

CECIL COUNTY TECHNICAL ADVISORY COMMITTEE
Wednesday, February 7, 2007, 9:00 a.m.
County Administration Building
107 North Street, Elkton, Maryland

Present: Di Giacomo, Tony (CCP&Z), Woodhull, Mark (CCDPW), Moore, Joe (DEH), Graham, Daniel (Citizen's Representative), King, Butch, (SHA), Davis, Gary (SHA), Bakeoven, Jennifer (CCP&Z)

Absent: Cwiek, Philip (USACoE), Ouano, Jun (Delmarva Power), Markwardt, Bob (CCBoE), Brown, Chris (CCSCS), Latham, Cynthia (MDE), Kyte, Jim (FA)

Mr. Di Giacomo called the meeting to order at 9:00 a.m.

1) Lands of Roger Dale Poffenbarger, Lot 1 plus Remaining Lands, Concept Plat, MD Rte. 276 and Dr. Jack Road, Will Whiteman Land Surveying, Inc., Sixth Election District.

Will Whiteman appeared and presented an overview of the project. There is an existing building, a mobile home and sheds on the remaining lands. On proposed Lot 1 an existing business (Rick's Crabs) is located. There is also a liquor store located, various out buildings and a concrete block building that is still being used to do welding. There are a number of trailers and small buildings that are proposed to be removed. The restaurant, liquor store and concrete block building are to remain on site. This is an existing situation. When the restaurant was built, it was built over the easterly property line.

Mr. Di Giacomo asked how that happened. Mr. Whiteman believes the owners didn't know where the property lines were.

While doing the current property line survey, they found the building to be over the property line. Mr. Kelso, who is looking to purchase this land, has approached Mr. Marshall, which is the owner to north and the east. Mr. Marshall is willing to grant them six (6) feet as an addition. This would put the restaurant on the land with 1.8 feet to spare. Mr. Whiteman stated he will be looking to the Planning Commission for recommendation at to the building restriction lines. On the plat the cross easements are also shown for people going to the store or restaurant.

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

1. It appears that this subdivision is for the purpose of creating a new lot around existing structures. Any future development proposed on either Lot 1 or the Remaining Lands will require that a SWM plan and a Mass and Final Grading plan be approved by the CCDPW prior to approval of any building permits.

Mr. Woodhull asked Mr. Whiteman if there was a parking area on the Marshall's property. Mr. Whiteman said yes.

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

Mr. Graham, Citizen's Representative received a call from Debra Marshall wanting to know what was happening today at the TAC meeting.

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

Mr. Di Giacomo, on behalf of MDE, stated that a water appropriation and use permit was issued to Mr. Poffenbarger. When the transfer of the property is complete, the new owner will have to apply to MDE for a revised permit.

Mr. Di Giacomo gave Mr. Whiteman the soil map and report from SCS.

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: BG

Is proposed Lot 1 0.993 acres in size before or after the proposed 0.28-acre add-on from Parcel 517?
Mr. Whiteman said it is the combination, he will check into it.

BEFORE – Density: One lot plus remaining lands are proposed on 2.697 acres.

AFTER – Density: One lot plus remaining lands are proposed on 2.417 acres.¹

Both proposed Lot 1 and the remaining lands meet the BG zone's minimum lot size requirement. Why haven't the proposed remaining lands been proposed a lot number? Mr. Whiteman said they were just shown as "Remaining Lands". He asked Mr. Di Giacomo if he would like it to have a lot number. Mr. Di Giacomo advised that it may be helpful for the future reference.

Note # 5 indicates that the boundary line survey has been completed.

The restaurant on proposed Lot 1 is currently located across the property line, and 2 structures are located within the front and side BRLs. Therefore, per Note # 10, a setback modification is requested. The front setback is cited in Note # 4, but not shown on the plat.

What will be the disposition of the trailer shown partially on both the remaining lands and proposed Lot 1? It will be moved over onto the remaining lands. On the remaining lands, a number of structures are shown inside the rear BRL. What will be their disposition? They have not discussed that yet.

¹ §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.

The vicinity map shows a roadway on the southern border of this parcel. The plat's schematic rendering suggests it is the Bainbridge Market. Which is correct? Mr. Whiteman said it was taken off of an old tax map; the island is not in there.

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

Unless new construction is proposed, a JD will not be required. Any new construction will require a site plan, and the JD issue will be dealt with at that time.

If the applicant is proposing a §3.2N exemption, then that must be noted on the plat.

The BG zone's landscaping and bufferyard requirements (including those covered in §187.2) will come into play when and if a site plan may be required.

The adjacent properties' zoning has not been shown.

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 any site plan approval.

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.

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

2) Mank's Pond, Lots 5-34, Concept Plat, Oldfield Point Road, Will Whiteman Land Surveying, Inc., Sixth Election District.

Will Whiteman appeared and presented an overview of the project. This will be the third Concept Plat submission that has been presented to the Planning Commission. The first time this was presented they showed a layout that was consistent with the layout presented today with the exception of the roads. There had been a Concept plan submitted for the land to the south named Boettcher. That plan had shown a connecting road to Mank's Pond. When Mank's Ponds submitted their original layout, it did not show a connecting road to the Boettcher property however it was suggested. In 2004, another Concept plan was submitted with similar configuration showing a connecting road to the Boettcher property. Mr. Whiteman understands the Boettcher property has moved on to Preliminary plat with a connector road to the Mank's Pond property shown. After looking at the percolation tests completed on the site, there was no way the Mank's property was going to be able to achieve the lots shown on the previous plats. In the new layout, a number of changes have been made to the plan. Those changes include less roadway and they took out the connector road to the Boettcher property. In the process, 7 lots were lost due to the percolation tests done on site. The size of the common open space was also increased.

