

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

Present: Black, David (CCP&Z), Woodhull, Mark (CCDPW), Harmon, Lloyd (DEH), Brown, Chris (CCSCS), Graham, Daniel (Citizen's Representative), Davis, Gary (SHA), West, Janel (CCPS), Meaders, David (FA), Latham, Cindy (MDE), Bakeoven, Jennifer (CCP&Z).

Absent: Cwiek, Philip (USCoE), Ouano, Jun (Delmarva Power), Di Giacomo, Tony (CCP&Z).

1. The Villages at Belle Hill, PUD, 300 Units, Belle Hill Road and MD Rte. 279, Concept Plat, Will Whiteman Land Surveying, Inc., Third Election District.

Will Whiteman, Land Surveyor and Ron Carpenter, Carpenter Engineering, appeared and presented an overview of the project. The proposed development is an age restricted community.

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

1. A SWM plan, Road & Storm Drain plan, Water & Sewer plans, and a Mass & Final Grading plan must be approved by the CCDPW prior to submittal for Final Plat Approval. The fees for design review of this project must be provided at the time of first design submittals.
2. The location of proposed fire hydrants should be presented to the serving fire company for review & comment.
3. This development, as proposed, is dependent on the Artesian Water Company of Maryland providing the water & sewer service. The Department will not sign the final plat until we have confirmation of their intent to provide these services to this development.
4. A Traffic Impact Study will be required.
5. Both intersection & stopping sight distance measurements must be submitted and approved prior to TAC review of the preliminary plat.
6. Acceleration / deceleration & bypass lane requirements must be addressed to the satisfaction of the Department prior to the TAC review of the preliminary plat. Any ROW acquisition necessary to satisfy these requirements must be obtained by the Developer at his own expense.
7. While the Section 3.07.15 of the Cecil County Road Code requirements normally would apply, the size of the proposed development and its resultant traffic impact as well as the current condition of the road requires that additional study of Belle Hill Road is warranted. Therefore a Protocol Two Road Condition Survey will be required for Belle Hill Road along the developments road frontage and extending to the intersection with Appleton Road. As part of this submittal the Developer will provide a road improvements plan to bring this section of Belle Hill Road up to a "Minor Collector" road equivalency.
8. All work associated with the proposed entrance onto Belle Hill Road must be agreed to by the Department and the developer and the scope of the work be identified by note or detail on the preliminary plat prior to TAC review.
9. With a development of 300 units the need for a second access is very important. As proposed Preston Drive may accomplish this need sometime in the future. Until that time Preston Drive must be terminated in a temporary tee turnaround. If this interconnection fails to materialize the

temporary tee turnaround would be replaced with a standard cul-de-sac bulb with the requirement of additional ROW. That thought as well as ability of Lot 47's proposed configuration to accommodate both a driveway and the tee turnaround must be taken into consideration by the Developer. The road plans must address this issue to the satisfaction of the Department.

10. Due to the size of the lots proposed a 30' wide closed section road with 200' minimum radius horizontal curves will be required for the internal minor roads proposed. As for Belle Hill Boulevard a 32' wide closed section road will be required. See Standard Detail R-35 of the Road Code. These pavement widths will allow parking on one side of the road.
11. Both North & South Millstone Lane are in non-compliance with Section 2.02 B. of the Cecil County Road Code (cul-de-sac bulb).
12. The "eyebrow" pavement extensions, adjacent to Lots 10 & 89, will require additional work by the County to maintain and as such we would like to know what purpose they serve in this development. The road plan submittal must justify their use before the Department will consider allowing them.
13. All the alleyways proposed for this development must be privately owned and maintained.
14. The department has a number of concerns regarding the dead-end configuration of most of the alleyways. Access to Lots 122-144 is circuitous at best and if trash collection is proposed via the alleys service trucks will have an interesting time backing out. The Department suggests they be re-configured.
15. Access to the commercial pad site must be made off of Mill Race Loop away from the intersection. Do you propose direct access off of Belle Hill Road? Mr. Whiteman said no. Where is the parking for this site? Mr. Whiteman said that will come with the site plan. The site plan will be for a professional building, not retail or commercial.
16. How do you intend to address SWM for this site? Mr. Carpenter explained.
17. What consideration has been given to where the SWM areas adjacent to the apartment complex will discharge? Discharge from any proposed SWM facility must not adversely impact adjacent properties. Mr. Carpenter said they would discharge to the state road.
18. 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:

Notes and requirements identified for record:

- 18.1 The Final Plat Lot Grading and Lot Grading Plan Construction Limits Notes.
- 18.2 Compliance with Sections 251-9.A (5), 251-13, and 251-15.D. of the Cecil County Stormwater Management Ordinance.
- 18.3 Requirements for Public Works Agreements.
- 18.4 Requirements for Stormwater Inspection and Maintenance Agreements.
- 18.5 Requirements for County Roads.
- 18.6 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. A Public Works Agreement is required for the streets & storm drains and the water and sewer systems.
4. An Inspection & Maintenance Agreement is required for the private SWM facilities.
5. The internal street grade leaving Belle Hill Road 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.

Mr. Whiteman explained that he has received a letter from Artesian stating that they are willing and able to provide the water and sewer service for this proposed development.

