reduction for Minns Road? Who will have maintenance responsibility for Minns Road? Mr. Sheckles did not know.

No landscaping of the development envelope is required and no sidewalks are recommended in the NAR zone.

Bufferyard Standard C is required, outside the right-of-way, along the road frontages of Boyds and Ridge Roads.

Per §187.2, the Planning Commission may require bufferyards to separate different zoning districts from one another.

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

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 (§5.1.C, Cecil County Forest Conservation Regulations).

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

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

A Landscape Agreement must be executed prior to recordation.

Deed restrictions for the long-term protection of the 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 internal road names will need to be approved by the County 911 Emergency Center prior to Planning Commission review of the Preliminary Plat. Road names are required on Concept Plats, per §4.0.13 (h) of the Cecil County Subdivision Regulations.

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

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<sup>26</sup> Per the Planning Commission's policy, established on 3/20/95 and revised on 1/16/96, so long as the wetlands are in the common open space or the forest retention area or the large lot, a JD need not be done.

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.

Documentation of all necessary easement agreements with the Susquehanna Power Company 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.

School information:	Elementary	Middle	High School
	Rising Sun	Rising Sun	Rising Sun
FTE	819.5	712	1129
Capacity	615	775	860
% Utilization	133%	92%	125%

**10) Ridgley Forest, Courtesy Review for the Town of North East, Tentative Site Plan, Morris & Ritchie Associates, Inc., Fifth Election District.**

Fred Sheckles with Morris & Ritchie Associates and Dan Whitehurst appeared and presented an overview of the project. This site plan has been submitted to TAC as a courtesy review by the county. Since the last review by the county this has been annexed into the Town of North East. This site is 196 acres. They are proposing 628 units. This site will provide a mix of single family townhouses and duplexes in conformance with the town code. Public water and sewer will available for this site. They are in the process of revising the traffic impact analysis for submittal for the town, the county and SHA.

Mr. Woodhull asked Mr. Sheckles if the process of annexation has been completed. Mr. Sheckles said it is still in the referendum period. Mr. Whitehurst said it should be finalized around December 26, 2006.

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

1. The Department understands that the applicant is seeking annexation of this site into the Town of North East. If this occurs the Town of North East will own the water distribution system and internal streets 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. Road & storm drain plans should meet or exceed County standards. We recommend that the Town not approve the final plat until receiving confirmation from CCDPW that all County approvals have been issued.

2. This proposal for 628 dwellings is a significant departure from the 345 dwelling units previously approved by the County Planning Commission. As such the CCDPW will require a new submittals package for the sanitary sewer, SWM, and offsite road improvements plans associated with this proposal. The entire package stands or falls as a whole therefore we won't recommend approval of the final plat to the Town of North East until the entire package is acceptable to the Department.
3. With the increase of 283 ELU proposed the sanitary sewer plan must include an analysis of the existing sewer main from Mauldin Avenue to the point of connection to this site to determine adequacy of the existing line. Any upgrades required to meet the new demand will be the responsibility of the Developer. A feasibility study, performed by McCrone Engineering, for the Mauldin Avenue sewer line is available for review at the CCDPW's office.
4. A public Sewer allocation was granted for 345 ELU's on August 7, 2005. However a new allocation will have to be requested for the proposed 628 ELU. A benefit assessment will apply to all residential building permits issued as a result of the 'Mauldin Avenue Sewers' project improvements within the North East Sanitary Subdistrict.
5. Previously two (2) onsite sewer pumping stations were proposed. MDE permits for the onsite sewer pumping stations must be issued before final construction drawing approvals and before the Department can sign the final plats for recordation. Where are you in the processes of obtaining MDE approval?
6. With the increase in dwellings to 628 the Department will require a re-evaluation of the offsite improvements required for Mechanics Valley Road. Therefore a Protocol 3 road Condition Survey & Road Improvement Plan will be required for Mechanics Valley Road, from MD Route 7 to MD Route 40. A public works agreement and monetary surety for the required improvements shall be provided prior to the CCDPW approving any plans for this project.
7. We will also require a TIS be submitted for the same reason.
8. Six of the cul-de-sac bulbs do not meet the County's Road Code Standard for radius. Therefore, the CCDPW recommends that the Town of North East require a variance request to use 50' radii vs. the standard 75'.
9. The following standard notes and requirements apply to this plat and project: The details of these notes and requirements will be identified in the record but will not be read at this time:
  - 9.1 The Final Plat Lot Grading and Lot Grading Plan Construction Limits Notes.
  - 9.2 Compliance with Sections 251-9.A (5), 251-13, and 251-15.D. of the Cecil County Stormwater Management Ordinance.
  - 9.3 Requirements for Public Works Agreements.
  - 9.4 Requirements for Stormwater Inspection and Maintenance Agreements.

***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. *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. A Public Works Agreement is required for the public sewer system construction and all offsite road improvements to Mechanics Valley Road.
4. An Inspection & Maintenance Agreement is required for the private SWM facilities.

Mr. King, SHA read the comments for the department. See attached.

Mr. Graham, Citizens Representative read comments from Ms. Gatchell regarding issues affecting her water supply and the cutting of brush on her property. See file.

Mr. Kyte, FA remarked that he received no input from the North East Fire Department. Mr. Kyte asked that they consider putting 3-4 spaces per house to keep the cars off of the street.

Mr. Di Giacomo asked Betsy Vennell, representative for the Town of North East if the town had any comments. She stated she did not have any comments.

Ms. Latham, MDE stated a Water Appropriation Permit is not required if the public water supply is available.

Mr. Moore, DEH read the comments for the department. See attached.

Mr. Di Giacomo, on behalf of Mr. Markwardt, CCBoE read the comments of the department. See file.

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

This subdivision is proposed on land proposed to be annexed into the Town of North East. The Cecil County TAC, as a courtesy to the towns in the County, occasionally reviews site plans and subdivision proposals within the towns' corporate limits.

This same project was previously reviewed by the TAC as a courtesy to the Town in January 2004. It then preceded though the County's subdivision review and approval process, as follows:

The Concept Plat (proposing 364 lots on 196.86 acres, for a proposed density of 1.849/1) was approved on 4/19/04, conditioned on:

- 1) The boundary line survey being completed prior to Preliminary Plat review by the TAC;
- 2) The TIS being completed prior to Preliminary Plat review by the TAC;
- 3) A JD being completed prior to Preliminary Plat review by the Planning Commission; and
- 4) At least three areas of active open space with tot lots being included in the design.

The Preliminary Plat (also proposing 364 lots on 196.86 acres) was approved on 6/21/04, conditioned on:

- 1) Health Department requirements being met;
- 2) DPW requirements being met;
- 3) The Master Water & Sewer Plan's being amended to include this project in its entirety
- 4) Documentation of Water Allocation being received from the Town of North east prior to Final Plat review;
- 5) Sewer capacity being confirmed by the Department of Public Works prior to Final Plat review;
- 6) The TIS recommendations being agreed to prior to Final Plat review;
- 7) An area table being included on the plat prior to Final Plat review;
- 8) All lot dimensions conforming to minimum requirements;
- 9) Revised plat with topo information being submitted to the Office of Planning and Zoning prior to the submission of a Final Plat; and

10) Sidewalks being included on both sides of all internal roads.

The Section 1 Final Plat for 132 lots was approved on 1/20/06, conditioned on:

- 1) Health Department requirements being met;
- 2) DPW requirements being met;
- 3) The Record Plats containing the 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 Comprehensive Water and Sewer Plan;
- 4) The Record Plats also containing the statement, signed by the owner, to the effect that such facilities will be available to all lots/houses offered for sale;
- 5) A Landscape Agreement being executed prior to recordation;
- 6) Deed restrictions for the long-term protection of the Forest Retention/ Afforestation Areas (FRAs) being recorded and noted on the plat prior to recordation, with the metes and bounds description of the FRA being shown on the record plat; and
- 7) A Homeowners' Association for maintenance of common open space being established with \$50 per recorded lot placed in escrow for improvements prior to recordation.

If these lands are not annexed into the Town, then these comments shall be moot, and the project's plats shall continue to be submitted for review under the County's subdivision review and approval process. With that caveat, the Office of Planning & Zoning's comments and questions relating to this Plat are as follows:

- Town Zoning: Proposed R-4
- Unless the Town's subdivision regulations allow for "Tentative Site Plans," it is recommended that the plat be retitled to the more conventional Concept or Preliminary Plat.
- This now shows connectivity to the adjacent Courts of Mallory to the west and a stub to Parcel 1172 to the east.
- A revised Traffic Impact Study (TIS) is strongly recommended. The new, higher density will generate a higher number of trips. In addition, more development has been proposed since the original TIS was conducted.
- It is recommended that the proposed density be verified as being consistent with the Town's Zoning Ordinance.
- It should be confirmed that the setbacks, lot sizes, and lot widths are consistent with the Town's Zoning Ordinance for the R-4 zone.
- The Town of North East and Cecil County signed an "*Assigning obligations under the Forest Conservation Act*" agreement on 2/4/00. The submitted FSD does not include all parcels in this proposal. It is recommended that the FSD be approved prior to Concept Plat approval.
- It is recommended that the Preliminary Forest Conservation Plan (PFCP) be approved prior to Preliminary Plat review by the North East Planning Commission.
- It is recommended that the Final Forest Conservation Plan (FCP) and Landscape Plan be approved prior to Final Plat review by the North East Planning Commission.

- It is recommended that the Landscape Agreement be executed prior to recordation.
- It is recommended that deed restrictions for the long-term protection of the Forest Retention/Afforestation Areas (FRAs) 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.
- It is recommended that the plat be checked to ensure that all requirements for Concept Plats, 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 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.
- Sidewalks are recommended along all internal streets and roads.
- 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 falls with the minimum and maximum established by the Town's Zoning Ordinance and Subdivision Regulations.
- 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 by the North East Volunteer Fire Company.
- Fire hydrant/standpipe locations should be shown and should consistent with the Town's Zoning Ordinance and Subdivision Regulations, as well as any comments by the North East Volunteer Fire Company.
- Consideration should be given to locating dry hydrants at the proposed stormwater management facilities – if deemed advisable and feasible by the North East Volunteer Fire Co.
- Water allocation should be confirmed by the Town of North East prior to final approval.
- Sewer allocation should be confirmed by the Cecil County Department of Public Works prior to final approval.

- It is recommended that the site design be consistent with the Town’s policies regarding possible bus stops/shelters and/or bicycle racks.
- It is recommended that final subdivision plat approval be coordinated with SHA entrance design approval – especially with the additional dwellings proposed.
- A revised Traffic Impact Study (TIS) is strongly recommended. The new, higher density will generate a higher number of trips. In addition, more development has been proposed since the original TIS was conducted.
- The original TIS cited the need for a number of improvements, including the signalization of the MD 7/Mechanics Valley/Cemetery Roads intersection. Preliminary Plat TAC review revealed the need for addition study of, and recommendations for, Mechanics Valley Road.
- A condition of the County Planning Commission’s Preliminary Plat approval, such recommendations must be received and agreed to prior to the Final Plat review for any Phase of the project. Therefore, the revised TIS should tie up those loose ends.
- It is requested that the Town hold the developer to previously agreed-to financial contribution to the County’s portion of all improvements.
- It is recommended that a street lighting road plan that emphasizes pedestrian safety and security be submitted.
- It is recommended that any variance numbers be shown on the plat.