Mr. Woodhull, DPW read the comments of 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 directs that Oldfield Point Road must be upgraded for a distance of 100' either side of the point of intersection between Oldfield Point Road and the proposed roads. 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. Why does the road name change at the intermediate turnaround? Mr. Whiteman said this should be one road. Mr. Di Giacomo added that Emergency Services had no problem with the two road names but Mr. Kyte, Fire Chief Rep. did question the names. As proposed this is one road.
4. Pondsider Court was previously proposed as a private mini-road. Is this still the case? Yes.
5. If it is a private mini-road the ROW must be 36' wide. If it is proposed as a public road it must be built to minor road standards including the cul-de-sac is in non-compliance
6. The County ROW line along Oldfield Point Road must be extended across the proposed private mini-road.
7. Why was the previously approved interconnectivity to the Lands of Boettcher eliminated? Due to perc testing and other factors, the original approved plat was revised which did not include the connection to the Boettcher property.
8. Any applicable Road Code Waivers must be requested prior to submittal for Preliminary Plat approval.
9. A Road Code Variance has been granted for the Private Mini-road in regards to the use of the existing paving.
10. Sight distance measurements must be submitted for all entrances to the DPW to establish compliance with the Cecil County Road Code. These could not be found in our files. Applicant is requested to resubmit.

11. Are you proposing a SWM Area located on Lot 33? Yes, this was a recommendation by Jim Ryan, Engineering of the project. The DPW strongly recommends that all SWM facilities and required access to them be located in common open space as was the case in the previously approved Concept Plat. Also verify the acreage of Lot 33. It does not appear to be over 5 acres in size.
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 Requirements for Utility relocations.
 - 12.4 Requirements for Stormwater Inspection and Maintenance Agreements
 - 12.5 Requirements for Public Works Agreements.
 - 12.6 Requirements for Driveways.
 - 12.7 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. King, SHA read the comments for the department. See attached.

Mr. Davis, SHA joined the meeting at this time.

Mr. Graham, Citizen’s Representative received a few comments regarding Mank’s Pond, the first being from Mr. McLevin. He has concerns regarding the speed limit on Oldfield Point Road. He was also concerned about the percolation tests that were done on the land that didn’t test well. Mr. McLevin doesn’t want any new homeowners to have to deal with the natural springs and the excess water on the land. Mr. Graham also received an email from Diana and Ted Wilt. They stated in their email that lots 1&4 are already a minor subdivision (#3295). They also stated that in the concept plat,

lots 1-4 are to be members of the Mank's Pond HOA. The Wilts would like to see copies of the deeds for the four (4) lots as they stand now and to know how they would read when sold.

Mr. Whiteman said that the four lots are an approved minor subdivision and are still owned by Mr. Weed, there are no deeds. The Wilt's also requested to see a copy of the proposed HOA bylaws, Mank's Ponds covenants and restrictions and a draft of the deeds from lots 5-34. To answer the concerns of the Wilts, Mr. Whiteman stated that everything the Wilts are asking for will be public record. Mr. Whiteman doesn't know if Mr. Weed will take the time to make sure every time a lot is sold and the deed is put on record that they are going give a copy to the Wilts. The last question Mr. Graham asked for the Wilts was regarding the 30ft wide strip of land that they are using to increase the width of Oldfield Point Road. They would like to no if that in any way would infringe on the properties on the other side of Oldfield Point Road. Mr. Whiteman said they will do whatever is recommended by DPW and the roads department. Mr. Woodhull explained the developer will not be using land that he does not own. Mr. Di Giacomo stated that he agreed with the explanation given by Mr. Whiteman was correct and that he will contact the Wilts regarding this matter. With the exception of the HOA bylaws and restrictions, all other documents asked for will be located either in the Office of Planning and Zoning for Cecil County and/or the Land Records department for Cecil County.

Mr. Moore, DEH asked Mr. Whiteman how well they looked at the percolation tests in relation to a road going over to connect to the Boettcher property. Mr. Whiteman said they carefully looked over the testing. Mr. Moore read the comments of the department.

Mr. Di Giacomo asked on behalf of Mr. Kyte, FA about having a drafting tank or a dry hydrant on the property and he has concerns over Sugar Pine Court. Mr. Whiteman said he will look into those concerns.

Mr. Di Giacomo stated on behalf of MDE if either individual domestic wells or a community supply is intended, a water appropriation and use permit will be required for final plat.

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

Density: The SR zone permits a maximum base density of 1 du/ 1 ac. The statement that 37 new lots are shown is in conflict with the 30 proposed lots that are depicted.

This Concept Plat proposes 30 lots on 76.991 acres, for a proposed density of 1/2.57. How does that acreage square with the cited 77.591 acres remaining after the minor subdivision, as well as the density of 1/2.82? Mr. Whiteman will look into it.

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

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 ft² or more. On slopes between 15 and 25%, good engineering practices shall be used to ensure sediment and erosion control and slope stabilization before, during and after disturbance activities.

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

A 110' perennial stream buffer is required from all perennial streams present. This buffer shall be expanded to include contiguous areas of hydric soils, highly erodible soils, and soils on slopes greater than 15% -- to a maximum distance of 160'. The stream buffer must be expanded – which will affect the SWM area locations.