Mr. Davis, SHA, asked with the two panhandle accesses to Appleton Road whether there would be any future intent on accessing Appleton Road. Mr. Whiteman said as of right now, a boundary line survey has not yet been completed. He would like to look into it more before deciding whether to use them as access points. Mr. Davis advised the client that if there was a proposed access sometime in the future, it would have to go through a full SHA review and it would require an access permit. SHA would also like to see plans in hydraulic computations.

Ms. Latham, MDE, stated that if Artesian will be serving the development, the applicant will not need a Groundwater Appropriation permit. Ms. Latham also remarked that the deal between Artesian and the county has not been made official. Until then, MDE will not consider this project as having an approved water supply.

Mrs. West, CCPS, stated that she understands this is a proposed age restricted community; therefore, it should not affect the school capacity concerns. Mrs. West asked if the applicant had any information on the phasing of the project. Mr. Whiteman said they are unsure until the economy gets better. The project will be phased. Mrs. West provided the applicant with a copy of the bus stop guidelines.

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

Mr. Meaders, FA, read the comments of the department. See file.

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

Mr. Harmon, DEH, read the comments of the department:

The property is mapped as W-2 and S-2 in the Master Water and Sewer Plan. The plan indicates Artesian Water is to provide public water and sewer to the development.

Written confirmation of an adequate water and sewer allocation must be submitted to the Health Department prior to Final Plat approval. Final Plats are required to have the following statements:

1. Public Water and sewerage will be available to all lots offered for sale (by owner's signature block).
2. Use of public water and sewerage is in conformance with the Cecil County Master Water and Sewer Plan (by Health Department's signature).

Submit a written description of the intended use of the clubhouse, specifically regarding any food sales or preparation. If a food license is required, food plans must be approved prior to site plan or building permit approval. Will a separate site plan be required for the professional building?

Are the remaining lands being added to a separate parcel owned by Preston Ayars, Jr.? Will the house on this parcel connect to public water and sewerage? A repair installed at this house appears to cross onto proposed lots 146 & 147.

The proposed stormwater pond on the southwest part of the property is very close to an on-site sewage system for Orby Dickens (less than 100', probably less than 50'). Are there any plans to connect the houses on Country Lane and Appleton Road to public water and sewerage? Between Belle Hill Road and Country Lane, our office has records of 7 septic repairs (2 in lieu of holding tank) and a perc disapproval. Connection of these additional properties should be considered in the design of sewerline construction for this development.

Mr. Black, 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: DR

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 Commission¹ 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."²

§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,

¹ 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.

² It is incumbent upon the applicant to become thoroughly familiar with all aspects Article XVII, Part II.

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 DR zone permits a maximum base density of 1 du/ 1 ac., or 4/1 with community facilities, or 6/1 if a PUD. This project proposes 300 dwelling units on 50 acres, for a proposed density of 6/1.

A boundary line survey³ 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.⁴

Any slopes greater than 25% must 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 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 wetlands⁵ 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 required⁶; 34% is cited as being proposed. All common open space must be consistently labeled and referenced as such. How will the owners of the proposed apartments be accounted for in the Homeowners’ Association? Mr. Whiteman said each apartment building may have different owners. The owners of the apartment buildings and the professional building will be included in the HOA.

³ Note # 1 indicates that the boundary line survey has already been completed.

⁴ 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.”

⁵ Note # 2 indicates that the wetlands have been field delineated.

⁶ §26.3.c requires 25%, but §251.4 requires 30%. Per §6.3, the more restrictive 30% requirement shall prevail.

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.

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

Sidewalks are recommended on both sides of all internal roads.

Bufferyard Standard C is required, outside the right-of-way, along the road frontages of MD 279 and Belle Hill 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.

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 Preliminary Plat review.

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

- Ayars Court
- Belle Hill Boulevard
- Mill Race Loop
- North Millstone Lane
- Preston Drive
- Rolling Mills Circle
- South Millstone Lane

Mr. Black requested that the applicant name the road going in and out of the apartments for addressing purposes.

Belle Hill Boulevard's proposed intersections with Belle Hill Road and Ayars Court are only 100' apart. This could create the potential for unsafe turning movements and inadequate queuing space.

The unnamed alley behind proposed townhouse lots 129-144 is proposed to be accessed circuitously through the community building's parking lot. That is an awkward design.

In the strip of proposed townhouse lots, 129-156, why were 145 & 146 designed without rear alley access?

300 proposed dwelling units make an additional ingress/egress point desirable. With apparently three strips of land, each 30' wide, connecting out to MD 316, has their use, for at least emergency access, been considered?

The proposed Belle Hill Road entrance location is consistent with §7.2.12.E.4.

The applicant is reminded of the provisions of §7.2.12.B.12 and §7.2.12.E.5.

The proposed Preston Drive is shown as a stub road to adjoining property for possible future development. Does the cited 50 acres include any of that adjacent property? Mr. Whiteman said no.

Per §4.0.13 (m) 3, the "total number of off-street parking spaces and the space to unit ratio" must be provided. Mr. Whiteman said that information is provided on the plat.

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

Per §255.2, why hasn't the community building area been proposed in a more central location?