School information:	Elementary	Middle	High School
	Elk Neck	North East	North East
FTE	417	826	1110
Capacity	479	812	1009
% Utilization	87%	116%	110%

**11) Scott Gardens, Phase II- Lots 6-26, 38-55 & 60-66, Courtesy review for the Town of Charlestown, Preliminary Plat, Morris & Ritchie Associates, Inc., Fifth Election District.**

Fred Sheckles with Morris & Ritchie and Matt Costa, Land Development Manager for the Lanar Corp. appeared and presented an overview of the project. Phase II represents the completion of an existing subdivision with in the Town of Charlestown. Phase II is 47 single family lots in the R-1 zone. It is served by public water and sewer. This Preliminary Plat has been approved by the town’s Planning Commission and they have also received conditional final plat approval from the town.

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

1. The Department understands that the Town of Charlestown will own the water distribution system, the sanitary sewer system, and the internal streets in this development. The CCDPW

recommends that the sanitary sewer & water distribution systems, 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. Road & storm drain plans should also meet or exceed County standards.

2. The CCDPW no longer reviews SWM plans for the Town of Charlestown.
3. Sanitary sewer allocation must be requested for the dwellings in this phase.

Mr. King, SHA read the comments for the department. See attached.

Mr. Graham, Citizen's Representative had no comments.

Mr. Kyte, FA asked if they had any comments from the local fire department on parking spaces, etc. Mr. Sheckles said they have not yet but it does have to go to the Fire Chief for review. Mr. Kyte emphasized the importance of adequate parking spaces so to not have issues with cars on the street.

Ms. Latham, MDE stated that since is project has public water a Water Appropriation Permit is not required. Also, MDE has confirmed that the Town of Charlestown has excess appropriation for this project.

Mr. Moore, DEH read the comments for the department. See attached.

Mr. Di Giacomo, on behalf of Mr. Markwardt, read the comments of the department. See file.

Mr. Di Giacomo asked if a representative for the Town of Charlestown was present.

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

This subdivision is proposed in to be the Town of Charlestown. The Cecil County TAC, as a courtesy to the towns in the County, occasionally reviews subdivision proposals within the towns' corporate limits.

Another proposal was reviewed for this parcel for 67 lots on 5/5/99; Lots 1-5, 27-37 & 56-59 are the same. This project was also reviewed by the TAC in November 2004 under County codes and regulations. That Concept Plat was never subsequently approved by the Cecil County Planning Commission.

The Office of Planning & Zoning's comments and questions relating to this Concept Plat are as follows:

- It is recommended that it be confirmed that the Town's Subdivision Regulations allow for basically starting review of a project of this magnitude at the Preliminary Plat level.
- A Traffic Impact Study (TIS) may be required by SHA. If so, then it is recommended that it be completed prior to the Charlestown Planning Commission's review of the Preliminary Plat.
- Current Zoning: R-1

- It is recommended that the proposed density be verified as being consistent with the Town's Zoning Ordinance for the R-1 zone.
- It should be confirmed that the setbacks, lot sizes, and lot widths are consistent with the Town's Zoning Ordinance for the R-1 zone.
- A 25' buffer is recommended around any non-tidal wetlands 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.
- It is recommended that the JD be completed prior to the Planning Commission's review of the Preliminary Plat.
- Areas of steep slopes are depicted in common open space, roadway rights-of-way, and portions of a number of proposed lots. It is recommended that dwellings or impervious surfaces shall not occur on slopes with a grade of 25% or more covering a contiguous area of 10,000 ft<sup>2</sup> or more. On slopes between 15 and 25%, good engineering practices should be used to ensure sediment and erosion control and slope stabilization before, during and after disturbance activities.
- It should be confirmed that the street geometrics are consistent with the Town's Zoning Ordinance and Subdivision and Public Works codes and regulations.
- It should be confirmed that this Preliminary Plat meets all of the technical requirements set forth in the Town's Zoning Ordinance and Subdivision Regulations.
- The Town of Charlestown and Cecil County have signed an "*Assigning obligations under the Forest Conservation Act.*"
- 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. However, an FSD has not yet been submitted. It is recommended that a Concept Plat not be approved until the FSD has been approved.
- The Preliminary Forest Conservation Plan (PFCP) must be approved prior to Planning Commission review of the Preliminary Plat. However, a PFCP has not yet been submitted. It is recommended that a Preliminary Plat not be approved until the PFCP has been approved.
- The final Forest Conservation Plan (FCP) must be approved prior to Planning Commission review of the Final Plat.
- It is recommended that 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.

- It is recommended that the plat be checked to ensure that all requirements for Preliminary Plats, as set forth in the Town's Zoning Ordinance and Subdivision Regulations, have been satisfied.
- 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 the Landscape Plan include a bufferyard to buffer adjacent M1-zoned properties.
- 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.
- Sidewalks are recommended.
- 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 with the minimum and maximum established by the Town's Zoning Ordinance and Subdivision Regulations.
- 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.
- Proposed street names have been approved by the County's 911 Emergency Center.
- Consideration should be given to soliciting review and comment on the subdivision layout by the Charlestown Volunteer Fire Company.
- A Traffic Impact Study (TIS) is required. It should have been completed prior to this Preliminary Plat review.
- Any fire hydrant/standpipe locations should be shown on the Preliminary Plat and be consistent with the Town's Zoning Ordinance and Subdivision Regulations and/or recommendations by the Charlestown Volunteer Fire Company.
- This property is classified as W-2 and S-2 in the Master Water and Sewer Plan.
- Water allocation should be confirmed prior to final approval.
- Sewer allocation should be confirmed prior to final approval.

- It is recommended that a Homeowners' Association for maintenance of common open space must be established with whatever sum required by the Town be placed in escrow for improvements prior to recordation.
- It is recommended that access to common open space between and beside lots must be marked with concrete monuments.
- It is recommended that the Final and Record Plats 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 Final and Record Plats 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 any recreational amenities be included in the Public Works Agreement with the Town.

**12) Lands of Janet Cullen, Lots 1-3, Concept Plat, Glebe Road, Michael S. McAllister, Surveyor, First Election District.**

Mike McAllister, Surveyor appeared and presented an overview of the project. This project consists of 27.91 acres. They are proposing 3 lots with a common driveway to Lots 2 & 3 and restricted entrance location on Lot 1. There is an existing entrance at the easterly end of Lot 2 which will be abandon upon the construction of the common entrance to Lots 2 & 3.

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

1. A SWM plan and a Mass & Final Grading plan must be approved by the CCDPW prior to submittal for Final Plat Approval. The fees for design review of this project must be provided at the time of first design submittals.
2. There are Drainage concerns on Glebe Road @ proposed driveway entrance for lot 2 & 3.
3. Sight distance measurements will be required for the proposed common driveway access point for Lots 2 & 3 as well as for Lot 1. The proposed driveway centerline location must be marked in the field.
4. The following standard notes and requirements apply to this plat and project: The details of these notes and requirements will be identified in the record but will not be read at this time:
  - 4.1 The Final Plat Lot Grading Note and the Lot Grading Plan Construction Limits Note.
  - 4.2 Compliance with Sections 251-9.A (5), 251-13, and 251-15.D. of the Cecil County Stormwater Management Ordinance.
  - 4.3 Requirements for Utility relocations.
  - 4.4 Requirements for Stormwater Inspection and Maintenance Agreements
  - 4.5 Requirements for Driveways.

*Notes and requirements identified for record:*

1. The Final Plat must include the Lot Grading Plan standard note and the Lot Grading Plan must include the standard construction limits note.
  - a. *Final Plat:* "A lot grading plan has been approved by the CCDPW for the construction shown hereon. A site construction as built shall be submitted to the CCDPW prior to use and/or occupancy of any of the sites shown hereon. Any change to the Forest Retention, Forestation, and/or Reforestation will require a consistency review, of the SWM approval, with CCDPW."

- b. Grading Plan: "No clearing or grading is permitted beyond the limits of disturbance show hereon. Any expanded clearing and/or grading in the absence of an approved revised lot grading plan may be considered non-compliance with Chapter 251 of the Cecil County Code and either or both the developer and/or Builder may be subject to the enforcement of the penalty provisions therein."*
2. The downstream conveyance of storm water must be analyzed in accordance with Section 251-9 A. (5) of the county's SWM Ordinance. If stormwater discharge is directed off of the site on to adjacent property it is the responsibility of the Developer to obtain appropriate easements from the affected property owners per Sections 251-13 and 251-15.D of the Cecil County SWM Ordinance.
3. Where determined necessary by the utility companies, the owner, the designer, or DPW, utility poles must be relocated at the Developer's expense.
4. An Inspection & Maintenance Agreement is required for the private SWM facilities.
5. All driveways must be paved at least to the right of way. The driveway paving must be complete for all lots at the time when the surface course for the internal roads is installed. This requirement includes any vacant but platted lots. Any driveway exceeding 5% up-gradient-slope from the roadway must be paved to the crest. If the development is phased these requirements will apply to each phase when 80% of the lots are built-out. All of these requirements must be reflected on the Lot Grading Plan.

Mr. King, SHA had no comments.

Mr. Graham, Citizens Representative, had some comments from neighbors of Mrs. Cullen regarding the trees that were planted and paid for. The neighbors would like to know what the plans were for those trees. Mr. McAllister stated he didn't think Mrs. Cullen would have a problem with the trees remaining.

Mr. Kyte, FA had no comments.

Ms. Latham, MDE stated that a Water Appropriation Permit would not be required.

Mr. Moore, DEH read the comments for the department. See attached.

Mr. Di Giacomo, on behalf of Mr. Markwardt, CCBoE read the comments for the department. See file.

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

This proposal was found to be 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, notice is hereby given the jpg file submissions can be only 11 inches, maximum, in any direction. Adherence to that requirement will enable the County to better serve the public.

Zoning: SAR

Density: The SAR zone permits a maximum base density of 1 du/ 8 ac. This Concept Plat<sup>27</sup> proposes 3 lots on 27.91 acres, for a proposed density of 1/9.3. Thus, bonus density is not an issue.

The "lots allowed" number in the Density Data table needs to be changed from 3.49 to 3 since the Planning Commission cannot approve 0.49 of a lot.

A boundary line survey must be done in conjunction with the preparation of the Preliminary Plat<sup>28</sup> for density calculation purposes.

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<sup>27</sup> Parcel 408 has exhausted minor subdivision eligibility with the approval of Minor Subdivision 708 (Parcel 438 1/25/80) and major subdivision known as Lands of Lilley & Surgent (Parcel 460 Lots 1B, 1C, 2A, 2F, 3B, &4A).

<sup>28</sup> §2.0 of the Subdivision Regulations allows for a combined Preliminary-Final Plat if there are from 1 to 5 lots.

The Critical Area boundary line in the vicinity of Lot 37 of Bohemia Estates must be noted and shown on the Concept Plat submitted for Planning Commission review.

Dwellings or impervious surfaces shall not occur on slopes with a grade of 25% or more covering a contiguous area of 10,000 ft<sup>2</sup> or more. On slopes between 15 and 25%, good engineering practices shall be used to ensure sediment and erosion control and slope stabilization before, during and after disturbance activities.<sup>29</sup>

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

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

A 25' buffer is required around all non-tidal wetlands and intermittent streams present. Permits are required from the (US Army) Corps of Engineers and MDE for all non-tidal wetland and stream impacts prior to recordation. A Jurisdictional Determination (JD) must be done prior to preliminary plat review by the Planning Commission.<sup>30</sup>

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

No common open space is required for fewer than 10 lots.