A 25' buffer is required around all non-tidal wetlands present. Non-tidal wetlands or buffers are depicted on portions of several proposed lots and common open space. Permits are required from the (US Army) Corps of Engineers and MDE for all non-tidal wetland impacts prior to recordation. Documentation of the completed JD has been received.

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

15% (11.549 acres) common open space is required; 43.9% (33.863 acres) is proposed.

At a minimum, 15% of the required open space shall not consist of perennial or intermittent stream buffers, nontidal wetlands or buffers, steep slopes, or habitats of rare, threatened and endangered species. No more than 40% of the common open space required shall consist of those areas designated as nontidal or tidal wetlands. The sensitive areas percentages must be verified on the Preliminary Plat submitted for TAC review.

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

20% landscaping of the development envelope is required in the SR zone.

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

A previously-proposed stub road to the Boettcher Property, to the south, has been eliminated. Why? Percolation tests results, etc.

All proposed road names have been approved.

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

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

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

The FSD that was approved on 7/12/01 has expired; an extension must be requested.

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), 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. The metes and bounds description of the FRA must be shown on the record plat.

A Homeowners' Association for maintenance of common open space, cul-de-sac and mid-block turn-around islands must be established with \$50 per recorded lot placed in escrow for improvements prior to recordation.

A mini-road maintenance association must also be established prior to recordation, with the owners of proposed lots 27-32 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.

'04 School information:	Elementary	Middle	High School
	Elk Neck	North East	North East
FTE	586	818	1030
Capacity	504	770	995
% Utilization	116%	106%	104%
School information:	Elementary	Middle	High School
	Elk Neck	North East	North East
FTE	417	826	1110
Capacity	479	712	1009
% Utilization	87%	116%	110%

Mr. Woodhull, DPW pointed out that on the plat in the notes, Lot 41 is denied access to Oldfield Point Road. That should be Lot 32. Also, for the stream crossing, DPW will need a pre-designed geo-technical evaluation and borings along the proposed road stream and wetlands crossing along with specific remedial recommendations for subsurface drainage and street subgrade placement.

3) Acorn Village, Lots 1-13 plus Remaining Lands, Preliminary Plat, MD Rte. 274 and Theodore Road, RJ Engineering Corporation, Fifth Election District.

Greg Caskey with RJ Engineering appeared and presented an overview of the project.

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

1. The Department understands that the Town of North East will own the water distribution system in this development. Why are no fire hydrants identified on this plan? Mr. Caskey does not know. 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.
2. A SWM plan, Road & Storm Drain plan, a Sanitary Sewer System 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.
3. Are you proposing individual pump stations at each dwelling? No.
4. The Department is unaware of any sanitary sewer extending to the west side of MD 274 and the existing sewer line servicing the dwellings at the MD 274 / Old Farmington Road intersection was not designed to accommodate any additional loading. The sewer line from this development must extend further along Old Farmington Road to the area of Old Bayview Drive. It is strongly recommended that the Applicant's Engineer meet with the DPW prior to beginning design of the sanitary sewer system for this development.
5. Based upon the current permitted WWTP capacity at the Seneca Point WWTP, as well as projects already in various stages of county design approval, concept through final, no public sewer allocation is anticipated to be available for this project until or unless WWTP capacity is expanded, other approved projects do not proceed, or existing public sewer allocations expire and are not renewed. The Developer proceeds with any and all project engineering at his own risk. The applicant can make a request for sewer allocation after receiving preliminary plat approval from the Planning Commission.
6. Final approval of the design for the proposed County road is contingent upon the developer obtaining the SHA access permit to MD 274.
7. With the extent of road side drainage ditching proposed it is important that velocity in the channels meet those identified in the SHA Design Manual.
8. A private SWM conveyance easement is required for the proposed drainage pipe crossing Lots 12 & 13. The pipe must be located farther away from the dwelling proposed on Lot 12. DPW recommends that run back on the rear property line of Lot 12.
9. ~~What is the proposed disposition of the pond/wetlands on 13-16 and field drain piping on site? The Department has concerns about the impact of this pond's drainage on houses proposed for Lots 12 & 13.~~
10. 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. Any and/or all structures (i.e. dwellings, outbuildings, driveways, etc...) on down-gradient properties so impacted must be identified on the SWM Plans.
11. Relocate the proposed pond drain away from the dwelling on Lot 12, preferably to the rear property line. Also indicate that the existing outfall pipe is to be removed.

12. The design for this development must satisfactorily address the off-site drainage from up-gradient properties (i.e. Lands of Heiland) currently crossing this site. Specifically the lot grading plans for Lots 4 & 5.
13. The sump & headwall proposed on Lot 5 must be located within a drainage easement.
14. Is the pole building on Lots 3 & 4 to be removed? Mr. Caskey didn't know.
15. 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:
 - 15.1 The Final Plat Lot Grading and Lot Grading Plan Construction Limits Notes.
 - 15.2 Requirements for Utility relocations.
 - 15.3 Requirements for Public Works Agreements.
 - 15.4 Requirements for Stormwater Inspection and Maintenance Agreements.
 - 15.5 Requirements for County Roads.
 - 15.6 Requirements for Driveways.
 - 15.7 Requirements for Final Plat - Public Water and Sewer Allocation.
 - 15.8 Requirements for cleanout locations

Notes and requirements identified for record:

1. The Final Plat must include the Lot Grading Plan standard note. The Lot Grading Plan must include the standard construction limits note.
 - a. *Final Plat: "A lot grading plan has been approved by the CCDPW for the construction shown hereon. A site construction as built shall be submitted to the CCDPW prior to use and/or occupancy of any of the sites shown hereon. Any change to the Forest Retention, Forestation, and/or Reforestation will require a consistency review, of the SWM approval, with CCDPW."*
 - b. *Grading Plan: "No clearing or grading is permitted beyond the limits of disturbance show hereon. Any expanded clearing and/or grading in the absence of an approved revised lot grading plan may be considered non-compliance with Chapter 251 of the Cecil County Code and either or both the developer and/or Builder may be subject to the enforcement of the penalty provisions therein."*
2. Where determined necessary by the utility companies, the owner, the designer, or DPW, utility poles must be relocated at the Developer's expense.
3. A Public Works Agreement is required for the streets & storm drainage constructions and for sanitary sewer.
4. An Inspection & Maintenance Agreement is required for the private SWM facilities.
5. The internal street grade leaving Maryland Route 274 may not exceed 5% within the limits of the intersection right-of-way.
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. If a County-owned and maintained public water & sewer system is proposed, the Developer must request and obtain a public water & sewer allocation from the Department of Public Works before submitting a final plat to the Cecil County Planning Commission for approval.
8. All sewer service cleanouts must be designed to be outside of all paved or concrete areas on each lot and this must be shown on the utility plans.

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

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

Mr. Moore, DEH asked Mr. Woodhull, DPW if the sewer line shown going across MD Rte. 274 is large enough. Mr. Woodhull said no, it isn't large enough. The line was designed for only ten (10) homes. Mr. Moore read the comments of the department. See attached. Additional comments from DEH include needing to show a proposed sewer line and the closest existing, properly sized sewer line on the Preliminary Plat. Also, identify the water and sewer plant on the plat.

Mr. Di Giacomo gave Mr. Caskey the soil maps and report from SCS.

Mr. Di Giacomo stated on behalf of MDE if public water is available, a water appropriation and use permit will not be required for final plat.

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

Density: The Concept Plat, proposing 4 minor² and 9 major subdivision lots on 6 SR-zoned acres for a proposed density of 1.5/1, was approved on 9/21/06, 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; and
- 3) The new road name's being approved prior to the Preliminary Plat's review by the Planning Commission.

As previous stated, density tabulation misstatements of allowed density must be changed.

The applicant is cautioned that if access to Theodore Road is required for any reason, a new Concept Plat reflecting a new layout must be approved.

Minor Subdivisions 1205, 1255, 1384 & 3590 have been referenced on the plat.

Has the boundary line survey been completed, per conditional approval? Yes. If so, then why hasn't the plat been signed and sealed by a surveyor? Mr. Caskey didn't know.

The development of the remaining BL lands must be in accordance with §'s 31, 291, and possibly 69.³

Why is this Preliminary Plat dated prior to Concept Plat approval? Mr. Caskey believes it may have been revised.

Slopes greater than 25% have been shown.

A 25' buffer is required around all non-tidal wetlands and intermittent streams present. A significant portion of proposed Lots 13-14 consists of wetlands and wetlands buffers.

Permits are required from the (US Army) Corps of Engineers and MDE for all non-tidal wetland and stream impacts prior to recordation. A Jurisdictional Determination (JD) must be done prior to preliminary plat review by the Planning Commission.⁴

² §2.4.1 was invoked.

³ A single family detached dwelling is permitted in the **BL** zone "provided that the dwelling is for the owner, operator, or employees of an on-site business."

⁴ 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 15% common open space is required; 15.08% is proposed, consistent with the approved Concept Plat.

At a minimum, 15% of the required open space shall not consist of perennial or intermittent stream buffers, nontidal wetlands or buffers, steep slopes, or habitats of rare, threatened and endangered species. No more than 40% of the common open space required shall consist of those areas designated as nontidal or tidal wetlands. As previously commented at all reviews, the C.O.S. sensitive areas thresholds must be calculated for inclusion on the Preliminary Plat. Where are those calculations?

A minimum 20% landscaping of the development envelope is required, and sidewalks are recommended on at least one side of the proposed Hickory Nut Court.

The required Bufferyards Standard C has been shown.

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

The FSD was approved on 6/16/06, with the condition that debris piles be removed from the site. Has the removal been completed? Mr. Caskey didn't know.

The 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.

Road name "Hickory Nut Court" was approved.

Where are the fire hydrant locations? Fire hydrant locations must be selected in consultation with the North East Fire Company and DPW.

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

A Homeowners' Association for maintenance of common open space must be established with \$50 per recorded lot placed in escrow for improvements prior to recordation.

The Record Plats shall contain a statement signed by the Health Department, approving authority, to the effect that use of the community water supply and community sewerage system is in conformance with the Master Water and Sewer Plan.

The Master Water and Sewer Plan classifies this site as W1, W3 and a portion as S1. The Master Water and Sewer Plan must be amended to include the balance of this site prior to the Planning Commission's review of any Final Plat.

The Record Plats shall also contain a statement, signed by the owner, to the effect that such facilities will be available to all lots/homes offered for sale.

Documentation of water allocation from the Town of North East must be provided by the applicant prior to the Planning Commission's review of the Final Plat.

Documentation of sewer allocation/capacity must be provided by the applicant prior to the Planning Commission's review of the Final Plat.

What will be the disposition of existing structures other than the barn on proposed Lot 5? Mr. Caskey didn't know.