The Preliminary Plat must have site-plan level details for the proposed community building area and the apartments.

The applicant is cautioned that if the proposal should change such that the apartments are instead proposed as condominiums, then, in that case, a different process of review and approval shall be followed.

A Homeowners' Association (HOA) for maintenance of common open space must be established with \$50 per recorded lot or dwelling unit placed in escrow for improvements prior to recordation. The HOA shall be structured so that the rights and responsibilities of the apartment owners and individual lot owners are consistent with Maryland law.

Are the alleys proposed to be public or privately-owned? The alleys will 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 S1 and W1.

Water and sewer services are proposed to be provided by Artesian Resources.

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."

However, per §250.2 the permitted percentage of townhouse and apartment units is exceed 23%. What is the rationale for inconsistency? The clients felt the need for the townhouses and apartments are more in demand.

How is this proposal is consistent with §248.2 by proposing "certain commercial uses in a PUD that serve the day to day needs of the residents of the PUD"? The use will be determined by the market; there is retail commercial nearby is property.

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.

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.

How will the proposed age restriction be enforced? Mr. Whiteman said by deed.

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

School information:	Elementary	Middle	High School
	Gilpin Manor	Elkton	Elkton
FTE	380	626	1112
Capacity	416	712	944
% Utilization	91%	88%	118%

2. Larson's Northeast Overlook, Lots 1-62, MD Rte. 272, Concept Plat, Frederick Ward Associates, Fifth Election District.

Jennifer Zhai and Lou Schaffer, Frederick Ward Associates, appeared and presented an overview of the project.

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

1. A SWM plan, Road & Storm Drain plan, Water & Sewer plans, and a Mass & Final Grading plan must be approved by the CCDPW prior to submittal for Final Plat Approval. The fees for design review of this project must be provided at the time of first design submittals.
2. This development, as proposed, is dependent on the Villages at North East being built to the point that sewer service could be accessed. In addition and more importantly the Villages at North East cannot proceed until the De La Plaine pump station has been upgraded to accommodate additional flow from this area. The Developer proceeds at his own risk in regards to this dependence.
3. Have you discussed the proposed connections with the Developer of Villages at North East? Does their proposed sanitary sewer pump station have the capacity, as designed, to meet your additional demand? Have you analyzed their plans to determine whether the sewer lines you intend to connect to are adequately sized? Mr. Schaffer said they have had preliminary talks with the developer but the plan on discussing this further in the near future.
4. Sewer allocation must be requested from the Cecil County Department of Public Works.
5. Proposed sanitary sewer run outside of County ROW must be ductile iron.
6. The water distribution system must be designed to provide adequate fire flow and pressure throughout your subdivision as well as the potential development on Parcels 76, 105, & remainder of 197.
7. It appears that many of the lots proposed cannot use gravity sewer to reach the proposed MH adjacent to Lots 20/21. Do you intend to provide a pump station? Mr. Schaffer said they may entertain the idea of a grinder system with DPW.
8. The trip generation associated with the development (62 units) proposed accounts for a minimum ADT of 620 which exceeds minor road loading. That by itself requires that Elizabeth Marie Way be designed as the minor collector road as identified on the plat by the 60' ROW shown.
9. What is the development potential for the Parcels 76, 105, & the remainder of 197? With the potential for additional traffic loading resulting from future connection to the remainder of Parcel 197 through the Lands of Eveland (Parcel 105) the cul-de-sac of Susan Jean Way adjacent to Lots 14-15 may eventually be modified to a through street.
10. The Department requests that the Planning Commission require that a Traffic Impact Study be prepared and submitted prior to any review of the preliminary plat.
11. Closed section road is required throughout this development.
12. Will the proposed dwellings have garages? Mr. Schaffer said yes. How many off-street parking spaces will you provide on each lot?
13. The preliminary plat must reflect all easements required for SWM, storm drains, and utilities.
14. The preliminary plat must also show all storm drains and in general how runoff will be conveyed to the proposed SWM areas. Also identify where the SWM areas will discharge.
15. What consideration has been given to where the SWM area adjacent to Lot 42 will discharge? Where do you intend to direct the discharge? Mr. Schaffer said they would direct the discharge to the state ROW.
16. 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:

Notes and requirements identified for record:

- 16.1 The Final Plat Lot Grading and Lot Grading Plan Construction Limits Notes.
- 16.2 Compliance with Sections 251-9.A (5), 251-13, and 251-15.D. of the Cecil County Stormwater Management Ordinance.
- 16.3 Requirements for Public Works Agreements.
- 16.4 Requirements for Stormwater Inspection and Maintenance Agreements.
- 16.5 Requirements for County Roads.
- 16.6 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. A Public Works Agreement is required for the streets & storm drains, water and sewer systems.
4. An Inspection & Maintenance Agreement is required for the private SWM facilities.
5. The internal street grade leaving Spears Hill Road 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.

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

Ms. Latham, MDE, stated that the applicant would have to apply for a water appropriation and use permit. Additional testing will be required.

Mrs. West, CCPS, stated that North East Middle and High Schools are currently over capacity which poses a concern. Mrs. West asked the applicant if they knew when they may start to build this development. Mr. Schaffer said they are not sure with the economy in the position that it is in as well as the extensive planning that a development will take. The applicant was provided with a copy of the bus stop guidelines.

