

**CECIL COUNTY TECHNICAL ADVISORY COMMITTEE**  
**Wednesday February 4, 2009, 9:00 a.m.**  
**County Administration Building**  
**200 Chesapeake Blvd., Elkton, Maryland**

Present: Di Giacomo, Tony (CCP&Z), Woodhull, Mark (CCDPW), von Staden, Fred (DEH), Brown, Chris (CCSCS), Graham, Daniel (Citizen's Representative), Davis, Gary (SHA), West, Janel (CCPS), Bakeoven, Jennifer (CCP&Z).

Absent: Cwiek, Philip (USCoE), Ouano, Jun (Delmarva Power), Latham, Cindy (MDE), Meaders, David (FA).

**1. Demond Village, Lots 4A, 4B & 4C, Old Elk Neck Road, Concept Plat, American Engineering and Surveying, Inc., Fifth Election District.**

Steve and Dana Fersch, owners, appeared and presented an overview of the project.

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

1. A SWM plan and a Mass and Final Grading plan must be approved by the CCDPW prior to submittal for Final Plat Approval.
2. The Lot Grading Plan must include the standard note addressing the limits of construction, which will appear in the minutes but will not be read at this time. ("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.")
3. It appears stormwater runoff is directed off of Lots 4 B & C into the roadside drainage ditch along Old Elk Neck Road. Driveway pipes will be required and must be shown on the preliminary plat.
4. The SWM & Lot Grading Plans for Lot 4C must carefully address how storm water from the 18"x 6" culvert under the adjoining mini road will be conveyed around the proposed dwelling.
5. This and any other SWM conveyance must be placed in easements and these easements must be identified on the Preliminary & Final Plats. The standard easement width is 20' however they may need to be wider depending on the type of conveyance and/or the combination of access and conveyance. Easements close to dwellings are proving problematic to the Department. Homeowners expecting full use of their yards install fences, sheds, plantings, etc... or fill in drainage swales creating inspection and enforcement issues. As much as is possible the proposed swale should follow property lines to lessen impacts to homeowners' use of their property.
6. The downstream conveyance of storm water must be analyzed in accordance with Section 251-9 A. (5) of the county's SWM Ordinance.
7. Sight distance measurements will be required at the two (2) proposed driveway entrances and must be submitted to the Department for review prior to submitting the Preliminary Plat for TAC review. The centerline of the proposed entrance locations must be marked in the field. Mr. Fersch said that has already been done. The sight distance submittal at a minimum must contain profile & plan views for each of the new driveways proposed.

8. Where determined necessary by the utility companies, the owner, the designer, or DPW, utilities poles must be relocated at the Owner's expense.
9. All driveways must be paved at least to the right of way and this must be so indicated on the Lot Grading Plan.
10. A PWA is required for any work done to Roads and Storm Drains.
11. An I&M Agreement is required for SWM facilities.

Mr. Woodhull stated that if beyond the right of way there is still steeper than 5% slope coming down, the applicant will need to pave it at least up to the crest. Mr. Fersch said it should be less than 5%.

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

Mr. Brown, CCSCS, provided the applicant with soil maps and reports. See file for comments.

Mrs. West, CCPS, stated that the school board has concerns with the over capacity of the North East Middle and High Schools. The applicant was provided with a copy of the bus stop guidelines.

Mr. Davis, SHA, had no comments.

Mr. von Staden, DEH, read the comments of the department:

A Groundwater Appropriation Permit Exemption must be filed with Maryland Department of the Environment prior to Final Plat approval. Please send a courtesy copy to the Health Department for our files.

A written request for well variances for lots 4B and 4C is required. Show pumping details for lots 4B and 4C.

Show the revised sewage area for lot 4A (see attached).

Mr. Di Giacomo stated, on behalf of the Fire Chief's Representative and Delmarva Power, that neither entity has comments.

Mr. Di Giacomo read the comments of MDE:

A notice of exemption to appropriate and use ground water will be required for Final Plat.

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

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

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

Zoning: RR<sup>1</sup>

Density: The RR 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<sup>2</sup> proposes 3 lots on 10.083 acres, for a proposed bonus density of 1/3.361.