No landscaping of the development envelope is required and no sidewalks are recommended in the NAR zone.

Bufferyard Standard C is required, and has been provided, along the road frontages of Glebe Road.

Per §187.2, the Planning Commission may require bufferyards to separate different zoning districts from one another. The adjacent properties' RR zoning has not been shown.

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

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 (§5.1.C, Cecil County Forest Conservation Regulations).

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

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<sup>29</sup> The Cecil County Subdivision Regulations define steep slopes as "15 percent or greater incline." The Cecil County Zoning Ordinance defines steep slopes as consisting of a grade of 25% or more covering a contiguous area of 10,000 ft<sup>2</sup> or more. The Cecil County Forest Conservation Regulations define steep slopes as "areas with slopes greater than 25 percent slope."

<sup>30</sup> Per the Planning Commission's policy, established on 3/20/95 and revised on 1/16/96, so long as the wetlands are in the common open space or the forest retention area or the large lot, a JD need not be done.

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

A Landscape Agreement must be executed prior to recordation.

Deed restrictions for the long-term protection of the 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.

Proposed lot 3 exceeds the 3:1 length to width ratio established in §7.4.2.

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.

<b>School information:</b>	<u>Elementary</u>	<u>Middle</u>	<u>High School</u>
	<b>Cecilton</b>	<b>Bo Manor</b>	<b>Bo Manor</b>
FTE	306	513	717
Capacity	295	-----1244-----	
% Utilization	<b>104%</b>	<b>99%</b>	<b>99%</b>

A lunch break was taken at 12:09 pm.  
The TAC meeting continued at 1:00 pm.

**13) Lands of Richard and Andrea Hocker, Lots 18-23 plus Remaining Lands, Concept Plat, Old Elk Neck Road, Michael s. McAllister, Surveyor, Fifth Election District.**

Mike McAllister, Surveyor appeared and presented an overview of the project. This project consists of 6 lots with a common driveway entrances. They have proposed a Bufferyard C. They are proposing 6 lots plus Remaining Lands which equals 10 lots. They are well within what they are allowed based on the density requirements.

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

1. A SWM plan and a Mass & Final Grading plan must be approved by the CCDPW prior to submittal for Final Plat Approval. The fees for design review of this project must be provided at the time of first design submittals.
2. Sight distance measurements will be required for the proposed common driveway access points for Lots 18/19, 20/21, & 22/23. The proposed driveway centerline locations must be marked in the field.
3. The following standard notes and requirements apply to this plat and project: The details of these notes and requirements will be identified in the record but will not be read at this time:
  - 3.1 The Final Plat Lot Grading Note and the Lot Grading Plan Construction Limits Note.
  - 3.2 Compliance with Sections 251-9.A (5), 251-13, and 251-15.D. of the Cecil County Stormwater Management Ordinance.
  - 3.3 Requirements for Utility relocations.
  - 3.4 Requirements for Stormwater Inspection and Maintenance Agreements
  - 3.5 Requirements for Driveways.

*Notes and requirements identified for record:*

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

Mr. King, SHA had no comments.

Mr. Graham, Citizens Representative, had several comments regarding the improper drainage off of Old Elk Neck Road. The neighbors are concern that they will be building homes on wetlands. Mr. McAllister stated they are not building homes in any areas of drainage.

Mr. Kyte, FA asked what the proximity is of the closest water source. Mr. McAllister said a stream is about ¼ mile away from this project. Mr. Kyte asked for a dry hydrant to be put into that water source. He also mentioned that area has a bad source of water.

Ms. Latham, MDE said originally Demond Village had a Water Appropriation permit. In the late 90’s they believed it to be built out and that permit was inactivated. MDE looked into this and decided since this was different owners developing this project this will be concerned a separate subdivision. It will not require a Water Appropriation Permit.

Mr. Moore, DEH read the comments for the department. See attached.

Mr. Di Giacomo, on behalf of Mr. Markwardt, CCBoE read the comments of the department. See file.

Mr. Di Giacomo, P&Z read the comments for the department:  
This proposal was found to be 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, notice is hereby given the jpg file submissions can be only 11 inches, maximum, in any direction. Adherence to that requirement will enable the County to better serve the public.

Zoning: NAR

Density: The NAR zone permits a maximum base density of 1 du/ 5 ac. This Concept Plat<sup>31</sup> proposes 6 lots on 46.629 acres, for a proposed density of 1/7.77. Thus, bonus density is not an issue.

A Concept Plat, whose approval has now expired, proposing 35 lots on 148.8 acres for a density of 1/4.25, was approved on 10/16/90.

Lots 5 & 6 received final approval 12/18/90.

Lots 8 & 9 received final approval on 7/15/91.

Demond Village, Lots 10-17, received final approval on 10/19/94. Final plat approval of Demond Village, Lots 10-17, required that those 8 lots be included in future density calculations for the property. This submission complies with that condition and the NAR base density.

Nevertheless, the Density Data box's total acreage of 132.55 needs to be reconciled with the Acreage Tabulation box's 46.629. The Density Data box's math is difficult to follow, and it is unclear how .5 lots could be created.

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

The plat indicates that the 35.98 acres of remaining lands is to be added to Lot 2, parcel 361. If so, the add-on note must be added to the plat and the acreage tabulation table must be amended to accurately reflect the post-add-on acreages. If the 35.98 acres includes the area of Lot 2 of Parcel 361, then this must be made clear on the plat.

Dwellings or impervious surfaces shall not occur on slopes with a grade of 25% or more covering a contiguous area of 10,000 ft<sup>2</sup> or more. On slopes between 15 and 25%, good engineering practices shall be used to ensure sediment and erosion control and slope stabilization before, during and after disturbance activities.<sup>32</sup>

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

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

A 25' buffer is required around all non-tidal wetlands and intermittent streams present. Permits are required from the (US Army) Corps of Engineers and MDE for all non-tidal wetland and stream impacts prior to recordation. A Jurisdictional Determination (JD) must be done prior to preliminary plat review by the Planning Commission.<sup>33</sup>

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

As these lots would bring the total number of major subdivision lots on the original parcel to nineteen (19), the Planning Commission may require that fifteen (15) percent common open space be included. This would require the provision of 19.88 acres to be set aside as common open space. A Demond

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<sup>31</sup> The minor subdivision eligibility of this parcel was exhausted by the approval of Demond Village.

<sup>32</sup> The Cecil County Subdivision Regulations define steep slopes as "15 percent or greater incline." The Cecil County Zoning Ordinance defines steep slopes as consisting of a grade of 25% or more covering a contiguous area of 10,000 ft<sup>2</sup> or more. The Cecil County Forest Conservation Regulations define steep slopes as "areas with slopes greater than 25 percent slope."

<sup>33</sup> Per the Planning Commission's policy, established on 3/20/95 and revised on 1/16/96, so long as the wetlands are in the common open space or the forest retention area or the large lot, a **JD** need not be done.

Village HOA was created in 1994 for the maintenance of any future common open space that may be created and these lots would need to become a part of that HOA.

No landscaping of the development envelope is required and no sidewalks are recommended in the NAR zone.

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

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

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 (§5.1.C, Cecil County Forest Conservation Regulations).

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

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

A Landscape Agreement must be executed prior to recordation.

Deed restrictions for the long-term protection of the 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.

Proposed lots 20, 21 and 22 exceed the 3:1 length to width ratio established in §7.4.2.

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

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.

<b>School information:</b>	<u>Elementary</u> <b>Elk Neck</b>	<u>Middle</u> <b>North East</b>	<u>High School</u> <b>North East</b>
FTE	417	826	1110
Capacity	479	712	1009
% Utilization	<b>87%</b>	<b>116%</b>	<b>110%</b>
<b>School</b>			

**14) Lombard Farms, Lots 1-12, Concept Plat “B”, Alexander and Lombard Roads, McCrone, Inc., Ninth Election District.**

Don Sutton with McCrone, Inc. and Janice Eggers Able, developer appeared and presented an overview of the project. Firstly, their preliminary boundary calculations have shown that they may not own out to Alexander Road as the previous plat had shown. In light of that, they are now showing access off of Lombard Road.

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

1. A SWM plan, Road & Storm Drain plan, and a Mass and Final Grading plan must be approved by the CCDPW prior to submittal for Final Plat Approval. The fees for design review of this project must be provided at the time of first design submittals.
2. How will SWM be addressed for these lots? Same as Proposal A.
3. Lot 1 is denied direct access to Lombard Road and Lots 2-5 are denied direct access to Alexander Road. This must be clearly identified on the final plat.
4. The following standard notes and requirements apply to this plat and project: The details of these notes and requirements will be identified in the record but will not be read at this time:
  - 4.1 The Final Plat Lot Grading Note and the Lot Grading Plan Construction Limits Note.
  - 4.2 Compliance with Sections 251-9.A (5), 251-13, and 251-15.D. of the Cecil County Stormwater Management Ordinance.
  - 4.3 Requirements for Utility relocations.
  - 4.4 Requirements for Stormwater Inspection and Maintenance Agreements
  - 4.5 Requirements for Stopping Sight Distance
  - 4.6 Compliance with Section 3.07.15 of the Cecil County Road Code.
  - 4.7 Requirements for Public Works Agreements.
  - 4.8 Requirements for Driveways.

*Notes and requirements identified for record:*

1. The Final Plat must include the Lot Grading Plan standard note and the Lot Grading Plan must include the standard construction limits note.
  - a. *Final Plat: “A lot grading plan has been approved by the CCDPW for the construction shown hereon. A site construction as built shall be submitted to the CCDPW prior to use and/or occupancy of any of the sites shown hereon. Any change to the Forest Retention, Forestation, and/or Reforestation will require a consistency review, of the SWM approval, with CCDPW.”*
  - b. *Grading Plan: “No clearing or grading is permitted beyond the limits of disturbance show hereon. Any expanded clearing and/or grading in the absence of an approved revised lot grading plan may be considered non-compliance with Chapter 251 of the Cecil County Code and either or both the developer and/or Builder may be subject to the enforcement of the penalty provisions therein.”*
2. The downstream conveyance of storm water must be analyzed in accordance with Section 251-9 A. (5) of the county’s SWM Ordinance. If stormwater discharge is directed off of the site on to adjacent property it is the responsibility of the Developer to obtain appropriate easements from the affected property owners per Sections 251-13 and 251-15.D of the Cecil County SWM Ordinance.
3. Where determined necessary by the utility companies, the owner, the designer, or DPW, utility poles must be relocated at the Developer’s expense.
4. An Inspection & Maintenance Agreement is required for the private SWM facilities.
5. Applicant must provide stopping sight distance measurements for the Alexander Road access location to DPW prior to preliminary plat submittal. Mark the proposed entrance locations in the field by a survey stake or paint.
6. Section 3.07.15 of the Road Code requires that Lombard Road be upgraded to a Minor Collector Road or equivalent standard for 100’ either side of the proposed intersection location. The design engineer must address the requirement for minimum acceleration, deceleration, and bypass lanes. The developer must make a legitimate good faith effort to obtain all ROW required to accomplish these improvements. This effort must conform to Section 3.07.15 of the Road Code Guidance Manual. The applicant may seek a variance to these requirements if after these efforts the applicant is unable

to obtain the necessary\_ROW. Any right-of-way acquisition necessary shall be performed by the applicant and at the applicant's expense.