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

Mr. Meaders, FA, asked that the applicant consult with the local fire department as fire hydrant placement. Mr. Meaders also asked the applicant if they planned on using the existing water tower for fire suppression. Mr. Schaffer said yes.

Mr. Graham, Citizen's Representative commented about the Cameron's driveway. Mr. Schaffer explained.

Delmarva Power had no comments.

Mr. Harmon, DEH, read the comments of the department:

Written documentation of water and sewer allocations must be submitted to Cecil County Health Department prior to final plat approval. A Groundwater Appropriation Permit and a permit to construct the public water supply must be issued by Maryland Department of the Environment prior to final plat approval. Plans to construct any sewage pumping station must be approved by Maryland Department of the Environment prior to final plat approval. Ownership of the public water utility must satisfy COMAR 26.04.05 as a shared facility or COMAR 26.04.03.08B.

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

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

The Master Water and Sewer Plan must be amended to include this parcel prior to final plat approval.

The narrative indicates that parcel 197 exists as 3 separate (not connected) parcels, but are they legally separated? Could they be sold separately without subdivision?

Mr. Black, 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

Density: The SR zone permits a density of 1 du/ 1 ac., or 2/1 with community facilities. This project proposes 62 lots⁷ on 96.4262 acres, for a proposed density of 1/1.555. The plat's cited density of 1/1.64 is based on only a portion of the total acreage.

A boundary line survey⁸ 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.⁹

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

⁷ The Parcel Map and Vicinity Map inserts fulfill the §4.0.13 (b) requirements.

⁸ Note # 1 indicates that the boundary line survey has already been completed.

⁹ 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."

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'.

If the buffer must be expanded, then a proposed SWM area may need to be reconfigured.

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 wetlands¹⁰ 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.

15% common open space is required; 36.1% is proposed, but that's based upon only 37.2556 acres, not the total acreage.

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.

What is proposed for the balance of the property, and how will it be accessed?

With no road frontage on Shady Beach Road, and the proposed entrance on MD 272, why does the title block suggest otherwise? Will a Bufferyard C be installed along Shady Beach Road?

20% landscaping of the development envelope is required.

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 272.

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

A 20' buffer is shown behind proposed Lots 1-11. What is its purpose, and why isn't it shown elsewhere? Mr. Schaffer said there has been some discussions with the neighbors to buffer their property from this proposed subdivision.

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.

¹⁰ 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 was approved on 9/15/08.

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 Preliminary Plat review.

All road names must be approved prior to the Planning Commission's review of the Preliminary Plat. The following name has been DISAPPROVED:

- Lydia Court

What is the purpose of the unnamed stub roads to common open space and to the adjacent lands of D. R. Horton? Mr. Schaffer said has been some discussion of acquiring the Eveland Property

Why doesn't the proposed MD 272 access point coincide with the existing access point, and has it been verified that the proposed access location is consistent with sight distance requirements, §7.2.12.E.4 and §7.2.12.E.5? Mr. Schaffer said he has done some preliminary profiles.

The applicant is reminded of the provisions of §7.2.12.B.8 and §7.2.12.B.11.

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 being 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 S3 only. Therefore, unless individual wells are proposed, then the Master Water and Sewer Plan must be amended no later than prior to Final Plat review.

If the water is proposed to be provided by the Town of North East, then written verification of water allocation must be submitted prior to Final Plat submittal, as well as an amendment to the Master Water and Sewer Plan being achieved by that time.

There is real confusion as to what is intended for this project. For example, Note # 5 states that “The project will be served by community water and sewer.”¹¹ Yet, Note # 10 states that “Sewer allocations will re requested from the Cecil County Department of Public Works.”

The applicant is advised to consult §12 for definitions.

If a community water facility is proposed, then it will require an amendment to the Master Water & Sewer Plan, as well as compliance with §175, prior to the Plat Final 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 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 any water allocation must be provided by the applicant prior to the Planning Commission’s review of the Final Plat.

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

For subdivisions proposed on property contiguous to operating farms, notice shall be provided on the plat that an agricultural operation is being conducted on a contiguous property and said agricultural operation is protected from nuisance claims provided the conditions of Article I, § 4 are being complied with.

The applicant is reminded of the 4:30 p.m. submission deadline on the 3rd 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%

3. Candlelight Ridge, Phase II, Lots 1-5 & 36-39, Red Toad and Fineburg Roads, Concept Plat, Morris & Ritchie Associates, Inc., Fifth Election District.

Travis Canavan, Morris & Ritchie Associates, Inc., appeared and presented an overview of the project.

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

1. The road and sanitary sewer line are in place.

¹¹ §12 defines *Community Sewerage System* as follows: “A sewage facility which serves three (3) or more individual lots, dwelling units, business, commercial or industrial establishments, or any combination thereof and which is **owned and maintained by an entity other than the County or a municipality** including any system for the collection, transportation, and disposal of sewage or industrial wastes of a liquid nature, including various devices for the treatment of such sewage and industrial wastes. Community sewerage systems include shared sewer facilities.