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<sup>1</sup> The zoning was changed to RR on 3/06/07.

A boundary line survey must be done for the preparation of the Preliminary Plat for density calculation purposes. Per Note # 9, it has been completed.

This parcel is minor subdivision # 2263's parcel # 4 of the Demond Village (f/k/a Dollywoods) subdivision.

Proposed Lot 4A consists of approximately 64.45% of the total acreage; therefore, this proposal is eligible to be considered for bonus density, per §24.2.c.

Because Old Elk Neck Road is a collector road there must be a 100' building set back from the road. This essentially makes proposed Lot 4C un-developable as proposed. The position of the proposed house on proposed Lot 4B will also need to be changed.

The applicant is reminded that while §24.2.c gives this parcel the potential for two additional lots, to achieve that potential all criteria and requirements in all other applicable sections must be met.

While §3.5 and §170 give the Planning Commission the power to approve modifications to required setbacks, any contention that previously-approved lots along Old Elk Neck Road is not compelling, given that the existing dwelling on proposed Lot 4A meets the setback requirement. In addition, it does so even though it is elevated more than 10' above Old Elk Neck Road.

Also, as proposed, Lots 4A and 4C exceed the 3:1 length to width ratio established by §7.4.2 of the Subdivision Regulations.

Why is a percolation hole shown outside of the property boundaries? Mr. Fersch stated that he believed that was an old perc hole. Mr. von Staden asked that the perc hole remain on the plat for future reference.

If approved, the large lot shall be prohibited from any further subdivision. Covenants prohibiting the subdivision of the proposed Lot 4A must be recorded and noted on the plat prior to recordation.

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>3</sup>

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

A 110' perennial stream buffer is required from any 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

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<sup>2</sup> Essentially the same proposal was review by the TAC on 8/04/04.

<sup>3</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 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."

impacts prior to recordation. JD's are required in conjunction with permitting. If no permits are required, and if the proposed project meets the policy standards established on 3/20/95 and revised on 1/16/96, or if the FSD/Conceptual Environmental Assessment finds that there are to be no impacts to field-delineated wetlands or stream impacts, or if the FSD/Conceptual Environmental Assessment finds that there are no wetlands or streams and that finding is consistent with the details of County wetlands maps and USGS quad maps, then no JD is required. If required, then a JD is recommended to be done prior to Final Plat review by the Planning Commission, but required to be completed prior to recordation.

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

Sidewalks are not recommended.

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

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

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

The location of any existing utilities on or within 200 feet of the parcel must be shown.

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 is reminded of the 4:30 p.m. submission deadline on the 3<sup>rd</sup> Thursday for review by the Planning Commission the following month.

|                     |            |            |             |
|---------------------|------------|------------|-------------|
| School information: | Elementary | Middle     | High School |
|                     | Elk Neck   | North East | North East  |
| FTE                 | 446        | 753        | 1084        |
| Capacity            | 501        | 712        | 1009        |
| % Utilization       | 89%        | 106%       | 107%        |

Mr. Fersch stated that in regards to the set back variance that will be needed; he does plan to seek the approval for those needed variances.

**2. Snow Hill Farm, LLC, Lot 5, Short Cut Road, Preliminary/ Final Plat, McCrone, Inc., Second Election District.**

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

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

1. Is the purpose of this subdivision to create a lot around an existing dwelling? If no new development is proposed no SWM plan will be required prior to final plat approval. As stated on the plat any future development on this lot or the remaining lands of Snow Hill Farm, LLC will require a SWM plan approval prior to building permit issuance.
2. Legal access to Short Cut Road (County Road) is proposed by means of a PRMA. The Department will not sign the record plat until the PRMA is executed and recorded.

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

Mr. Brown, CCSCS, provided the applicant with soil maps and reports. See file for comments.

Mrs. West, CCPS, had no comments.

Mr. Davis, SHA, had no comments.

Mr. von Staden, DEH, read the comments of the department:

A Groundwater Appropriation Permit Exemption has been filed. Preliminary / Final Plat is satisfactory.