7. A Public Works Agreement is required for the streets & storm drainage constructions.
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 from the roadway must be paved to the crest. If the development is phased these requirements will apply to each phase when 80% of the lots are built-out. All of these requirements must be reflected on the Lot Grading Plan.

Mr. King, SHA has no comments.

Mr. Graham, Citizens Representative had no comments.

Mr. Kyte, FA asked about fire suppression. Mr. Sutton said they are considering putting a tank by the entrance. Another possibility is putting a dry hydrant at a pond. They are still looking at both options. Mr. Kyte asked about the width of the streets. They will be 22 ft wide with a 7 ft. grass shoulder.

Ms. Latham, MDE stated a Water Appropriation Permit will be required for Final Plat approval.

Mr. Moore, DEH read the comments for the department. See attached.

Mr. Di Giacomo, on behalf of Mr. Markwardt, CCBoE read the comments of the department. See file.

Mr. Di Giacomo, P&Z read the comments for the department:  
Upon inspection, this proposal was found to be 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, notice is hereby given the jpg file submissions can be only 11 inches, maximum, in any direction. Adherence to that requirement will enable the County to better serve the public.

Zoning: NAR

Density: The NAR zone permits a maximum base density of 1 du/ 5 ac. A Concept Plat for this project was approved on 10/16/06, conditioned on:

- 6) The boundary line survey's being completed prior to TAC review of the Preliminary Plat;
- 7) Documentation of the JD's completion being received prior to the Planning Commission's review of the Preliminary Plat; and
- 8) A building setback and road dedication requirement modification being granted for the existing structure on proposed Lot 12.

It invoked the density provisions of §2.4.1 to propose 4 minor subdivision lots and 8 major subdivision lots on 41.5 acres, for a proposed density of 1/5.19. This plat has been submitted because it is possible that there may not actually be road frontage on Alexander Road. Consequently, an altered, but similar design (with the same proposed density) utilizing access off of Lombard Road instead. Staff will recommend approval of the new design/same density Concept Plat with all previous conditions, plus one that would rescind said approval should the Alexander Road frontage issue prove moot.

All previous comments remain in effect. Proposed Lot 12's existing structures are mostly within the required BRL as well as the area that ordinarily would be dedicated to the Board of County Commissioners in fee simple for possible future road improvements. Staff recommends that a modification be granted.

A boundary line survey must be done in conjunction with 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 ft<sup>2</sup> or more. On slopes between 15 and 25%, good engineering practices shall be used to ensure sediment and erosion control and slope stabilization before, during and after disturbance activities.<sup>34</sup>

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

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

A 25' buffer is required around all non-tidal wetlands and intermittent streams present. Permits are required from the (US Army) Corps of Engineers and MDE for all non-tidal wetland and stream impacts prior to recordation. A Jurisdictional Determination (JD) must be done prior to preliminary plat review by the Planning Commission.<sup>35</sup>

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

15% common open space is required; 15.3% is proposed.

No landscaping of the development envelope is required, and no sidewalks are recommended in the NAR zone.

Bufferyard Standard C is required, outside the right-of-way, along the road frontages of Alexander and Lombard Roads. Has any thought been given to alternatives that could better preserve the rural character of the area?

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

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 FSD was approved on 10/10/06.

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

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<sup>34</sup> The Cecil County Subdivision Regulations define steep slopes as "15 percent or greater incline." The Cecil County Zoning Ordinance defines steep slopes as consisting of a grade of 25% or more covering a contiguous area of 10,000 ft<sup>2</sup> or more. The Cecil County Forest Conservation Regulations define steep slopes as "areas with slopes greater than 25 percent slope."

<sup>35</sup> Per the Planning Commission's policy, established on 3/20/95 and revised on 1/16/96, so long as the wetlands are in the common open space or the forest retention area or the large lot, a **JD** need not be done.

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

A Landscape Agreement must be executed prior to recordation.

Deed restrictions for the long-term protection of the 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.

Proposed Lot 12 exceeds the 3:1 length to width ratio established in §7.4.2.

The proposed internal 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.

Documentation of all necessary easement agreements with Colonial Pipeline 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.

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

The applicant was reminded of the Monday noon submission deadline for review by the Planning Commission this month.

<b>School information:</b>	<u>Elementary</u>	<u>Middle</u>	<u>High School</u>
	<b>Calvert</b>	<b>Rising Sun</b>	<b>Rising Sun</b>
FTE	321	712	1129
Capacity	304	775	903
% Utilization	<b>106%</b>	<b>92%</b>	<b>125%</b>

**15) Wapiti Acres, Lots 7-84, Concept Plat, Turkey Point Road (MD Route 272), McCrone, Inc., Fifth Election District.**

Don Sutton with McCrone, Inc. and Mark Retz from the Diocese appeared and presented an overview of the project. Mr. Retz explained what the exact plans are for this proposal. For the past two years, the owners of the land and the State of Maryland have been working to conserve roughly 582 acres of land on the Elk Neck Peninsula. They feel this concept is required to preserve the conservation values and the asset values of the land that they own and plan to conserve hopefully in the next six months. At the present time, the Diocese main goal is to complete the land conservation and to move forward with their project of building a camp and preserving the wilderness setting that they provide around that camp facility.

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

1. A SWM plan, Road & Storm Drain plan, and a Mass & Final Grading plan must be approved by the CCDPW prior to submittal for Final Plat Approval. The fees for design review of this project must be provided at the time of first design submittals.
2. The minimum horizontal curvature radius for a Minor Road is 200'.

**3.** The following standard notes and requirements apply to this plat and project: The details of these notes and requirements will be identified in the record but will not be read at this time:

- 3.1 The Final Plat Lot Grading Note and the Lot Grading Plan Construction Limits Note.
- 3.2 Compliance with Sections 251-9.A (5), 251-13, and 251-15.D. of the Cecil County Stormwater Management Ordinance.
- 3.3 Requirements for Utility relocations.
- 3.4 Requirements for Stormwater Inspection and Maintenance Agreements
- 3.5 Requirements for Public Works Agreements.
- 3.6 Requirements for Driveways.

*Notes and requirements identified for record:*

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

Mr. King, SHA read the comments for the department. See attached.

Mr. Graham, Citizens Representative received several comments in regards to this project. Mr. Retz reiterated that they are not planning on building homes on this property they are only establishing density. Mr. Graham suggested that the Diocese hold a public meeting for purposes of informing the concerned citizens.

Mr. Kyte, FA asked them to please mark the streets in case of emergency during construction and also consider putting in a fire suppression tank.

Ms. Latham, MDE stated that there is an existing permit.

Mr. Moore, DEH read the comments for the department. See attached.

Mr. Di Giacomo, on behalf of Mr. Markwardt read the comments of the department. See file.

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

This proposal was found to be 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, notice is hereby given the jpg file submissions can be only 11 inches, maximum, in any direction. Adherence to that requirement will enable the County to better serve the public.

Zoning: NAR & RCA

Density: The NAR zone permits a base density of 1 du/ 5 ac. As suggested by the vicinity map, this property extends across Turkey Point Road, and a "Wapiti Estates" Concept Plat was approved for 6 lots on a 33-acre site, for a proposed overall density of 1/72.16, on 11/27/06, conditioned on:

- 1) The boundary line survey being completed prior to the TAC's review of any Preliminary Plat; and
- 2) Documentation of the JD's completion being submitted prior to the Planning Commission's review of the Preliminary Plat.

This Concept Plat proposes an additional 78 lots on the remaining 400 acres. Thus, 84 total lots on 433 total acres would yield an overall proposed density of 1/5.15. Thus, bonus density is still not an issue.

The RCA overlay zone permits a density of 1/20; however, no lots are proposed in the Critical Area portion of the property.

A boundary line survey must be done in conjunction with 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 ft<sup>2</sup> or more. On slopes between 15 and 25%, good engineering practices shall be used to ensure sediment and erosion control and slope stabilization before, during and after disturbance activities.<sup>36</sup>

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

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

A 25' buffer is required around all non-tidal wetlands and intermittent streams present. Permits are required from the (US Army) Corps of Engineers and MDE for all non-tidal wetland and stream impacts prior to recordation. A Jurisdictional Determination (JD) must be done prior to preliminary plat review by the Planning Commission.<sup>37</sup>

The habitats of rare, threatened, and endangered species must be avoided. An eagle's nest with the concentric protective zones has been depicted.

15% common open space is required; 73.48% is proposed for this section.

No landscaping of the development envelope is required and no sidewalks are recommended in the NAR zone.

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

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<sup>36</sup> The Cecil County Subdivision Regulations define steep slopes as "15 percent or greater incline." The Cecil County Zoning Ordinance defines steep slopes as consisting of a grade of 25% or more covering a contiguous area of 10,000 ft<sup>2</sup> or more. The Cecil County Forest Conservation Regulations define steep slopes as "areas with slopes greater than 25 percent slope."

<sup>37</sup> Per the Planning Commission's policy, established on 3/20/95 and revised on 1/16/96, so long as the wetlands are in the common open space or the forest retention area or the large lot, a JD need not be done.

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

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 (§5.1.C, Cecil County Forest Conservation Regulations).

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

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

A Landscape Agreement must be executed prior to recordation.

Deed restrictions for the long-term protection of the 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 internal road names will need to be approved by the County 911 Emergency Center prior to Planning Commission review of the Preliminary Plat.

A TIS will be required. It must be completed prior to the TAC's review of any Preliminary Plat.

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.

A Mini-road Maintenance Association for maintenance of the White Tail Trail 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.

<b>School information:</b>	<b><u>Elementary</u> Elk Neck</b>	<b><u>Middle</u> North East</b>	<b><u>High School</u> North East</b>
FTE	417	826	1110
Capacity	479	712	1009
% Utilization	<b>87%</b>	<b>116%</b>	<b>110%</b>

**16) The Villages of Walnut Lane, Lots 1-33, Concept Plat, Turkey Point Road (MD Route 272), McCrone, Inc., Fifth Election District.**

Don Sutton with McCrone and Mark Retz with the Diocese appeared and presented an overview of the project. This is the other parcel that is under the control of the conservation plan by the Dioceses. \*Note – Mr. Di Giacomo acknowledged the fact that the developer’s main purpose for the submittal is to preserve the land by proposing development. He also reminded the applicant that that fact needs to be made clear to the Planning Commission and upon approval, the approvals validity will be 2 years.

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

1. A SWM plan, Road & Storm Drain plan, and a Mass & Final Grading plan must be approved by the CCDPW prior to submittal for Final Plat Approval. The fees for design review of this project must be provided at the time of first design submittals.
2. The minimum horizontal curvature radius for a Minor Road is 200’.
3. The following standard notes and requirements apply to this plat and project: The details of these notes and requirements will be identified in the record but will not be read at this time:
  - 3.1 The Final Plat Lot Grading Note and the Lot Grading Plan Construction Limits Note.
  - 3.2 Compliance with Sections 251-9.A (5), 251-13, and 251-15.D. of the Cecil County Stormwater Management Ordinance.
  - 3.3 Requirements for Utility relocations.
  - 3.4 Requirements for Stormwater Inspection and Maintenance Agreements
  - 3.5 Requirements for Public Works Agreements.
  - 3.6 Requirements for Driveways.

***Notes and requirements identified for record:***

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

Mr. King, SHA read the comments for the department. See attached.

Mr. Graham, Citizen’s Representative had no comments other than the same as Wapiti Acres.

Mr. Kyte, FA asked that they mark the streets in case of an emergency during construction and also to consider fire suppression.