2. The Developer must modify the existing entrance island to accommodate the driveway for Lots 1 & 39 as proposed in your January 14, 2009 submittal.
3. The Developer must provide the driveways for the proposed lots. This requires cutting and repairing the existing modified curbing and the existing sidewalk.
4. The Developer will be responsible for milling and overlaying Raydan Way from Alicia Court to Red Toad Road.
5. Traffic control must be provided for the utility installation & road repair work.
6. The SWM has been addressed for Phase II in Phase I of this development.
7. Has the Town of North East granted water allocation for the proposed lots? Mr. Canavan said they have received water allocation from the town. Mr. Woodhull asked that the applicant provided documentation.
8. A Public Works Agreement will be required covering the work required to install the proposed water line and connection to the Town's existing water main. The developer must obtain a road construction permit from the Department's Roads Division. Contact Dan Webber at 410-996-6270. water line and connection tee identified on the approved sewer plans installed?
9. Any work within the County ROW must comply with the appropriate sections & details of the Cecil County Road Code.

Mrs. Latham, MDE, stated that no water appropriation permit would be required.

Mrs. West, CCPS, stated that North East Middle and High Schools are over capacity at the present time which poses a concern. The applicant was provided a copy of the bus stop guidelines.

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

Mr. Meaders, FA, asked if there is existing hydrants. Mr. Canavan said he did not believe so. There are hydrants across the street. They will be putting in a water main.

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

Mrs. Bakeoven read the comments of Delmarva Power. See file.

Mr. Harmon, DEH, read the comments of the department:

The property is mapped as W-2 and S-1 in the Master Water and Sewer Plan. The plat indicates the Town of North East is to provide public water and the Department of Public Works is to provide public sewer to the development.

Written confirmation of an adequate water and sewer allocation must be submitted to the Health Department 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).

Mr. Black, 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.

Density: The SR zone permits a density of 1 du/ 1 ac., or 2/1 with community facilities.

The Concept Plat¹² was approved on 3/17/03 at a density of 1.28/1 (39 lots on 30.38 acres), conditioned on:

- 1) A Jurisdictional Determination (JD) being done prior to preliminary plat review by the Planning Commission;
- 2) The Preliminary Forest Conservation Plan modifying the previous FCP associated w/ Minor Subdivision # 3369, or the proposed Raydan Road alignment being changed;
- 3) The internal roads' names being approved prior to the Planning Commission's review of the Preliminary Plat;
- 4) Minor Subdivision # 3369 being referenced on the plat; and
- 5) A sensitive species survey being conducted on site prior to the Planning Commission's review of the Preliminary Plat.

The Preliminary Plat¹³ was approved on 9/15/03, conditioned on:

- 1) Health Department requirements being met;
- 2) DPW requirements being met;
- 3) The FCP and Landscape Plan being approved prior to Final Plat review;
- 4) The block or grid number being added to the plat;
- 5) A Homeowners' Association being established for maintenance of common open space with \$50 per recorded lot being placed in escrow for improvements prior to recordation, with all lot owners becoming members; and
- 6) Satisfactory well compliance reports being submitted to the Health Department prior to release of any building permit.

The Phase 1 Final Plat was approved on 9/23/04, conditioned on:

- 1) Health Department requirements being met;
- 2) DPW requirements being met;
- 3) A Homeowners' Association for maintenance of common open space and landscaped islands must be established with \$50 per recorded lot placed in escrow for improvements prior to recordation;
- 4) Deed restrictions for the long-term protection of the Forest Retention/ Afforestation Areas (FRAs) being recorded and noted on the plat prior to recordation, with the metes and bounds description of the FRA must again be shown on the record plat;
- 5) Sidewalks being included on at least one side of all internal roads;
- 6) A Landscape Agreement being executed prior to recordation;
- 7) A reconfirmation that the common open space proposed is still within the sensitive areas thresholds established in §176.2 of the Zoning Ordinance being submitted to the Office of Planning & Zoning prior to recordation;
- 8) All sheets of the Record Plats containing accurate depictions of the location of the site on all location maps;

¹² This project was former known as both Lands of Miklas & Kuklewski; f/k/a Lands of Miklas & Rowles.

¹³ The Preliminary Plat, which was consistent with the approved Concept Plat, was reviewed by the Planning Commission on 8/18/03, at which time it was TABLED for one month until additional information is obtained from the Maryland Department of the Environment regarding whether a groundwater appropriations permit can be issued for this number of wells, and from the Town of North East if it would serve the property.

- 9) The 10' street tree planting easements being shown on the Record Plat, consistent with §186.1; and
- 10) Permits for the stream crossing being issued prior to recordation.

This Phase II Concept Plat¹⁴ proposes 9 lots on an as-yet to-be-determined acreage (3.12, or 3.50, or 4.04 acres), bringing the overall proposed Phases I & II density to 1/0.79 (39 lots on 30.38 acres).

The confusion over the acreage is exacerbated by the fact that the Concept Plat's representation of what constitutes Phases I and II is directly contradictory to the Phase I Record Plat. Any plat that is inconsistent with the existing Candlelight Ridge Record Plat will not be accepted for Planning Commission review, per §4.0.13 (a) & (g).