Mr. Di Giacomo stated that the Fire Chief's Committee Representative and Delmarva Power did not have comments.

Mr. Di Giacomo read the comments for MDE:

A notice of exemption to appropriate and use ground water will be required for Final Plat.

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

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

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

Zoning: SAR

Density: The SAR zone permits a maximum base density of 1du/ 20 ac. This Preliminary/ Final Plat proposes 1 new lot on an undisclosed number of acres. The density must yet be determined. The proposed Lot 5, itself, is shown to be 1.256 acres. The Parcel 10 acreage must be included on the plat submitted for review by the Planning Commission.

A boundary line survey must be done in conjunction with the preparation of the Preliminary Plat for density calculation purposes. Tax records indicate the Parcel 10 acreage to be approximately 335 acres.<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.

Minor Subdivision 850, 1639 and 2615 must be cited on the plat.

Consistent with the intent of §4.0.13(b), all of the property should be shown on the plat submitted for Planning Commission review, even though only a portion is proposed to be subdivided.

Any additional, future, proposed subdivision will require the submission of a Concept 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>5</sup>

Slopes greater than 25% must be shown on the Preliminary Plat. No steep slopes are 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. JD's are required in conjunction with permitting. If no permits are required, and if the proposed project meets the policy standards established on 3/20/95 and revised on 1/16/96, or if the FSD/Conceptual Environmental Assessment finds that there are to be no impacts to field-delineated wetlands or stream impacts, or if the FSD/Conceptual Environmental Assessment finds that there are no wetlands or streams and that finding is consistent with the details of County wetlands maps and USGS quad maps, then no JD is required. If required, then a JD is recommended to be done prior to Final Plat review by the Planning Commission, but required to be completed prior to recordation.

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

No common open space is required.

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<sup>4</sup> If so, then the proposed density would be approximately 1/167.5.

<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."

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

No sidewalks are recommended.

No Bufferyard Standard C is required.

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. As this is an existing dwelling, the Planning Commission may not require a Bufferyard Standard A.

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

As noted, this project is exempt, per §3.2N.

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 is reminded of the 4:30 p.m. submission deadline on the 3<sup>rd</sup> Thursday for review by the Planning Commission on the following month.

|                     |            |           |             |
|---------------------|------------|-----------|-------------|
| School information: | Elementary | Middle    | High School |
|                     | Ches. City | Bo. Manor | Bo. Manor   |
| FTE                 | 307        | 487       | 733         |
| Capacity            | 353        | 601       | 643         |
| % Utilization       | 87%        | 80%       | 114%        |

**3. Granite Cliffs, 703 Units, PUD, Tome Highway, Concept Plat, Frederick Ward Associates, Seventh Election District.**

Ed Steere and Kevin Small, Frederick Ward Associates and Kevin Wingate, Representative for the developer, appeared and presented and overview of the project.

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

1. A SWM plan, Mass and Final Grading plan, Road & Storm Drain plan, Sewer system plans and water system plans must be approved by the CCDPW prior to submittal for Final Plat Approval.
2. The sewer & water plans must include treatment, pump stations, storage and disposal facilities.
3. The Master Water & Sewer Plan must be amended to incorporate this site.
4. What is the status of obtaining water withdraw authorization from the Susquehanna River Basin Commission? Mr. Wingate said that they have hired an attorney and have contacted the

Susquehanna River Basin Commission. They have only had preliminary discussion but are looking into further understanding the process.