Ms. Latham, MDE stated a permit would be need for final plat approval.

Mr. Moore, DEH read the comments for the department. See attached.

Mr. Di Giacomo, on behalf of Mr. Markwardt, CCBoE read the comments of the department.

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

This proposal was found to be 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, notice is hereby given the jpg file submissions can be only 11 inches, maximum, in any direction. Adherence to that requirement will enable the County to better serve the public.

Zoning: NAR & RCA

Density: The NAR zone permits a base density of 1 du/ 5 ac. This Concept Plat proposes 33 lots on 182.2 acres, for a proposed density of 1/5.521. Thus, bonus density is a non- issue.

The RCA overlay zone permits a density of 1/20; 4 lots on 81.1 RCA acres would yield proposed density of 1/20.28. In the critical area, no structure shall exceed 35' in height.

No more than 20% of the forest or developed woodland may be removed, and no more than 15% of the surface area can be converted to impervious surface in the RCA.

A boundary line survey must be done in conjunction with 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 ft<sup>2</sup> or more. On slopes between 15 and 25%, good engineering practices shall be used to ensure sediment and erosion control and slope stabilization before, during and after disturbance activities.<sup>38</sup>

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

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

A 25' buffer is required around all non-tidal wetlands and intermittent streams present. Permits are required from the (US Army) Corps of Engineers and MDE for all non-tidal wetland and stream impacts prior to recordation. A Jurisdictional Determination (JD) must be done prior to preliminary plat review by the Planning Commission.<sup>39</sup>

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<sup>38</sup> The Cecil County Subdivision Regulations define steep slopes as "15 percent or greater incline." The Cecil County Zoning Ordinance defines steep slopes as consisting of a grade of 25% or more covering a contiguous area of 10,000 ft<sup>2</sup> or more. The Cecil County Forest Conservation Regulations define steep slopes as "areas with slopes greater than 25 percent slope."

<sup>39</sup> Per the Planning Commission's policy, established on 3/20/95 and revised on 1/16/96, so long as the wetlands are in the common open space or the forest retention area or the large lot, a **JD** need not be done.

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

15% common open space is required; 63.18% is proposed.

No landscaping of the development envelope is required and no sidewalks are recommended in the NAR zone.

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

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

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 (§5.1.C, Cecil County Forest Conservation Regulations).

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

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

A Landscape Agreement must be executed prior to recordation.

Deed restrictions for the long-term protection of the 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 internal road name will need to be approved by the County 911 Emergency Center prior to Planning Commission review of the Preliminary Plat.

A TIS will be required. The completion of the TIS should be done prior to the TAC's review of any preliminary plat.

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.

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.

School information:	Elementary	Middle	High School
	Elk Neck	North East	North East
FTE	417	826	1110
Capacity	479	712	1009
% Utilization	87%	116%	110%

**17) Lands of Michael W. Dickinson, Lots 1-9, Concept Plat, Elk River Lane, Old Elk Neck Road & Piney Creek Lane, McCrone, Inc., Fifth Election District.**

Don Sutton with McCrone appeared and presented an overview of the project. This site consists of 197.71 acres. This property had 2 deed restrictions placed on it as part of the contract of sale to Mr. Dickinson. One was to limit the number of dwelling units to 9 and a 750 ft. building restriction line off of Elk River Lane. They are proposing 5 lots to be accessed off of a proposed mini road and Lot 8 would access off of Elk River Lane and Lot 9 currently uses Piney Creek Lane.

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

1. A SWM plan, Road & Storm Drain plan, and a Mass and Final Grading plan must be approved by the CCDPW prior to submittal for Final Plat Approval.
2. Section 3.07.15 of the Road Code requires that Old Elk Neck Road be upgraded to a Minor Collector Road or equivalent standard for 100' either side of the proposed entrance location. 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. The developer must make a legitimate good faith effort to obtain all ROW required to accomplish these improvements. This effort must conform to Section 3.07.15 of the Road Code Guidance Manual. The applicant may seek a variance to these requirements if after these efforts the applicant is unable to obtain the necessary ROW.
3. The applicant must provide stopping sight distance measurements for the Old Elk neck Road access and Lot 8's driveway on Elk River Lane to DPW prior to preliminary plat submittal. Please mark the proposed entrance locations in the field.
4. Lots 1, 6, & 7 are denied direct access to Old Elk Neck Road and must be so indicated on the final plat and final lot grading plan.
5. Have you given any consideration as to how you will address SWM for this site? Preliminarily they had provided C.O.S. between Lot 2 & 3. They are still looking into it.
6. The following standard notes and requirements apply to this plat and project: The details of these notes and requirements will be identified in the record but will not be read at this time:
  - 6.1 The Final Plat Lot Grading and the Lot Grading Plan Construction Limits Note.
  - 6.2 Compliance with Sections 251-9.A(5), 251-13, and 251-15.D. of the Cecil County Stormwater Management Ordinance.
  - 6.3 Requirements for Utility relocations.
  - 6.4 Requirements for Public Works Agreements.
  - 6.5 Requirements for Stormwater Inspection and Maintenance Agreements.
  - 6.6 Requirements for Private Mini Roads.
  - 6.7 Requirements for Driveways.

**Notes and requirements identified for record:**

1. The Final Plat must include the Lot Grading Plan standard note and the Lot Grading Plan must include the standard construction limits note.
  - a. *Final Plat: "A lot grading plan has been approved by the CCDPW for the construction shown hereon. A site construction as built shall be submitted to the CCDPW prior to use and/or occupancy of any of the sites shown hereon. Any change to the Forest Retention, Forestation, and/or Reforestation will require a consistency review, of the SWM approval, with CCDPW."*

- b. *Grading Plan: "No clearing or grading is permitted beyond the limits of disturbance show hereon. Any expanded clearing and/or grading in the absence of an approved revised lot grading plan may be considered non-compliance with Chapter 251 of the Cecil County Code and either or both the developer and/or Builder may be subject to the enforcement of the penalty provisions therein."*
2. The downstream conveyance of storm water must be analyzed in accordance with Section 251-9 A. (5) of the county's SWM Ordinance. If stormwater discharge is directed off of the site on to adjacent property it is the responsibility of the Developer to obtain appropriate easements from the affected property owners per Sections 251-13 and 251-15.D of the Cecil County SWM Ordinance.
3. Where determined necessary by the utility companies, the owner, the designer, or DPW, utility poles must be relocated at the Developer's expense.
4. A Public Works Agreement is required for the streets & storm drainage construction.
5. An Inspection & Maintenance Agreement is required for the private SWM facilities.
6. The private mini-road subdivision and plans must adhere to the provisions of Section 2.13 of the Road Code which addresses requirements for private roads. A statement clearly outlining the responsibilities of the homeowners in the maintenance of roads and storm drainage systems must be approved by the Planning Commission and placed on the final plat. Deed restrictions must be developed and recorded in accordance with Road Code Section 2.13.D. If mini-road profile grades exceed 5%, the mini-road travel way and cul-de-sac must be paved in accordance with Section 2.13.F of the Road Code.
7. All driveways must be paved at least to the right of way. The driveway paving must be complete for all lots at the time when the surface course for the internal roads is installed. This requirement includes any vacant but platted lots. Any driveway exceeding 5% up-gradient-slope from the roadway must be paved to the crest. If the development is phased these requirements will apply to each phase when 80% of the lots are built-out. All of these requirements must be reflected on the Lot Grading Plan.

Mr. King, SHA had no comments.

Mr. Graham, Citizen's Representative, had several comments regarding this project. One included the possibility of contaminated soil off of Old Elk Neck Road. Apparently this was published in the Cecil Whig. He also mentioned some concern regarding drainage and water damage to driveways, etc. See file

Mr. Kyte, FA asked what their closes water suppression is to this site. Mr. Sutton said they are looking into some near by creeks.

Ms. Latham, MDE said they would not need a Water Appropriation Permit.

Mr. Moore, DEH read the comments for the department. See attached.

Mr. Di Giacomo, on behalf of Mr. Markwardt, CCBoE read the comments of the department. See File.

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

This proposal was found to be 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, notice is hereby given the jpg file submissions can be only 11 inches, maximum, in any direction. Adherence to that requirement will enable the County to better serve the public.

Zoning: NAR & RCA

Density: The NAR zone permits a maximum base density of 1 du/ 5 ac. This Concept Plat proposes 9 lots on 197.71 acres, for a proposed density of 1/21.967. Thus, bonus density is not an issue.

Only a portion of proposed Lot is in the Critical Area to yield an RCA density of 1/9.61.

A boundary line survey must be done in conjunction with 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 ft<sup>2</sup> or more. On slopes between 15 and 25%, good engineering practices shall be used to ensure sediment and erosion control and slope stabilization before, during and after disturbance activities.<sup>40</sup>

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

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

A 25' buffer is required around all non-tidal wetlands and intermittent streams present. Permits are required from the (US Army) Corps of Engineers and MDE for all non-tidal wetland and stream impacts prior to recordation. A Jurisdictional Determination (JD) must be done prior to preliminary plat review by the Planning Commission.<sup>41</sup>

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

No common open space is required; 2.69 acres are proposed.

No landscaping of the development envelope is required and no sidewalks are recommended in the NAR zone.

Bufferyard Standard C is required, outside the right-of-way, along the road frontages of Old Elk Neck Road. Why is a 100' BRL shown along Elk River Lane? Mr. Sutton said it may have been shown incorrect on the map that they used.

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

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 (§5.1.C, Cecil County Forest Conservation Regulations).

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

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

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<sup>40</sup> The Cecil County Subdivision Regulations define steep slopes as "15 percent or greater incline." The Cecil County Zoning Ordinance defines steep slopes as consisting of a grade of 25% or more covering a contiguous area of 10,000 ft<sup>2</sup> or more. The Cecil County Forest Conservation Regulations define steep slopes as "areas with slopes greater than 25 percent slope."

<sup>41</sup> Per the Planning Commission's policy, established on 3/20/95 and revised on 1/16/96, so long as the wetlands are in the common open space or the forest retention area or the large lot, a **JD** need not be done.

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 internal road name will need to be approved by the County 911 Emergency Center prior to Planning Commission review of the Preliminary Plat. Road names are required on Concept Plats, per §4.0.13 (h) of the Cecil County Subdivision Regulations.

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.

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

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.

School information:	Elementary	Middle	High School
	Elk Neck	North East	North East
FTE	417	826	1110
Capacity	479	712	1009
% Utilization	87%	116%	110%

**18) Louise**, Section 1, Revised Lot 8, 35 & 49, Section 2, Lots 12-26 & 41-48, Preliminary Plat, Doctor Jack and Waibel Roads, McCrone, Inc., Seventh Election District.

Mike Burcham with McCrone and Tom and Barry Montgomery, developers appeared and presented an overview of the project. They are presenting a revised plat showing a relocation of an entrance. In doing that, they had to adjust some of the lots.

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

1. A SWM plan, Road & Storm Drain plan, and a Mass and Final Grading plan must be approved by the CCDPW prior to submittal for Final Plat Approval.
2. Any Road Code Variances sought must be requested prior to submittal for Preliminary Plat approval.
3. Show all private stormwater management and stormwater management outfall easements across the common open space on the final plat(s). Public Stormdrainage easements must be separated from private stormwater management and access easements.
4. New entrance signage will be required and must be shown as to type and location on the internal street and subdivision access construction drawings.
5. 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.