Per §4.0.13 (b), this plat is also deficient.

Given the traffic circulation pattern designed into this project, has adequate consideration been given to the safe vehicular ingress and egress for proposed Lots 1-2 and 38-39? Mr. Canavan said there will not be any interference with Lots 2 & 38 but 1 & 39 may need to be cut back. There are no shared driveways proposed.

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.¹⁵

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 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.

The Master Water and Sewer Plan includes this site as W-2 and S-1 areas, respectively.

For Phase II, previously, the Water Service Agreement between the Town of North East and the County did not include this area. Thus, the reason for the delay in bringing the Phase II lots through

¹⁴ §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.

¹⁵ 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."

the review process. Have the Mayor and Commissioners of the Town and the Board of County Commissioners agreed to amend that Agreement? Mr. Canavan said yes. Mr. Black advised the applicant to provide documentation to the Planning Commission.

If so, then documentation of water allocation for Phase II must be submitted prior to Final Plat review.

Fire hydrant locations should be selected in consultation with the North East Fire Co. and the Department of Public Works.

The acreage of the common open space has not been provided. Access to common open space between lots must be marked with concrete monuments.

By providing a combined total of 11.7 acres of common open space (38.51%), this proposal satisfies the common open space requirement. The total common open space acreage proposed in Phase II needs to be accounted for.

The FSD approval¹⁶ has expired. Per §4.0.13 (a), the Planning Commission will not review a Concept Plat with an expired FSD approval.

The PFCP included Phase II and was approved on 7/30/03.

The FCP/Landscape Plan was approved on 5/10/04, but it did not include Phase II. The Phase II FCP/Landscape Plan must be approved prior to Final Plat review (§6.3.B(1)(a), Forest Conservation Regulations).

Rows of street trees with 10' planting easements are required, outside the right-of-way, along both sides of all internal roads, per §186.1.

A Landscape Agreement must be executed prior to recordation.

In areas with community facilities, no street trees shall be planted within 20 feet of sewer laterals and cleanouts.

Deed restrictions for the long-term protection of the street trees and 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 again being shown on the Record Plat.

The proposed road name has been approved. Sidewalks are recommended on at least one side of all internal roads.

The owners of these proposed lots must become members of the Homeowners' Association that was created for maintenance of common open space and landscaped islands. \$50 per recorded lot must be 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 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.

¹⁶ The FSD was approved on 12/12/02 and revised on 3/10/03. Such approvals are valid for 5 years.

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.

Pursuant to §4.0.13 (i), are there any utilities or utility easements located on or within 200' of the parcel?

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 3rd Thursday for review by the Planning Commission the following month.

'04 School information:	Elementary	Middle	High School
	Bay View	North East	North East
FTE	450	818	1030
Capacity	521	770	995
% Utilization	86%	106%	104%
School information:	Elementary	Middle	High School
	Bay View	North East	North East
FTE	569	753	1084
Capacity	608	712	1009
% Utilization	94%	106%	107%

Mr. Woodhull added that the clean outs in relationship to the driveways, the clean outs will not be allowed in the driveways.

4. Candlelight Ridge, Phase II, Lots 1-5 & 36-39, Red Toad and Fineburg Roads, Preliminary Plat, Morris & Ritchie Associates, Inc., Fifth Election District.

Travis Canavan, Morris & Ritchie Associates, Inc., appeared and presented an overview of the project.

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

1. The road and sanitary sewer line are in place.
2. The Developer must modify the existing entrance island to accommodate the driveway for Lots 1 & 39 as proposed in your January 14, 2009 submittal.
3. The Developer must provide the driveways for the proposed lots. This requires cutting and repairing the existing modified curbing and the existing sidewalk.
4. The Developer will be responsible for milling and overlaying Raydan Way from Alicia Court to Red Toad Road.
5. Traffic control must be provided for the utility installation & road repair work.
6. The SWM has been addressed for Phase II in Phase I of this development.
7. Has the Town of North East granted water allocation for the proposed lots?

8. A Public Works Agreement will be required covering the work required to install the proposed water line and connection to the Town's existing water main. The developer must obtain a road construction permit from the Department's Roads Division. Contact Dan Webber at 410-996-6270.
9. Any work within the County ROW must comply with the appropriate sections & details of the Cecil County Road Code.

Ms. Latham, MDE, gave no additional comments.

Mrs. West, CCPS, gave no additional comments.

Mr. Brown, CCSCS, gave no additional comments.

Mr. Meaders, FA, gave no additional comments.

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

Delmarva had no additional comments.

Mr. Harmon's, DEH, comments:

The property is mapped as W-2 and S-1 in the Master Water and Sewer Plan. The plat indicates the Town of North East is to provide public water and the Department of Public Works is to provide public sewer to the development.

Written confirmation of an adequate water and sewer allocation must be submitted to the Health Department 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).

Mr. Black, 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.

Density: The SR zone permits a density of 1 du/ 1 ac., or 2/1 with community facilities.