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
	Bay View	North East	North East
FTE	561	826	1110
Capacity	556	712	1009
% Utilization	101%	116%	110%

4) The Estates at Slicer's Mill, Lots 1-13, 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. This project has undergone many changes in layout as the project has evolved primarily avoidance of the PECO right of way. There is an addition of a private mini road and the lots being split up. Brought up at an earlier stage was an overlap shown in the boundary survey that has been submitted with the Oak Grove subdivision. This project had conceded .15 acres to those property owners. Due to the overlap, it reduced the density slightly to 49.944 acres. Therefore, density calculations have changed.

Mr. Woodhull, DPW read the comments of 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 from SWM pond discharge must be addressed in accordance with the MDE 2000 design Manual.
3. The proposed Lydia Isabella Way grade may not exceed 5% within the intersection ROW without approval of the DPW. Mr. Morgan stated that the alignment is now at 6%.
4. The entrance geometry for Lydia Isabella Way remains challenging. 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.

5. 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.
6. ~~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.~~
7. 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.
8. The Department requires that any Road Code Variances sought must be requested and the major road issues are resolved prior to submittal of the Preliminary Plat to the Planning Commission for review.
9. ~~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.~~
10. The following standard notes and requirements apply to this plat and project: The details of these notes and requirements will be identified in the record but will not be read at this time:
 - 10.1 The Final Plat Lot Grading Note and the Lot Grading Plan Construction Limits Note.
 - 10.2 Compliance with Sections 251-9.A (5), 251-13, and 251-15.D. of the Cecil County Stormwater Management Ordinance.
 - 10.3 Compliance with Section 3.07.15 of the Cecil County Road Code.
 - 10.4 Requirements for Utility relocations.
 - 10.5 Requirements for Public Works Agreements.
 - 10.6 Requirements for Stormwater Inspection and Maintenance Agreements
 - 10.7 Requirements for County Roads.
 - 10.8 Requirements for Driveways.
 - 10.9 Requirements for Stopping Sight Distance
 - 10.10 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 Slicers Mill 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. King, SHA read the comments of the department. See attached.

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

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

Mr. Di Giacomo gave Mr. Morgan the soil report and maps from SCS.

Mr. Di Giacomo stated on behalf of MDE that permit CE2006G028(01) was issued for this project in November, 2006.

Mr. Di Giacomo asked on behalf of Mr. Kyte, FA that a drafting tank be included in the design of this project.

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

This proposal was found to be in compliance with §3.8 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 previously permitted 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.

The revised Concept Plat⁵ was approved on 12/21/06, conditioned on:

- 1) (Because the acreage has changed as a result of the boundary line survey) Either the design being modified to provide 60% open space to qualify for bonus density, or to reduce the number of lots to stay within the standard, base NAR density of 1:5 prior to the TAC's review of the Preliminary Plat;
- 2) A JD being completed prior to the Planning Commission's review of the Preliminary Plat;
- 3) The § 174.1.b (2) waiver being granted for Lydia Isabella Way; and
- 4) The § 174.2.b (1) waiver being granted for Lauren Marie Court.

The completed boundary line survey has been submitted (thus explaining the acreage change).

This design is consistent with the NAR bonus density approval. If the word "common" is stricken from the first line, then Development Data Note # 8 will be correct.

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.⁶ Steep slopes have been shown.

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. Has the JD been completed? Mr. Morgan said a JD is not required due to there being no wetlands on the property. It must be done prior to preliminary plat review by the Planning Commission.⁷

15% common open space is required; 39.08% is now 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.

Has the 10' street tree planting easement been shown? Yes. Where feasible, the natural vegetative equivalent may be used to satisfy the bufferyard and street tree requirements.

The FSD was approved on 5/18/06. 8 endangered species are known in the area. Has the required habitat survey been completed? It has been submitted.

The PFCP and habitat survey must be approved prior to Planning Commission review of the Preliminary Plat (§6.2.B(1), Cecil County Forest Conservation Regulations). The PFCP has also been submitted.

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).

⁵ The plat that was submitted as a Preliminary Plat for the 12/6/06 TAC review proposed significant design changes; therefore, it was treated as a revised Concept Plat. It was consistent with the previous density approval in terms of the number of lots, but the acreage had changed (from 57.375 acres to 49.944).

⁶ The Cecil County Subdivision Regulations define steep slopes as "15 percent or greater incline." The Cecil County Zoning Ordinance defines steep slopes as consisting of a grade of 25% or more covering a contiguous area of 10,000 ft² or more. The Cecil County Forest Conservation Regulations define steep slopes as "areas with slopes greater than 25 percent slope."

⁷ 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 proposed road names have been approved.

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

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.

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

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%

5) Stanfield, Lots 9-22, Preliminary Plat, Middle Road, McCrone, Inc., Fourth Election District.

Mike Burcham with McCrone and Gary Slagle appeared and presented an overview of the project. This plat is the remainder of the Stanfield project.