6. DPW will need a sight distance for Herbies Curve.

7. The following standard notes and requirements apply to this plat and project: The details of these notes and requirements will be identified in the record but will not be read at this time:

- 6.1 The Final Plat Lot Grading and Lot Grading Plan Construction Limits Notes.
- 6.2 Compliance with Sections 251-9.A(5), 251-13, and 251-15.D. of the Cecil County Stormwater Management Ordinance.
- 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.
  - 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 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 from the roadway must be paved to the crest. If the development is phased these requirements will apply to each phase when 80% of the lots are built-out. All of these requirements must be reflected on the Lot Grading Plan.
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. King, SHA has left the meeting. He does not have any comments for this project.

Mr. Graham, Citizen's Representative had no comments.

Mr. Kyte, FA remarked that the proposed location of the suppression tank is in a appreciated by the department. He also asked that each home would have at least 4 parking spaces off the street. Mr. Montgomery asked Mr. Kyte what the criteria was for water reservoir tanks, how close and how many. Mr. Kyte said if there is not a viable water source within a mile of the development, they need some sort of water source. Mr. Montgomery said within a mile of this site there is a pond with what looks like a dry hydrant. Mr. Kyte is not aware of what it is. They will look into it.

Ms. Latham, MDE said they received an application for Louise unfortunately she was unable to look at the file. Ms. Latham asked about the owner's name. Mr. Montgomery said the owners are a LLC.

Mr. Moore, DEH read the comments for the department. See attached. Mr. Moore asked what they are proposing to do with the existing dwelling on Lot 12. Mr. Montgomery said it will probably be demolished. They have options that they are going to look into.

Mr. Di Giacomo, on behalf of Mr. Markwardt, CCBoE read the comments for the department. See file.

Mr. Di Giacomo, P&Z read the comments for the department:  
Upon inspection, this proposal was found to be 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, notice is hereby given the jpg file submissions can be only 11 inches, maximum, in any direction. Adherence to that requirement will enable the County to better serve the public.

Zoning: NAR

Density: The Concept Plat, proposing 5 minor subdivision lots and 44 major subdivision lots on 134.5 acres, was approved at the bonus NAR density of 1/3.06<sup>42</sup> on 1/21/06, conditioned on:

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

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

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

The boundary line survey has been completed. This Preliminary Plat is generally consistent with the previously-approved Concept and Preliminary Plats, except that it proposes one looped entrance, each, on Dr. Jack and Waibel Roads, increases the amount of common open space, reduces the size of proposed Lot 8 in Section 1, and then add proposed Lot 49 in the space gained by that lot size reduction.

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<sup>42</sup> §2.4.1 was invoked.

On slopes between 15 and 25%, good engineering practices shall be used to ensure sediment and erosion control and slope stabilization before, during and after disturbance activities.<sup>43</sup> Slopes greater than 25% have been shown – as have stream and wetland buffers.

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

A letter was received from MDE stating that available information indicates that groundwater in the vicinity is not expected to be affected by the contamination associated with the Woodlawn federal superfund site.<sup>44</sup> At the 6/19/06 Planning Commission review of the Section 1 Preliminary Plat, it was determined that all such questions must be fully resolved prior to any Final Plat review.

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

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

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

Rows of street trees with 10' planting easements are required, outside the right-of-way, along both sides of all internal roads. Where feasible, the natural vegetative equivalent may be used to satisfy the bufferyard and street tree requirements.

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

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

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

A Landscape Agreement must be executed prior to recordation.

Deed restrictions for the long-term protection of the 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 internal road names have been approved.

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

Covenants prohibiting the subdivision of the large lot must be recorded and noted on the plat prior to recordation.

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<sup>43</sup> The Cecil County Subdivision Regulations define steep slopes as "15 percent or greater incline." The Cecil County Zoning Ordinance defines steep slopes as consisting of a grade of 25% or more covering a contiguous area of 10,000 ft<sup>2</sup> or more. The Cecil County Forest Conservation Regulations define steep slopes as "areas with slopes greater than 25 percent slope."

<sup>44</sup> The letter also stated "... it would be prudent to consider the installation of sentry wells between the subdivision and the Woodlawn site to ensure that should any changes occur, they would be detected before potentially impacting the proposed subdivision."

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

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.

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

The applicant was reminded of the Monday noon submission deadline for review by the Planning Commission this month.

School information:	Elementary	Middle	High School
	Bainbridge	Perryville	Perryville
FTE	256	709	986
Capacity	455	688	860
% Utilization	56%	103%	115%

**19) The Lands of Phillip Warren Montgomery & Dara Lynn Montgomery, Lots 3A & 3B, Concept Plat, Jackson Park and Principio Roads, McCrone, Inc., Seventh Election District.**

Mike Burcham with McCrone appeared and presented an overview of the project. This project is Lot 3 of an approved minor subdivision plan which totaled roughly 19.6 acres. The Montgomery's would like to create one additional lot for Dara's father.

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

1. A SWM plan and a Mass & Final Grading plan must be approved by the CCDPW prior to submittal for Final Plat Approval. The fees for design review of this project must be provided at the time of first design submittals.
2. Sight distance measurements will be required for the proposed driveway access point for Lot 3B on to Principio Road. The proposed driveway centerline location must be marked in the field.
3. The following standard notes and requirements apply to this plat and project: The details of these notes and requirements will be identified in the record but will not be read at this time:
  - 3.1 The Final Plat Lot Grading Note and the Lot Grading Plan Construction Limits Note.
  - 3.2 Compliance with Sections 251-9.A (5), 251-13, and 251-15.D. of the Cecil County Stormwater Management Ordinance.
  - 3.3 Requirements for Utility relocations.
  - 3.4 Requirements for Stormwater Inspection and Maintenance Agreements
  - 3.5 Requirements for Driveways.

***Notes and requirements identified for record:***

1. The Final Plat must include the Lot Grading Plan standard note and the Lot Grading Plan must include the standard construction limits note.
  - a. *Final Plat:* "A lot grading plan has been approved by the CCDPW for the construction shown hereon. A site construction as built shall be submitted to the CCDPW prior to use and/or occupancy of any of the sites shown hereon. Any change to the Forest Retention, Forestation, and/or Reforestation will require a consistency review, of the SWM approval, with CCDPW."
  - b. *Grading Plan:* "No clearing or grading is permitted beyond the limits of disturbance show hereon. Any expanded clearing and/or grading in the absence of an approved revised lot grading plan may be considered non-compliance with Chapter 251 of the Cecil County Code and either or both the developer and/or Builder may be subject to the enforcement of the penalty provisions therein."
2. The downstream conveyance of storm water must be analyzed in accordance with Section 251-9 A. (5) of the county's SWM Ordinance. If stormwater discharge is directed off of the site on to adjacent property it is the responsibility of the

Developer to obtain appropriate easements from the affected property owners per Sections 251-13 and 251-15.D of the Cecil County SWM Ordinance.

3. Where determined necessary by the utility companies, the owner, the designer, or DPW, utility poles must be relocated at the Developer's expense.
4. An Inspection & Maintenance Agreement is required for the private SWM facilities.
5. All driveways must be paved at least to the right of way. The driveway paving must be complete for all lots at the time when the surface course for the internal roads is installed. This requirement includes any vacant but platted lots. Any driveway exceeding 5% up-gradient-slope from the roadway must be paved to the crest. If the development is phased these requirements will apply to each phase when 80% of the lots are built-out. All of these requirements must be reflected on the Lot Grading Plan.

Mr. Di Giacomo stated that SHA had no comments.

Mr. Graham, Citizen's Representative had no comments.

Mr. Kyte, FA had no comments.

Ms. Latham, MDE said they do not require a Water Appropriation Permit.

Mr. Moore, DEH read the comments for the department. See attached.

Mr. Di Giacomo, on behalf of Mr. Markwardt, CCBoE read the comments of the department. See file.

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

This project was found to be 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, notice is hereby given the jpg file submissions can be only 11 inches, maximum, in any direction. Adherence to that requirement will enable the County to better serve the public.

Zoning: NAR

Density: The NAR zone permits a maximum base density of 1 du/ 5 ac. This Concept Plat proposes 2 lots on 19.6 acres, for a proposed density of 1/9.8.

Proposed Lots 3A - 3B would result from dividing Lot 3 of Minor Subdivision # 3546. This is a major subdivision because all minor subdivision potential of the original parcel of record has been exhausted.<sup>45</sup>

Dwellings or impervious surfaces shall not occur on slopes with a grade of 25% or more covering a contiguous area of 10,000 ft<sup>2</sup> or more. On slopes between 15 and 25%, good engineering practices shall be used to ensure sediment and erosion control and slope stabilization before, during and after disturbance activities.<sup>46</sup>

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<sup>45</sup> The H. Barry Montgomery Lots 2A & 5 Preliminary-Final Plat was approved on 11/21/05, conditioned on:

- 1) Health Department requirements being met;
- 2) DPW requirements being met;
- 3) The FCP and Landscape Plan being approved prior to recordation;
- 4) The Landscape Agreement being executed prior to recordation; and
- 5) Deed restrictions for the long-term protection of any Forest Retention/Afforestation Areas (**FRAs**) being recorded and noted on the plat prior to recordation, with the metes and bounds description of any FRA being shown on the record plat.

<sup>46</sup> The Cecil County Subdivision Regulations define steep slopes as "15 percent or greater incline." The Cecil County Zoning Ordinance defines steep slopes as consisting of a grade of 25% or more covering a contiguous area of 10,000 ft<sup>2</sup> or more. The Cecil County Forest Conservation Regulations define steep slopes as "areas with slopes greater than 25 percent slope."

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.<sup>47</sup> The approved Minor Subdivision # 3546 shows the wetlands on Lot 3.

The habitats of rare, threatened, and endangered species must be avoided. No common open space is required. 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 Jackson Park and Principio Roads.

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

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

An FSD was approved on 11/1/04.

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

An FCP for Lots 1-4 was approved on 1/13/05, in conjunction with Minor Subdivision 3546. Because the proposed lots are not shown, a revised FCP and Landscape Plan must be submitted. Technically, they cannot be approved because they are inconsistent with because a recorded plat. Therefore, although they ordinarily must be approved prior to the Planning Commission's review of the Final Plat, in this case, they must be approved prior to recordation.

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 contiguous operating farms notice has been provided on the plat.

The applicant was reminded of the Monday noon submission deadline for review by the Planning Commission this month.

School information:	Elementary	Middle	High School
	Rising Sun	Perryville	Perryville
FTE	819.5	709	986

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<sup>47</sup> Per the Planning Commission's policy, established on 3/20/95 and revised on 1/16/96, so long as the wetlands are in the forest retention area, a JD need not be done.

Capacity	615	688	860
% Utilization	133%	103%	115%

**20) Bohemia Crossing**, Lots 1-10 (Lots 11-15 are proposed in New Castle County, Delaware), Concept Plat, Old Telegraph Road, Landmark Consulting Engineers, Inc., Second Election District.

Bruce Tease with Landmark appeared and presented an overview of the project. This plan is very similar to the prior plan that was presented at the Nov. TAC and Nov. PC meetings. They have revised the plan to show Parcel A (in Cecil County) to be 10 lots and 5 lots on Parcel C (in New Castle County). They removed 3 lots from the last submittal. They have proposed to keep all development away from Bohemia Creek. In November, the PC disapproved the plan. They believe they have corrected everything they had recommended.