5. Have you met with MDE to discuss the permitting required for the water & waste water facilities proposed? Mr. Wingate said they have had preliminary discussions with MDE. The department will not approve the plans for this development until all necessary MDE permits have been obtained.
6. The use of proposed shared facilities to provide water & sewer presents a unique approach. With it there are several major issues that must be satisfactorily addressed before this development is submitted for Preliminary Plat review to the TAC. Specifically who will be the Controlling Authority? That is who will own & operate this facility. Section 175 of the Subdivision Regulations allows for the possibility that a governmental body or private utility may be the Controlling Authority. The County through the Approving Authority (local Health department) and MDE approve and the Board of County Commissioners designates the Controlling Authority. The Department believes that facilities of this size and complexity must be owned by the County and not a private utility. However this decision must be made by the Board of County Commissioners. The Applicant should contact the County Administrator.
7. In addition to the shared facilities construction cost the Developers must be aware of the fact that they will be responsible for the maintenance costs of the proposed shared facilities until the subdivision is built-out and the individual lot owners can begin paying this cost through a special taxing district or similar method.
8. The fact that each lot owner is responsible for the maintenance costs associated with the shared water & sewerage facility must be made public to all potential purchasers.
9. How do you propose to access the WWTP? An all season access must be provided. Mr. Steere said there is an existing crossing on the stream.
10. Where do you propose to locate the sewerage pump station(s) required to service this development?
11. What route do you propose to for the raw water main running between the river and the WTP? Mr. Small said they had DMW take a look at it.
12. All water & sanitary sewer lines must be located in utility easements. These easements where located outside of County ROW must be a minimum of 20' wide. They may need to be wider depending on the size and/or depth of the utilities.
13. What is the status of the U.S. Government Water easement on this property? Is there any infrastructure located within this easement? Mr. Wingate said they talked to a title attorney and went through all of the documents. Discussion ensued.
14. A TIS specific to this proposal is required. The study presented with this plat does not address the correct number of access points, number & type of dwellings, or the proposed commercial pad site. Mr. Woodhull asked to see this by Preliminary TAC review.
15. The Traffic Group's August 7, 2008 Letter Report submitted with the plat implies that no significant access improvements to Burlin Road, at the proposed intersection, would be expected. The DPW will determine what improvements will be required based on a road condition survey and improvements plan provided by the Developer. The Department will require a Protocol Two Road Condition Survey of Burlin Road extending from Rock Run Road to MD Route 276. The completed survey and an improvements plan for Burlin Road must be approved by the DPW prior to submitting the preliminary plat to Planning Commission. The minimum improvements required will be those associated with Section 3.07.15 of the Road Code which nominally requires that Burlin Road be reconstructed for a minimum of 100' either side of the point of intersection to current standards for the appropriate road classification. If the road already meets current standards, no road improvements are required.

16. The Developer must provide an intersection & stopping sight distance submittal for the proposed Burlin Road access point. This submittal must be approved by the Department prior to presenting the Preliminary Plat to the TAC for review. Mark the proposed entrance locations in the field by flagging or stake on the roadside bank.
17. The design engineer must address the requirement for minimum acceleration, deceleration, and bypass lanes for the proposed Burlin Road intersection. Any right-of-way acquisition necessary shall be performed by the applicant and at the applicant's expense. The intersection location shown appears to require obtaining an ROW from the owners of Parcel 145 to accommodate the deceleration lane
18. However with the number of lots and the condition of the existing road additional offsite improvements may very well be required. The road survey will be reviewed by the Department and we will determine the full extent of the work required. The detail and extent of the offsite required must be agreed to by the Department and the Applicant prior to submitting the preliminary plat to the Planning Commission.
19. A Road Code Variance will be required for the non-compliant cul-de-sac diameters proposed.
20. The Department has a serious concern over the location of the commercial pad site access onto Granite Cliffs Boulevard. The proximity to the MD 276 intersection (150'+/-) is considered problematic due to staging & potential cross traffic conflict. At a minimum this should be a right in right out only access. The right in access must be from a dedicated right turn lane running from the MD 276 intersection to the site access. Preferably, all access should be from Bluestone Drive. What type of business is proposed for this pad site? Mr. Wingate said he does not know.
21. All MDE permitting required for the Bluestone Drive stream crossing must be obtained prior to the DPW approving the Road & Storm Drain plans.
22. The Department requires a Geo-technical analysis for all wetlands/streams road crossings to determine suitability of the sub-base to support a county road. This analysis must be included in the road & storm drain design submittal.
23. Where are the parking spaces for the Community Center? Mr. Small said the parking has not been shown on the submitted plat. What number of parking spaces are you proposing for each type of dwelling? How do you propose to address additional parking for visitors especially in the townhouse/semi-detached housing area? The Department will recommend that the Planning Commission require additional parking spaces be incorporated into this plat.
24. All proposed roads must be closed section (curb & gutter).
25. Access from Bluestone Drive or MD 276 must be provided to the SWM facility adjacent to the Anchor & Hope Farm, Inc. property.
26. The Department has a concern over where this same facility will discharge. It appears that as presented it may impact the adjoining property's driveway. If stormwater discharge is directed off of the site on to adjacent property it is the responsibility of the Developer to obtain necessary and appropriate easements from the affected property owners per Sections 251-13 and 251-15.D of the Cecil County SWM Ordinance.
27. 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:
  - 27.1 The Final Plat Lot Grading and Lot Grading Plan Construction Limits Notes.
  - 27.2 Compliance with Sections 251-9.A (5), 251-13, and 251-15.D. of the Cecil County Stormwater Management Ordinance.
  - 27.3 Requirements for Utility relocations.
  - 27.4 Requirements for Public Works Agreements.
  - 27.5 Requirements for Stormwater Inspection and Maintenance Agreements.
  - 27.6 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. 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 constructions.
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. Graham, Citizen's Representative, received several comments and concerns from the adjoining property owners. See file for comments.