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

1. This submittal does not contain all the information required by the Subdivision Regulations. It lacks SWM conveyance, road widths & slopes, etc... and the Department will not recommend approval of this plat, to the Planning Commission, as submitted.
2. A SWM 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.
3. ~~How will SWM be addressed for this development?~~

4. If the existing pond on Lot 21 is proposed to serve as a SWM BMP an as-built and a dam breach analysis will be required. This information must be provided with the SWM submittal for this project.
5. A formal submittal of stopping sight distance measurements must be provided for Lot 22. If Lot 21 does not use the existing driveway stopping sight distance will also be required.
6. A Protocol Three road condition survey & improvement plan will be required for Stanfield Drive.
7. The applicant should be aware that the Department may require improvements to Middle Road to mitigate this development's impact. This will be determined by the CCDPW.
8. The extension to Stanfield Drive must have a 20' pavement width if open section road is proposed. If closed section is proposed 30' pavement width will be required.
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 Requirements for Utility relocations.
 - 9.3 Compliance with Sections 251-9.A (5), 251-13, and 251-15.D. of the Cecil County Stormwater Management Ordinance.
 - 9.4 Requirements for Public Works Agreements.
 - 9.5 Requirements for Stormwater Inspection and Maintenance Agreements.
 - 9.6 Requirements for Driveways.

Notes and requirements identified for record:

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

Mr. King, SHA had no comment.

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

Mr. Moore, DEH read the comments of the department.

Mr. Di Giacomo gave the applicant the soil maps and reports for SCS.

Mr. Di Giacomo stated on behalf of MDE the following; if individual domestic wells are intended, a water appropriation and use permit will be required for final plat.

Mr. Di Giacomo asked on behalf of Mr. Kyte, FA that a drafting tank be included in the design of the project.

Mr. Di Giacomo, P&Z read the comments of 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: This section's Concept Plat⁸ was approved at a density of 1/5⁹ on 9/18/06, conditioned on:

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

Note # 13 indicates that the boundary line survey has been done.

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.¹⁰ Slopes greater than 15% have been shown.

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.¹¹ Mr. Di Giacomo asked Mr. Burcham is there are any wetlands on the property. Mr. Burcham said all of the wetlands are located in the common open space.

⁸ The original Concept Plat, under the name "Lands of Stanley L. Barczewski" and zoned NAR, proposing bonus density, with 26 lots on approximately 84 acres, was approved on 7/18/94. It subsequently expired.

⁹ The original Preliminary and Final Plats, for Lots 1-8 only, were approved on 2/21/95 and 4/17/95, respectively. The fourth condition of the 4/17/95 Final Plat approval was "common open space being recorded with the next section." Thus, based upon 83.971 acres, at least 12.6 acres of common open space must now be provided, regardless of whether the Planning Commission now grants bonus density, or not. In fact, 14.8 acres of common open space is now proposed.

The fifth condition of Final Plat approval was "the large lot being included on the plat for the final section." If the Planning Commission does not now grant what amount to overall bonus density, then that condition will be moot. If it does, then proposed Lot 21 would serve as the large lot, and its 40 acres would consist of 47.64% of the original 83.971 acres.

Together, the proposed 14.8 acres (17.63%) of common open space and the large lot's 40 acres (47.64%) comprise 65.27% of the original project area, and both of the above conditions have been satisfied – although the original Concept Plat's density approval, upon which condition # 5 was based, has long since expired.

As approved by the Planning Commission, the total number of Stanfield lots would be 22 – 4 fewer than originally approved on 7/18/94 – and yielding an overall proposed density of 1/3.82.

¹⁰ The Cecil County Subdivision Regulations define steep slopes as "15 percent or greater incline." The Cecil County Zoning Ordinance defines steep slopes as consisting of a grade of 25% or more covering a contiguous area of 10,000 ft² or more. The Cecil County Forest Conservation Regulations define steep slopes as "areas with slopes greater than 25 percent slope."

¹¹ 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 NAR zone.

Bufferyard Standard C is required, outside the right-of-way, along the road frontages of Middle 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 MD DNR.

The original FSD, approved on 7/8/94, expired. A new FSD was approved on 9/11/06.

The 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 road name Stanfield Drive was previously approved.

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

Covenants prohibiting the subdivision of the potential 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.

The contiguous operating farm notice has been provided as Note #15.

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

'05 School information:	Elementary	Middle	High School
	Leeds	Cherry Hill	Rising Sun
FTE	400	559	1153
Capacity	374	700	1081
% Utilization	107%	80%	107%
School information:	Elementary	Middle	High School
	Leeds	Cherry Hill	Rising Sun
FTE	385	571	1129
Capacity	364	754	903
% Utilization	106%	76%	125%

6) Baldwin Mill, Lots 1-256, Concept Plat, MD Rte. 277 and Baldwin Church Road, McCrone, Inc., Third Election District.

Mike Pugh, consultant, Mike Burcham with McCrone and Mr. Julian, developer appeared and presented an overview of the project. Since the last appearance at a TAC meeting there have been some revisions made to the project, emergency access to the rear of the property being one of the revisions. Other changes made include geometric changes in the road alignment based on changes to the county code. This plan features the dual access lanes which connect the two separate pods. There are now multiple points of entry through the main access on Elk Mills Road and now an emergency access to the rear. This plan rests on the theory of obtaining water and waste water from Meadowview. They understand that is going to necessitate an amendment to the Master Water and Sewer Plan.

Mr. Burcham explained the emergency access in the rear of the property. The rear access will lead to MD Rte. 213. Mr. King asked if there would be a barrier put up to prohibit residence from using the access lane. Mr. Pugh said yes. It will be a gravel road. After getting input from Emergency Services, the decision would be made on what type of barrier to use.