The Concept Plat¹⁷ was approved on 3/17/03 at a density of 1.28/1 (39 lots on 30.38 acres), conditioned on:

- 1) A Jurisdictional Determination (JD) being done prior to preliminary plat review by the Planning Commission;
- 2) The Preliminary Forest Conservation Plan modifying the previous FCP associated w/ Minor Subdivision # 3369, or the proposed Raydan Road alignment being changed;

¹⁷ This project was former known as both Lands of Miklas & Kuklewski; f/k/a Lands of Miklas & Rowles.

- 3) The internal roads' names being approved prior to the Planning Commission's review of the Preliminary Plat;
- 4) Minor Subdivision # 3369 being referenced on the plat; and
- 5) A sensitive species survey being conducted on site prior to the Planning Commission's review of the Preliminary Plat.

The Preliminary Plat¹⁸ was approved on 9/15/03, conditioned on:

- 1) Health Department requirements being met;
- 2) DPW requirements being met;
- 3) The FCP and Landscape Plan being approved prior to Final Plat review;
- 4) The block or grid number being added to the plat;
- 5) A Homeowners' Association being established for maintenance of common open space with \$50 per recorded lot being placed in escrow for improvements prior to recordation, with all lot owners becoming members; and
- 6) Satisfactory well compliance reports being submitted to the Health Department prior to release of any building permit.

The Phase 1 Final Plat was approved on 9/23/04, conditioned on:

- 1) Health Department requirements being met;
- 2) DPW requirements being met;
- 3) A Homeowners' Association for maintenance of common open space and landscaped islands must be established with \$50 per recorded lot placed in escrow for improvements prior to recordation;
- 4) Deed restrictions for the long-term protection of the Forest Retention/ Afforestation Areas (FRAs) being recorded and noted on the plat prior to recordation, with the metes and bounds description of the FRA must again be shown on the record plat;
- 5) Sidewalks being included on at least one side of all internal roads;
- 6) A Landscape Agreement being executed prior to recordation;
- 7) A reconfirmation that the common open space proposed is still within the sensitive areas thresholds established in §176.2 of the Zoning Ordinance being submitted to the Office of Planning & Zoning prior to recordation;
- 8) All sheets of the Record Plats containing accurate depictions of the location of the site on all location maps;
- 9) The 10' street tree planting easements being shown on the Record Plat, consistent with §186.1; and
- 10) Permits for the stream crossing being issued prior to recordation.

The Phase II Concept Plat has undergone technical review today. It has been neither reviewed nor approved by the Planning Commission.

This Phase II Preliminary Plat¹⁹ proposes 9 lots on an as-yet to-be-determined acreage (3.12, or 3.50, or 4.04 acres), bringing the overall proposed Phases I & II density to 1/0.79 (39 lots on 30.38 acres).

Again, this confusion over the acreage is exacerbated by the fact that the Preliminary Plat's representation of what constitutes Phases I and II is directly contradictory to the Phase I Record Plat. Any plat that is inconsistent with the existing Candlelight Ridge Record Plat will not be accepted for

¹⁸ The Preliminary Plat, which was consistent with the approved Concept Plat, was reviewed by the Planning Commission on 8/18/03, at which time it was TABLED for one month until additional information is obtained from the Maryland Department of the Environment regarding whether a groundwater appropriations permit can be issued for this number of wells, and from the Town of North East if it would serve the property.

¹⁹ §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.

Planning Commission review, per §4.1.22 (a) & (g). If the applicant feels that the Record Plat is in error, then it is incumbent upon the applicant to record a corrected version.

Per §4.1.22 (b), this plat is also deficient.

Given the traffic circulation pattern designed into this project, has adequate consideration been given to the safe vehicular ingress and egress for proposed Lots 1-2 and 38-39?

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.²⁰

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 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 natural features details, which are vitally important for Preliminary Plats, need to be shown more boldly. It appears that proposed Lot 36 may have some significant impediments in that regard.

The habitats of rare, threatened, and endangered species must be avoided. The site may contain FIDS habitat.

The Master Water and Sewer Plan includes this site as W-2 and S-1 areas, respectively.

For Phase II, previously, the Water Service Agreement between the Town of North East and the County did not include this area. Thus, the reason for the delay in bringing the Phase II lots through the review process. Have the Mayor and Commissioners of the Town and the Board of County Commissioners agreed to amend that Agreement?

If so, then documentation of water allocation for Phase II must be submitted prior to Final Plat review.

The proposed fire hydrant location should be finalized in consultation with the North East Fire Co. and the Department of Public Works.

²⁰ 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."

The acreage of the common open space has not been provided. Access to common open space between lots must be marked with concrete monuments.

By providing a combined total of 11.7 acres of common open space (38.51%), this proposal satisfies the common open space requirement. The total common open space acreage proposed in Phase II needs to be accounted for.

The common open space sensitive area threshold calculation is included in Note #9.

As previously noted, the FSD approval²¹ has expired.

The PFCP included Phase II and was approved on 7/30/03.

The FCP/Landscape Plan was approved on 5/10/04, but it did not include Phase II. The Phase II FCP/Landscape Plan must be approved prior to Final Plat review (§6.3.B(1)(a), Forest Conservation Regulations).

Does the plat's "proposed landscape island" shown at the Raydan Way entrance off of Red Toad Road already exist?