Mr. Brown, CCSCS, provided the applicant with soil maps and reports. See file for comments.

Mrs. West, CCPS, stated that at the moment the school districts that pertain to this proposed subdivision are not over capacity but with 703 units, the school board is concern about future over capacity. Mrs. West asked the applicant what the expected timeline of building would be as well as the price and size of the houses. Mr. Wingate said the project would be built in phases starting in about 3-4 years. Mr. Steere said he is not sure of the price due to the failing market and the size would be 1800 sq. ft. for townhouses and 3000 sq. ft. for single family homes; all units are to have 3-4 bedroom. The applicant was provided with a copy of the bus stop guidelines.

Mr. Davis, SHA, read the comments of the department. See file.

Mr. von Staden, DEH, read the comments of the department:

The narrative indicates that the proposed water supply would involve a surface water appropriation from the Susquehanna River. Approval of the appropriation by Maryland Department of the Environment and the Susquehanna River Basin Commission must be granted prior to final plat approval.

A permit to construct the water supply must be obtained from the Maryland Department of the Environment prior to Record Plat approval. Water supply must be adequate for the proposed commercial usage also.

The narrative indicates that sewerage disposal will be a treatment plant to a lagoon with spray irrigation. Testing for and design of this system must be approved by Maryland Department of the Environment prior to final plat approval. A permit to construct the sewerage disposal system must be obtained from the Maryland Department of the Environment prior to Record Plat approval. Sewerage design must be adequate for the proposed commercial usage also.

The property is currently W-3, S-3. The Master Water and Sewer Plan must be updated prior to final plat approval.

Final and records plats are required to have the following statements:

1. Public sewerage will be available to all lots offered for sale (by owner's signature block).
2. Use of public sewerage is in conformance with the Cecil County Master Water and Sewer Plan (by Health Department signature block).
3. Plans for the shared facility sewage disposal system have been approved by Maryland Department of the Environment (by owner's signature block).

A permit to construct a swimming pool must be issued by the Department of Health and Mental Hygiene prior to site plan or Building Permit approval. If a Food Service Facility is proposed at the Clubhouse or in the area of the commercial pad, Food Service Facility Plans must be submitted to and approved by the Cecil County Health Department prior to Building permit approval.

Mr. Di Giacomo provided the applicant with the comments provided by the Fire Chief's representative. See file for comments.

Mr. Di Giacomo also read the comments of Delmarva Power.

MDE comments are as follows:

If the site is to be supplied by Port Deposit, the Town's water appropriation & use permit needs to have an annual average excess appropriation of about 151,000 gpd. The Town's current permit allows an annual average use of 400,000 gpd and they report their actual use to be 126,000 gpd, so the excess appropriation appears to be available.

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

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

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

Zoning: SR, RCA

The portion of the site that is within the Town of Port Deposit is zoned R2. No development is proposed in the Town.