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

1. A SWM plan, Public Water Distribution and Sewer Collection System 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. This parcel is not located within a Cecil County Master Water & Sewer Plan (MWSP) Public Water & Sewer Service Districts. The Developer must obtain an amendment to the Cecil County MWSP before submitting any final plat for planning commission approval.
3. There is no county sanitary sewer service in the immediate area. Connection to the Meadowview WWTP will be the Developer's responsibility including obtaining all required easements and the installation of the sewer main between the site and the nearest existing manhole. The applicant is also responsible for all costs in doing so.
4. The Developer must also analyze the existing sanitary sewer main from the proposed point of connection to the WWTP to determine if adequate capacity exists in the line. This analysis must be submitted prior to the sanitary sewer plan submittal.
5. The ability of the existing water distribution system, together with the proposed service extensions, to provide adequate fire flow and pressure must be demonstrated through an update to the Engineering Report of Meadow View – Highlands Water System Analysis prepared by George, Miles, & Buhr, LLC and dated October 2004. The Developer must engage a Maryland licensed professional engineer, at the Developer's cost, to upgrade the water system model.
6. Has any consideration been given to the providing all or some portion of the potable water needs for this development on site (i.e. Aston Pointe or Villages at North East)? Yes.
7. The Developer is responsible to submit an engineer's preliminary layout for the subdivision public water & sewer, including any pumping or booster stations, to the Department of Public Works at least thirty (30) days prior to TAC review of a preliminary plat.
8. The water distribution system proposed should provide for possible future connection capability to the lands west of this development.
9. The Developer is responsible to have the serving fire company review fire hydrant spacing and locations prior to final engineering drawings submittal.
10. An SHA access permit is required for the MD Rte 277 entrance.

11. Any Road Code Variances sought must be requested prior to submittal for Preliminary Plat approval.
12. Lots 1 & 48 are denied direct access to Mill Pond Lane.
13. All lots must access the less major road frontage and be denied direct access to the more major road.
14. All proposed minor roads must be closed section with a minimum 30' pavement width and all proposed minor collector roads must be closed section with a minimum 32' pavement width.
15. Proposed Lots 26-28 and 104-109 will have limited access due to the boulevard island. The plan mandates u-turn maneuvers, which are not recommendable, for these residents to either ingress or egress their driveways.
16. Why have proposed the islands located in Mill Pond Lane & Baldwin Mill Way? If the Planning Commission allows their use the islands would be common open space. The County ROW will end at the inside edge of the curb. Plantings and signage located in these islands must not interfere with sight distance requirements of these roads.
17. The Department has concern that the proposed Mill Pond Lane provides sufficient queuing potential for the number of AM/PM peak hour traffic loading generated by this development. Applicant's engineer must provide a queuing analysis demonstrating the ability of Mill Pond Lane and Weave Mill Way to handle this loading prior to submitting the preliminary plat for TAC review.
18. Pre-design geotechnical evaluation and borings along the proposed road stream and wetlands crossings is required, along with specific remedial recommendations for subsurface drainage and street sub grade placement.
19. The structure on Baldwin Mill Way crossing over the unnamed perennial stream 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.
20. Likewise the structures crossing the intermittent stream on Baldwin Mill Way, Hoagland Lane, and Elk Mills Way East must be approved as part of the road plan approval passing the 25 year storm without overtopping.
21. What is envisioned for the proposed 25' wide emergency access? Possibly a break away barrier or a keyed gate. The HOA must maintain this area.
22. Show any private stormwater management and stormwater management outfall easements across common open space on preliminary and final plats.
23. What is the proposed disposition of the structures and driveway on Lots 231 & 232? The Sherman property has a life estate. The structure on Lot 232 will remain until the life estate is extinguished then it will be taken down.
24. 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:
 - 24.1 The Final Plat Lot Grading, Sidewalk Maintenance, and Lot Grading Plan Construction Limits Notes.
 - 24.2 Compliance with Sections 251-9.A (5), 251-13, and 251-15.D. of the Cecil County Stormwater Management Ordinance.
 - 24.3 Requirements for Utility relocations.
 - 24.4 Requirements for Public Works Agreements.
 - 24.5 Requirements for Stormwater Inspection and Maintenance Agreements.
 - 24.6 Requirements for County Roads.
 - 24.7 Requirements for Driveways.
 - 24.8 Requirements for Sewer Service Cleanouts – Location.

24.9 Requirements for Final Plat - Public Water & Sewer Allocation.

Notes and requirements identified for record:

1. The Final Plat must include the Lot Grading Plan standard note and a note indicating that sidewalk maintenance will be required of the adjacent property owner (if sidewalks are required). The Lot Grading Plan must include the standard construction limits note.
 - a. *Final Plat:* “A lot grading plan has been approved by the CCDPW for the construction shown hereon. A site construction as built shall be submitted to the CCDPW prior to use and/or occupancy of any of the sites shown hereon. Any change to the Forest Retention, Forestation, and/or Reforestation will require a consistency review, of the SWM approval, with CCDPW.”
 - b. *Final Plat:* “Sidewalk maintenance will be required of the adjacent property owner, as required by the Cecil County Road Code.”
 - c. *Grading Plan:* “No clearing or grading is permitted beyond the limits of disturbance show hereon. Any expanded clearing and/or grading in the absence of an approved revised lot grading plan may be considered non-compliance with Chapter 251 of the Cecil County Code and either or both the developer and/or Builder may be subject to the enforcement of the penalty provisions therein.”
2. The downstream conveyance of storm water must be analyzed in accordance with Section 251-9 A. (5) of the county’s SWM Ordinance. If stormwater discharge is directed off of the site on to adjacent property it is the responsibility of the Developer to obtain appropriate easements from the affected property owners per Sections 251-13 and 251-15.D of the Cecil County SWM Ordinance.
3. 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 and public water & sewer system constructions.
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 Elk Mills 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.
8. All sewer service cleanouts must be designed to be outside of all paved or concrete areas on each lot and this must be shown on the utility plans.
9. Developer must request and obtain a public water and sewer allocation from the Department of Public Works before submitting a final plat to the Cecil County Planning Commission for approval.