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

1. A SWM plan, Road & Storm Drain plan, and a Mass and Final Grading plan must be approved by the CCDPW prior to submittal for Final Plat Approval.
2. Applicant must provide stopping sight distance measurements for the Old Telegraph Road access to DPW prior to preliminary plat submittal. Please mark the proposed entrance locations in the field by flagging or stake on the roadside bank.
3. Has any consideration been given to locating the proposed entrance farther north than is shown? In visiting the site the visibility to the south on Old Telegraph Road appears challenging to say the least. As with all projects the stopping sight distance obtainable must meet AASHTO standards for a safe entrance condition.
4. A protocol 3 road condition survey & road improvements plan for Old telegraph Road, along the entire frontage of this development, must be submitted to the Department prior to submitting the preliminary plat to the TAC. See the Road Code Guidance Manual for these requirements.
5. Section 3.07.15 of the Road Code requires that Old Telegraph Road be upgraded to a Minor Collector Road or equivalent 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. The developer must make a legitimate good faith effort to obtain all ROW required to accomplish these improvements. This effort must conform to Section 3.07.15 of the Road Code Guidance Manual. The applicant may seek a variance to these requirements if after these efforts the applicant is unable to obtain the necessary ROW.
6. Geo-technical analysis of all road crossings of wetlands/streams to determine suitability of the sub-base to support a county road. This analysis must be included in the road & storm drain design submittal.
7. ~~The road frontage dedication requirement is for a fee simple 30' wide strip measured from the roadway centerline. The correct note must read "30' wide strip of land to be dedicated in fee simple to the Board of County Commissioners of Cecil County".~~
8. The minimum horizontal curvature radius for a Minor Road is 200'.
9. The driveway for Lots 4 must be a minimum of 75' from the centerline of the intersection.
10. Have you given any consideration as to how you will address SWM for this site? Yes.
11. For the portion of the development in Delaware the applicant must comply with all pertinent requirements imposed by them in regards to SWM, lot grading, building permits, etc...
12. The following standard notes and requirements apply to this plat and project: The details of these notes and requirements will be identified in the record but will not be read at this time:
  - 12.1 The Final Plat Lot Grading and the Lot Grading Plan Construction Limits Note.

- 12.2 Compliance with Sections 251-9.A(5), 251-13, and 251-15.D. of the Cecil County Stormwater Management Ordinance.
- 12.3 Requirements for Utility relocations.
- 12.4 Requirements for Public Works Agreements.
- 12.5 Requirements for Stormwater Inspection and Maintenance Agreements.
- 12.6 Requirements for County Roads.
- 12.7 Requirements for Driveways.

***Notes and requirements identified for record:***

1. The Final Plat must include the Lot Grading Plan standard note and the Lot Grading Plan must include the standard construction limits note.
  - a. *Final Plat: "A lot grading plan has been approved by the CCDPW for the construction shown hereon. A site construction as built shall be submitted to the CCDPW prior to use and/or occupancy of any of the sites shown hereon. Any change to the Forest Retention, Forestation, and/or Reforestation will require a consistency review, of the SWM approval, with CCDPW."*
  - b. *Grading Plan: "No clearing or grading is permitted beyond the limits of disturbance show hereon. Any expanded clearing and/or grading in the absence of an approved revised lot grading plan may be considered non-compliance with Chapter 251 of the Cecil County Code and either or both the developer and/or Builder may be subject to the enforcement of the penalty provisions therein."*
2. The downstream conveyance of storm water must be analyzed in accordance with Section 251-9 A. (5) of the county's SWM Ordinance. If stormwater discharge is directed off of the site on to adjacent property it is the responsibility of the Developer to obtain appropriate easements from the affected property owners per Sections 251-13 and 251-15.D of the Cecil County SWM Ordinance.
3. Where determined necessary by the utility companies, the owner, the designer, or DPW, utility poles must be relocated at the Developer's expense.
4. A Public Works Agreement is required for the streets & storm drainage construction.
5. An Inspection & Maintenance Agreement is required for the private SWM facilities.
6. The street R.O.W. entrance tapers must be offset 25' from the R.O.W. point of intersection and be straight lines, per 7.2.12.E.3 of the Subdivision Regulations. The internal street grade leaving Old Telegraph Road may not exceed 5% within the limits of the intersection right-of-way.
7. All driveways must be paved at least to the right of way. The driveway paving must be complete for all lots at the time when the surface course for the internal roads is installed. This requirement includes any vacant but platted lots. Any driveway exceeding 5% up-gradient-slope from the roadway must be paved to the crest. If the development is phased these requirements will apply to each phase when 80% of the lots are built-out. All of these requirements must be reflected on the Lot Grading Plan.

Mr. Di Giacomo stated that SHA had no comments.

Mr. Graham, Citizen's Representative had received a few comments regarding wildlife habitats in the area and the overcrowding of schools. See file.

Mr. Kyte, FA asked if they were considering a fire suppression tank. Mr. Tease said they were considering a tank. Mr. Kyte also asked to have 4 off street parking spaces per house.

Ms. Latham, MDE stated that a Water Appropriation Permit is not required.

Mr. Moore, DEH read the comments for the department. See attached.

Mr. Di Giacomo, on behalf of Mr. Markwardt, CCBoE read the comments of the department. See file.

Mr. Di Giacomo, P&Z read the comments for the department:  
 Upon re-inspection, this proposal was found to be 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, notice is hereby given the jpg file submissions can be only 11 inches, maximum, in any direction. Adherence to that requirement will enable the County to better serve the public.

Zoning: SAR and RCA

Density: The SAR zone permits a maximum base density of 1 du/ 8 ac. Invoking the density provisions of §2.4.1, 4 minor and 6 major subdivision lots are proposed on 49.20 acres, for a proposed bonus density of 1/8.2, with another 5 lots proposed in New Castle County. Thus, bonus density is not an issue.

No lots are proposed within the 5.14 acres located in the Critical Area RCA overlay zone. The plat incorrectly states that 6.19 acres are in the Critical area; that must be corrected, as must other modifications to coefficients in the areas of natural constraints table.

An environmental assessment must be submitted in accordance with §200.1 of the Zoning Ordinance.

As to the development of the proposed lots in New Castle County, respective Final Plats for this project must be approved in both counties prior to recordation in either county.

A boundary line survey must be done in conjunction with 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 ft<sup>2</sup> or more. On slopes between 15 and 25%, good engineering practices shall be used to ensure sediment and erosion control and slope stabilization before, during and after disturbance activities.<sup>48</sup>

Slopes greater than 25% must again 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'. It appears that the perennial stream buffer must be expanded.

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 completed prior to Preliminary Plat review by the Planning Commission.<sup>49</sup>

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

15% common open space is required; 58.90% is proposed.

No landscaping of the development envelope is required and no sidewalks are recommended in the SAR zone.

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

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<sup>48</sup> The Cecil County Subdivision Regulations define steep slopes as "15 percent or greater incline." The Cecil County Zoning Ordinance defines steep slopes as consisting of a grade of 25% or more covering a contiguous area of 10,000 ft<sup>2</sup> or more. The Cecil County Forest Conservation Regulations define steep slopes as "areas with slopes greater than 25 percent slope."

<sup>49</sup> Per the Planning Commission's policy, established on 3/20/95 and revised on 1/16/96, so long as the wetlands are in the common open space or the forest retention area or the large lot, a **JD** need not be done.

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

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.

Because the Natural Heritage Service has exceeded their 30-day response window, the FSD was conditionally approved on 11/16/06. The Natural Heritage Letter must be submitted prior to PFCP approval, and any recommended species surveys must be completed prior to the TAC's review of any Preliminary Plat.

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

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

A Landscape Agreement must be executed prior to recordation.

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

Road names must be approved by the County 911 Emergency Center prior to Planning Commission review of the Preliminary Plat. Since New Castle County 911 will handle, and the Middletown Fire Company will respond to, emergency calls for the 5 proposed NCC homes, then documentation of NCC's approval of the road name on which the NCC lots front will also be required prior to the Planning Commission's review of any Preliminary Plat.

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.

No more than 20% of the forest or developed woodland may be removed, and no more than 15% of the surface area can be converted to impervious surface in the RCA. In the Critical Area, no structure shall exceed 35' in height.

The GAP will need to be issued prior to Final Plat review. Coordination between MDE and DNREC may be necessary.

The Cecil County Public Schools report that potential students in the 5 NCC homes would be served by schools of the Appoquinimink School District.

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.

School information:	Elementary	Middle	High School
	Cecilton	Bo Manor	Bo Manor
FTE	306	513	717
Capacity	295	-----1244-----	
% Utilization	104%	99%	99%

**21) The Estates of Slicer’s Mill, Lots 1-13, Revised Concept/Preliminary Plat, Slicer’s Mill Road, KCI Technologies, Inc., Sixth Election District.**

Brian Morgan with KCI Technologies appeared and presented an overview of the project. The Concept plan that was approved had some incorrect information. Presented is the revised proposal. Proposed is an open section road for Lydia Isabella Way. They are proposing 11 major subdivision lots and 2 minor subdivision lots. They are also proposing now to follow the alignment of an existing crossing and do a private mini road to access the lots to the eastern segment of the property.

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

1. 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. The fees for design review of this project must be provided at the time of first design submittals.
2. Stone Run is designated a Class III-P stream and thermal impact form SWM pond discharge must be addressed in accordance with the MDE 2000 design Manual.
3. ~~How do plan on addressing the requirements of Road Code Section 3.07 as to accel/decal lane requirements.~~
4. The proposed Lydia Isabella Way grade may not exceed 5% within the intersection ROW.
5. The entrance geometry for Lydia Isabella Way remains challenging. While the applicant’s engineer has met with the Department to discuss this issue we recommend that proposed solutions be submitted for review prior to final design of the road & storm drain plans for this project. The applicant should begin considering acquiring the necessary easements to provide for a safe ingress & egress to this site as well as be aware of the potential for offsite road improvements on Slicer’s Mill Road.
6. What is indicated by the heavy line inside the LOD line along Slicer’s Mill Road at the proposed entrance? ROW
7. The Department has concerns that temporary/permanent easements may be needed on the D. Sprout & J. Horney properties to properly tie the drainage ditch embankments into existing grading. The Department will not support the use of retaining walls on a county road.
8. The ROW line for Lydia Isabella Way must be continued across Lauren Marie Court to indicate a private ROW for the mini road. Lauren Marie Court is in non-compliance with Standard Detail R- 15 of the Road Code. It must end in a cul-de-sac bulb not a tee-turnaround.
9. Applicant must obtain the Susquehanna Power Company right-of-way and easement dedication conditions and approval for construction of the internal county road (Lydia Isabella Way). The Susquehanna Power Company 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.
10. Any Road Code Variances sought must be requested prior to submittal of the Preliminary Plat to the Planning Commission for review.