Has a courtesy copy of this proposal been submitted to the Town for their review and comment? Mr. Small said no. Technically, since this property is not zone TR, the project is not subject to the requirements of §27.2. Nevertheless, for a project of this magnitude, a courtesy review is in order.

No development is proposed in the Critical Area portion of the site.

In the MEB overlay zone, mineral extraction activities are permitted per §'s 17 and 67.2 of the Zoning Ordinance. A note to that effect should be added to the plat, and any adjacent properties in the MEB overlay zone should be shown on the plat.

Documentation must be submitted to the effect that the minerals on this site are unrecoverable. This documentation should be submitted with both the Planning Commission and Board of Appeals submittals.

PUD's must adhere to the requirements of ARTICLE's XII and XVII of the Zoning Ordinance and §6.0 of the Subdivision Regulations.

The review and approval process for this PUD proposal is established in §256 of the Zoning Ordinance. §256.1 stipulates that a PUD is permitted in the SR zone by Special Exception. §256.2 requires that the "Sketch Plat/Special Exception Application" shall be reviewed by the TAC, which is being done today. Up to that point, there is no difference between the PUD approval process and the normal subdivision review and approval process.

§256.3 requires that the "Sketch Plat/Special Exception Application" next shall be reviewed by the Planning Commission, and that the Planning Commission<sup>6</sup> shall "make recommendations to the Board of Appeals."

Next, the Sketch Plat/Special Exception must be placed on the Board of Appeals' agenda, per §256.4, which specifies that then it "... shall be reviewed by the Board of Appeals. The Board shall consider the recommendations of the Technical Advisory Committee, the Planning staff, the Planning Commission and the standards in Article XVII, Part II, in making their determination to approve or disapprove the proposed PUD."<sup>7</sup>

§256.5 stipulates, in part, that "Following approval of the PUD Special Exception by the Board of Appeals the PUD or section thereof shall be processed in accordance with the provisions of the Cecil County Subdivision Regulations." Thus, assuming approval of the PUD Special Exception, Preliminary Plats and Final Plats would be reviewed in the regular way, with the Planning Commission rendering decisions approving or disapproving such submissions, rather than making recommendations to any other body.

Just as is the case with a Concept Plat approval, the possible PUD "Sketch Plat/Special Exception Application" approval by the Board of Appeals would not guarantee any subsequent Preliminary or Final Plat approvals by the Planning Commission.

Density: The SR zone permits a maximum base density of 1 du/ 1 ac., or 2/1 with community facilities, or 4/1 if a PUD. This project proposes 703 dwelling units on 393.734 acres, for a proposed density of 1.79/1.

A boundary line survey<sup>8</sup> 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

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<sup>6</sup> Moreover, §'s 256.3 & 256.4 make clear that the Planning Commission's role now is to make a **recommendation** to the Board of Appeals on the "Sketch Plat/Special Exception Application" **rather than an actual decision** on what would otherwise be considered a Concept Plat.

<sup>7</sup> It is incumbent upon the applicant to become thoroughly familiar with all aspects Article XVII, Part II.

<sup>8</sup> Note # 1 indicates that the boundary line survey has already been completed.

shall be used to ensure sediment and erosion control and slope stabilization before, during and after disturbance activities.<sup>9</sup>

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

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

A 25' buffer is required around all non-tidal wetlands and intermittent streams present. Permits are required from the (US Army) Corps of Engineers and MDE for all non-tidal wetland and stream impacts prior to recordation. JD's are required in conjunction with permitting. If no permits are required, and if the proposed project meets the policy standards established on 3/20/95 and revised on 1/16/96, or if the FSD/Conceptual Environmental Assessment finds that there are to be no impacts to field-delineated wetlands<sup>10</sup> or stream impacts, or if the FSD/Conceptual Environmental Assessment finds that there are no wetlands or streams and that finding is consistent with the details of County wetlands maps and USGS quad maps, then no JD is required. If required, then a JD is recommended to be done prior to Final Plat review by the Planning Commission, but required to be completed prior to recordation.

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

30% common open space is required; 43.1% is cited as being proposed. However, it is unclear in any of that figure is actually in the Town. Mr. Steere said he will get that clarified.