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

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

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

Mr. Di Giacomo gave Mr. Burcham the soil maps and reports from SCS.

Mr. Di Giacomo stated on behalf of MDE, if public water is available, a water appropriation and use permit will not be required for final plat.

Mr. Di Giacomo asked on behalf of Mr. Markwardt, BoE, what are the propose size and cost of the homes. Mr. Julian said the size would be between 2000 and 2800 square feet and the price will be in the low to mid 300, 000.

Mr. Di Giacomo stated on behalf of Mr. Kyte, FA the concern of a possible flood event on the property and the accessibility for the emergency access and the possibility of a freight train passing or breaking down in the same scenario. The accessibility for the emergency personnel would not be able

to reach that area. Mr. Pugh acknowledged the concern and stated that this scenario would in most cases realistically never happen.

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

Density: The SR zone permits a maximum base density of 1 du/ 1 ac., or 2/1 with community facilities. This Concept Plat¹² proposes 256 lots on 243.4 acres, for a proposed density of 1.05/1.

A boundary line survey must be done in conjunction with the preparation of the Preliminary Plat for density calculation purposes. The property shape is inconsistent with those shown on Tax Map 21.

A note indicates that (per the SR zone's requirements) the minimum lot size is 12,000ft². However, some proposed lots (e.g., 148-150) fall below the minimum SR lot size.

Dwellings or impervious surfaces shall not occur on slopes with a grade of 25% or more covering a contiguous area of 10,000 ft² or more. On slopes between 15 and 25%, good engineering practices shall be used to ensure sediment and erosion control and slope stabilization before, during and after disturbance activities.¹³

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'. Segments of the perennial stream are shown outside the floodplain.

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 JD must be done prior to preliminary plat review by the Planning Commission. What is the character of the stream crossing? Mr. Burcham stated it will be an open bottom culvert structure about 6ft. wide.

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

15% common open space is required; 56.9% is proposed.

At a minimum, 15% of the required open space shall not consist of perennial or intermittent stream buffers, nontidal wetlands or buffers, steep slopes, or habitats of rare, threatened and endangered species. No more than 40% of the common open space required shall consist of those areas

¹² A virtually identical proposal was reviewed by the TAC in October, 2005.

¹³ The Cecil County Subdivision Regulations define steep slopes as "15 percent or greater incline." The Cecil County Zoning Ordinance defines steep slopes as consisting of a grade of 25% or more covering a contiguous area of 10,000 ft² or more. The Cecil County Forest Conservation Regulations define steep slopes as "areas with slopes greater than 25 percent slope."

designated as nontidal or tidal wetlands. The C.O.S. sensitive areas thresholds must again be calculated for inclusion on the Preliminary Plat.

20% landscaping of the development envelope is required in the SR zone.

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

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

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

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 following proposed road names have been DISAPPROVED:

- Baldwin Mill Court
- Elk Mills Green
- Elk Mills Way East
- Elk Mills Way West
- Feeder Canal Lane
- Louise's Mill Lane
- Mill Pond Lane
- Mill Race Way
- Weave Mill Green

The internal road names must be approved by the County 911 Emergency Center prior to the Planning Commission's review of the Preliminary Plat.

A Traffic Impact Study (TIS) is required to be completed prior to the TAC's review of the Preliminary Plat. 256 (was 248) lots with only one entrance raises design and emergency service response questions. Should an emergency incident include an incapacitated train blocking the Johnson Lane grade crossing, then portions of this development could be rendered inaccessible.

The TIS should verify that Mill Pond Lane would have adequate queuing capacity at the peak hours, as now designed. Has the feasibility of other access points, including from I-95, been fully investigated? Yes.

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

A Homeowners' Association for maintenance of common open space must be established with \$50 per recorded lot placed in escrow for improvements prior to recordation.

The Master Water & Sewer Plan must be amended prior to Final Plat review to include this property.

Documentation of water allocation must be provided by the applicant prior to the Planning Commission's review of the Final Plat.

Documentation of sewer allocation/capacity must be provided by the applicant prior to the Planning Commission's review of the Final Plat.

The Record Plats shall contain a statement signed by the Health Department, approving authority, to the effect that use of the community water supply and community sewerage system is in conformance with the Master Water and Sewer Plan.

The Record Plats shall also contain a statement, signed by the owner, to the effect that such facilities will be available to all lots/homes offered for sale.

The contiguous operating farm notice has been provided as Note #17.

Has a stub road/utility easement been considered between proposed Lots 221 & 222? Mr. Burcham said that is access to open space. They could define it as an easement for utilities.

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

'05 School information:	Elementary Kenmore	Middle Cherry Hill	High School Elkton
FTE	312	559	1077
Capacity	285	700	1093
% Utilization	109%	80%	99%
School information:	Elementary Kenmore	Middle Cherry Hill	High School Elkton
FTE	276.5	571	1097
Capacity	275	754	944
% Utilization	101%	76%	116%

The February TAC meeting adjourned at 11:35 a.m.

Respectfully submitted,

Jennifer Bakeoven