11. ~~The Department has made a site visit to determine in general if sight distance issues exist. This is not to be misconstrued as approval of final sight distance requirements for this project. Stopping sight distance measurements must still be submitted for review.~~
12. The following standard notes and requirements apply to this plat and project: The details of these notes and requirements will be identified in the record but will not be read at this time:
  - 12.1 The Final Plat Lot Grading Note and the Lot Grading Plan Construction Limits Note.
  - 12.2 Compliance with Sections 251-9.A(5), 251-13, and 251-15.D. of the Cecil County Stormwater Management Ordinance.
  - 12.3 Compliance with Section 3.07.15 of the Cecil County Road Code.
  - 12.4 Requirements for Utility relocations.
  - 12.5 Requirements for Public Works Agreements.
  - 12.6 Requirements for Stormwater Inspection and Maintenance Agreements
  - 12.7 Requirements for County Roads.
  - 12.8 Requirements for Driveways.
  - 12.9 Requirements for Stopping Sight Distance
  - 12.10 Requirements for Private Mini Roads

**Notes and requirements identified for record:**

1. The Final Plat must include the Lot Grading Plan standard note and the Lot Grading Plan must include the standard construction limits note.
  - a. *Final Plat: "A lot grading plan has been approved by the CCDPW for the construction shown hereon. A site construction as built shall be submitted to the CCDPW prior to use and/or occupancy of any of the sites shown hereon. Any change to the Forest Retention, Forestation, and/or Reforestation will require a consistency review, of the SWM approval, with CCDPW."*
  - b. *Grading Plan: "No clearing or grading is permitted beyond the limits of disturbance show hereon. Any expanded clearing and/or grading in the absence of an approved revised lot grading plan may be considered non-compliance with Chapter 251 of the Cecil County Code and either or both the developer and/or Builder may be subject to the enforcement of the penalty provisions therein."*
2. The downstream conveyance of storm water must be analyzed in accordance with Section 251-9 A. (5) of the county's SWM Ordinance. If stormwater discharge is directed off of the site on to adjacent property it is the responsibility of the Developer to obtain appropriate easements from the affected property owners per Sections 251-13 and 251-15.D of the Cecil County SWM Ordinance.
3. Section 3.07.15 of the Road Code directs that Slicer's Mill 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 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. All curves must comply with the Road Code (Section 3.04). 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 from the roadway must be paved to the crest. If the development is phased these requirements will apply to each phase when 80% of the lots are built-out. All of these requirements must be reflected on the Lot Grading Plan.
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.
10. The private mini-road subdivision and plans must adhere to the provisions of Section 2.13 of the Road Code which addresses requirements for private roads. A statement clearly outlining the responsibilities of the homeowners in the maintenance of roads and storm drainage systems must be approved by the Planning Commission and placed on the final plat. Deed restrictions must be developed and recorded in accordance with Road Code Section 2.13.D. If mini-road profile grades exceed 5%, the mini-road travel way and cul-de-sac must be paved in accordance with Section 2.13.F of the Road Code.

Mr. Di Giacomo stated the SHA had no comments.

Mr. Graham, Citizen's Representative had no comments.

Mr. Kyte, FA asked about having a fire suppression tank. Depending on the size of the homes they will need either a 20,000 or a 30,000 gallon tank will be needed.

Ms. Latham, MDE said a Water Appropriation permit was already issued.

Mr. Moore, DEH read the comments for the department. See attached.

Mr. Di Giacomo, on behalf of Mr. Markwardt, CCBoE read the comments of the department. See file.

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

This proposal was found to be 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, notice is hereby given the jpg file submissions can be only 11 inches, maximum, in any direction. Adherence to that requirement will enable the County to better serve the public.

Zoning: NAR

Density: The NAR zone permits a density of 1 du/ 5 ac. The Concept Plat, which included 2 minor and 11 major subdivision lots on 57.375 acres, for a density of 1/5.2159, was approved on 6/19/06, conditioned on:

- 1) A JD being completed prior to the Planning Commission's review of the Preliminary Plat;
- 2) A boundary line survey being completed prior to the TAC's review of the Preliminary Plat;  
and
- 3) The § 174.b (2) being granted for Slicer's Mill Way, so long as it continues follow the alignment of an existing lane.

While this Preliminary Plat is consistent with the Concept's density approval, this submission represents significant design changes, including a new layout and new street names. Therefore, a revised Concept Plat must be submitted for the Planning Commission to approve the new, proposed layout prior to any Preliminary Plat review.

Has the boundary line survey been completed (thus explaining the acreage change)? Yes.

Dwellings or impervious surfaces shall not occur on slopes with a grade of 25% or more covering a contiguous area of 10,000 ft<sup>2</sup> or more. On slopes between 15 and 25%, good engineering practices shall be used to ensure sediment and erosion control and slope stabilization before, during and after disturbance activities.<sup>50</sup>

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

A 110' perennial stream buffer is required from all perennial streams present. This buffer shall be expanded to include contiguous areas of hydric soils, highly erodible soils, and soils on slopes greater than 15% -- to a maximum distance of 160'. Proposed Lot 13's septic area appears to be partially in non-tidal wetlands.

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<sup>50</sup> The Cecil County Subdivision Regulations define steep slopes as "15 percent or greater incline." The Cecil County Zoning Ordinance defines steep slopes as consisting of a grade of 25% or more covering a contiguous area of 10,000 ft<sup>2</sup> or more. The Cecil County Forest Conservation Regulations define steep slopes as "areas with slopes greater than 25 percent slope."

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.<sup>51</sup>

The site contains no habitats of rare, threatened, and endangered species.

15% common open space is required; 20.27% (was 15.16%) is proposed.

No landscaping of the development envelope is required and no sidewalks are recommended in the NAR zone.

Bufferyard Standard C is required, outside the right-of-way, along the Slicer's Mill Road frontages.

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

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 FSD was approved on 5/18/06.

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

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

A Landscape Agreement must be executed prior to recordation.

Deed restrictions for the long-term protection of the 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.

Previous road names (Slicer's Mill Court and Slicer's Mill Way) have been approved. The new proposed road names must be approved by the 911 emergency center prior to the Planning Commission's review of the Preliminary Plat.

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.

Portions of the proposed roads located in the perennial and intermittent stream buffers or wetlands and buffers. Those buffers need to be more clearly delineated on any plat submitted for review by the Planning Commission.

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<sup>51</sup> Per the Planning Commission's policy, established on 3/20/95 and revised on 1/16/96, so long as the wetlands are in the common open space or the forest retention area or the large lot, a JD need not be done.

Pursuant to § 7.2.12.B.9, a mid-block turnaround has been provided on Slicer’s Mill Way.

The Susquehanna Power Company will need to provide verification that they have approved the proposed impacts to the right of way.

What are the symbols depicted in the Susquehanna Power Company right-of-way? Towers.

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.

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

**22) The Lands of Ronald A. Guns and Linda L. Guns, Lots 3 & 4, Concept Plat, Tony’s Road, C. Robert Webb, Professional Land Surveyor, Third Election District.**

C. Robert Webb, surveyor appeared and presented an overview of the project. They would like to subdivide for his children.

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

1. A SWM plan and a Mass & Final Grading plan must be approved by the CCDPW prior to submittal for Final Plat Approval. The fees for design review of this project must be provided at the time of first design submittals.
2. The Department recommends that a common driveway access on to Tony’s Road be provided for Lots 3 & 4.
3. Sight distance measurements will be required for the proposed driveway access points for Lots 3 & 4. The proposed driveway centerline locations must be marked in the field.
4. The following standard notes and requirements apply to this plat and project: The details of these notes and requirements will be identified in the record but will not be read at this time:
  - 4.1 The Final Plat Lot Grading Note and the Lot Grading Plan Construction Limits Note.
  - 4.2 Compliance with Sections 251-9.A (5), 251-13, and 251-15.D. of the Cecil County Stormwater Management Ordinance.
  - 4.3 Requirements for Utility relocations.
  - 4.4 Requirements for Stormwater Inspection and Maintenance Agreements
  - 4.5 Requirements for 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.
  - 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. Where determined necessary by the utility companies, the owner, the designer, or DPW, utility poles must be relocated at the Developer’s expense.
4. An Inspection & Maintenance Agreement is required for the private SWM facilities.

All driveways must be paved at least to the right of way. The driveway paving must be complete for all lots at the time when the surface course for the internal roads is installed. This requirement includes any vacant but platted lots. Any driveway exceeding 5% up-gradient-slope from the roadway must be paved to the crest. If the development is phased these requirements will apply to each phase when

Mr. Di Giacomo stated that SHA had no comments.

Mr. Graham, Citizen’s Representative had no comments.

Mr. Kyte, FA had no comments.

Ms. Latham, MDE said this does not require a Water Appropriation Permit.

Mr. Moore, DEH read the comments for the department. See attached.

Mr. Di Giacomo, on behalf of Mr. Markwardt, CCBoE read the comments of the department.

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

This proposal was found to be 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, notice is hereby given the jpg file submissions can be only 11 inches, maximum, in any direction. Adherence to that requirement will enable the County to better serve the public.

Zoning: NAR

Density: The NAR zone permits a base density of 1 du/ 5 ac. This Concept Plat<sup>52</sup> proposes 2 lots on 10.37 acres for a density of 1/5.18. Thus, bonus density is not an issue.

Parcel 557 was added to Parcel 144 through the approval of Minor Sub. 1742. Therefore, the total acreage of parcels 144 and 557 are included for density calculation purposes.

All adjoining property owner information will need to be included on the Concept Plat submitted for Planning Commission review (4.0.13(b)).

The name and address of the owner will need to be included on the Concept Plat submitted for Planning Commission review (4.0.13(e)).

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<sup>52</sup> Parcel 144 has exhausted minor subdivision eligibility through the creation of parcels 558, 613, 635 & 636.

A boundary line survey must be done in conjunction with the preparation of the Preliminary Plat<sup>53</sup> for density calculation purposes.

The project is proposing to add the remainder of Parcel 144 (7.55 acres) to Parcel 415(1.64 acres) to increase Parcel 415 to 9.19 acres per Tax Assessment records. The add-on note will need to be added to the concept plat submitted for Planning Commission review.

The layout of all proposed and existing lots with appropriate dimensions and area need to be included on the concept plat submitted for Planning Commission review. (4.0.13(j))

The zoning classification of the tract needs to be shown on the concept plat submitted for Planning Commission review. (4.0.13(l))

Dwellings or impervious surfaces shall not occur on slopes with a grade of 25% or more covering a contiguous area of 10,000 ft<sup>2</sup> or more. On slopes between 15 and 25%, good engineering practices shall be used to ensure sediment and erosion control and slope stabilization before, during and after disturbance activities.<sup>54</sup>

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

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

A 25' buffer is required around all non-tidal wetlands and intermittent streams present. Permits are required from the (US Army) Corps of Engineers and MDE for all non-tidal wetland and stream impacts prior to recordation. 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.

No common open space is required for fewer than 10 lots.

No landscaping of the development envelope is required and no sidewalks are recommended in the NAR zone.

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

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

Where feasible, the natural vegetative equivalent may be used to satisfy the bufferyard requirements.

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

The project is proposing the creation of two lots for children of the owner and is invoking exemption 3.2K of the Cecil County Forest Conservation Regulations. Accordingly, an FSD, PFCP and FFCP will not be required.

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<sup>53</sup> §2.0 of the Subdivision Regulations allows for a combined Preliminary-Final Plat if there are from 1 to 5 lots.

<sup>54</sup> The Cecil County Subdivision Regulations define steep slopes as "15 percent or greater incline." The Cecil County Zoning Ordinance defines steep slopes as consisting of a grade of 25% or more covering a contiguous area of 10,000 ft<sup>2</sup> or more. The Cecil County Forest Conservation Regulations define steep slopes as "areas with slopes greater than 25 percent slope."

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

A Landscape Agreement must be executed prior to recordation.

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.

School information:	Elementary	Middle	High School
	Leeds	Cherry Hill	North East
FTE	385	571	1110
Capacity	364	754	1009
% Utilization	106%	76%	110%

Meeting was adjourned at 3:40 p.m.

Respectfully submitted,  
*Jennifer Bakeoven*