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

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

30% landscaping of the gross development site is required (§251.3).

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

Bufferyard Standard C is required, outside the right-of-way, along the road frontages of MD 276 and Burlin 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. In areas with community facilities, no street trees shall be planted within 20 feet of sewer laterals and cleanouts.

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<sup>9</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>10</sup> Note # 2 indicates that the wetlands have been field delineated.

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

The FSD must be approved prior to any granting of a PUD Special Exception.

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 street trees & Forest Retention/ Afforestation Areas (FRAs) must be recorded & noted on the plat prior to recordation, with the metes and bounds description of the FRA being shown on the Final & Record Plats.

A Traffic Impact Study (TIS) is required prior to the TAC's review of any Preliminary Plat. The TIS must account for traffic projected to be generated on the commercial site, including the proposed awkward access scheme.

All road names must be approved prior to the Planning Commission's review of the Preliminary Plat. The following road names remain unapproved:

- 1) Alley A
- 2) Alley B
- 3) Flint Way
- 4) Granite Drive
- 5) Gravel Drive
- 6) Gypsum Way &
- 7) Rock Court

What is the nature of the U.S. Government water easement, and to where is it proposed to be relocated?

The labeling of the proposed waste water treatment plant includes a misspelling ("waster water"). How will the proposed waste water treatment plant be accessed? Mr. Small said by a trail crossing.

The applicant is reminded of the provisions of §7.2.12.B.12.

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

Per §255.2, why hasn't the club house area been proposed in a more central location? Mr. Small said they believed the occupants of the townhouses would utilize the clubhouse more often than the occupants of the single family homes. Also, the clubhouse has a view of the Susquehanna River at the proposed location.

The Preliminary Plat must have site-plan level details for the proposed club house area.

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

It is unclear how the stormwater management area behind proposed lots ??-?? is proposed to be accessed.

Are the alleys proposed to be public or privately-owned? Mr. Small said they were not thinking that they were going to be public. Mr. Woodhull said he believed they would be privately owned.

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 S3 and W3.

If a community water facility is proposed, then it will require compliance with §175, prior to the Final Plat review.

This proposal must fully comply with all provisions of §175, including §175.2.e, §175.2.i, and §175.2.l.

All approvals, including site plan approvals, of any shared water and/or sewer facility shall precede Final Plat review.

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

This proposal is consistent with §248.1 in offering "a variety of building types ... including, detached single-family dwellings, duplexes, semi-detached dwellings, townhouses and apartments," and with §248.2 by proposing "certain commercial uses in a PUD that serve the day to day needs of the residents of the PUD."

§252.2 stipulates that the business uses permitted in a PUD shall be the same as those permitted in the BL zone, and §252.3 states that "the requirements of the BL zone shall apply to business uses in a development in the PUD." The TIS must take this into consideration.

Per §250.2 the number/percentage of townhouse units is exceed by 4.

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.

§256.1 (a) – (f) require very specific pieces of information to be included as part of the Sketch Plat/Special Exception Application, as follows: "... the Sketch Plat/Special Exception Application shall contain the following information:

- (a) Elevations of each building type.
- (b) Proposed open spaces, their size, their location, their uses, and their proposed ownership (County and/or association).
- (c) General statement concerning provision of utilities (draft terms and provision of a public works agreement).
- (d) Statement of expected County responsibilities.
- (e) Cost-Revenue ratio of the proposed PUD for the County.
- (f) Tentative time table and staging development. (Schedule of construction)."

This has been provided as an enclosure.

The applicant is reminded of the 4:30 p.m. submission deadline on the 3<sup>rd</sup> Thursday for review by the Planning Commission the following month.

| School information: | Elementary<br>Bainbridge | Middle<br>Perryville | High School<br>Perryville |
|---------------------|--------------------------|----------------------|---------------------------|
| FTE                 | 364                      | 617                  | 905                       |
| Capacity            | 449                      | 860                  | 944                       |
| % Utilization       | 81%                      | 72%                  | 96%                       |

The February TAC meeting adjourned at 10:40 a.m.

Respectfully submitted,

*Jennifer Bakeoven*