Rows of street trees with 10' planting easements are required, outside the right-of-way, along both sides of all internal roads. Per §186.1 and §4.1.22 (n), the street tree easement must be shown on the Preliminary Plat.

How does this Preliminary Plat comply with the topographic requirements of §4.1.22 (h) & (i)?

A Landscape Agreement must be executed prior to recordation.

In areas with community facilities, no street trees shall be planted within 20 feet of sewer laterals and cleanouts.

Deed restrictions for the long-term protection of the street trees and 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 again being shown on the Record Plat.

The proposed road name has been approved. Sidewalks are recommended on at least one side of all internal roads.

The owners of these proposed lots must become members of the Homeowners' Association that was created for maintenance of common open space and landscaped islands. \$50 per recorded must be lot placed in escrow for improvements prior to recordation.

Do the current, approved and recorded HOA documents allow for these proposed, additional lots?

If not, then when will those documents be amended and submitted to the Corporate Charter Division of the State Department of Assessments and Taxation for their review and approval?

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.

²¹ The FSD was approved on 12/12/02 and revised on 3/10/03. Such approvals are valid for 5 years.

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.

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

The Lot Acreage Table insert does not satisfy the requirements of §4.1.22 (r). Any Preliminary Plat submitted for review by the Planning Commission shall comply with those requirements.

Pursuant to §4.1.22 (k), have all utilities or utility easements located on or within 200’ of the parcel been depicted?

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 3rd Thursday for review by the Planning Commission the following month. The applicant is reminded of the provisions of §4.1.22 (a).

'04 School information:	Elementary Bay View	Middle North East	High School North East
FTE	450	818	1030
Capacity	521	770	995
% Utilization	86%	106%	104%
School information:	Elementary Bay View	Middle North East	High School North East
FTE	569	753	1084
Capacity	608	712	1009
% Utilization	94%	106%	107%

5. Lands of Thomas & Jane Garvin, Lot 2, New Bridge Road, Concept Plat, C. Robert Webb, Surveyor, Eighth Election District.

Bob Webb, Surveyor and Benjamin Garvin, son of the owner, appeared and presented an overview of the project.

Mr. Woodhull stated that this is not a PRMA but an access easement that has been granted from the Ross’.

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

1. A SWM plan must be approved by the Department prior to the final plat being recorded.

Ms. Latham, MDE, stated that a GAP exemption would need to be filed.

Mrs. West, CCPS, had no comments.

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

Mr. Meaders, FA, had no comments.

Mr. Graham, Citizen's Representative, received calls from Ruby Reynolds and Joan Ewing, with concerns of this subdivision and the potential impact it may have on their properties.

Delmarva Power had no comments.

Mr. Harmon, 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.

Keep sewage area defined on parcel 176 at least 5' off the property line. Sewage area can be 5' closer to right-of-way.

Mr. Black, 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: NAR (& RR)

Density: The NAR zone permits a maximum base density of 1 du/ 10 ac.

The Lot 1 for the Lands of Garvin was approved on 8/16/04, conditioned on:

- 1) Health Department requirements being met;
- 2) DPW requirements being met; and
- 3) The Landscape Agreement being executed prior to recordation.

This Concept Plat proposes one new lot, Lot 2, which would bring to 2 lots plus the dwelling on the remaining lands, on an estimated 46.1947 acres, for a proposed density of 1/15.398.

A boundary line survey for the proposed Lot 2 must be done in conjunction with the preparation of the Preliminary Plat for density calculation purposes. The creation of any additional lots in the future shall require a boundary line survey for the entirety of Parcel 21.

Lot 2 is proposed to consist of 1.2073 acres.

This proposal affects not only Parcel 21, belonging to the Garvin's, but Parcel 176, belonging to the Ross's. A proposed right-of-way to the new Lot 2 is shown across Parcels 21 and 176, and the proposed Lot 2 and Parcel 176 would share an entrance onto New Bridge Road.

A road frontage Variance was granted on 4/29/08, file # 3391.

Four questions:

- Would the proposed right-of-way be fee-simple, or an easement? Mr. Webb said it would be an easement ROW.
- What type of legal mechanism is proposed to govern the shared entrance onto the County road? Mr. Webb said he would be included on the plat.
- Is the acreage of the proposed right-of-way included in the cited 1.2073 acres?
- Why wouldn't a 30' wide road right-of-way strip be shown, dedicated to the Board of County Commissioners – especially since a road widening easement is depicted on Minor Subdivision #1351?

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

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.²²

Any 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 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 for fewer than 10 lots.

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

Per §187.2, the Planning Commission may require bufferyards to separate different zoning districts (NAR—RR) from one another.

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

No street trees are recommended along the proposed right-of-way in the interest of better preserving the rural character.

²² 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."

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

What is the basis for the §3.2K exemption?

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

Any Landscape Agreement must be executed prior to recordation.

Deed restrictions for the long-term protection of the street trees and 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.

Legal arrangements for maintenance of the shared entrance 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 3rd Thursday for review by the Planning Commission the following month.

School information:	Elementary	Middle	High School
	Conowingo	Rising Sun	Rising Sun
FTE	547	688	11201
Capacity	534	818	923
% Utilization	102%	84%	130%

The March TAC meeting adjourned at 11:00 a.m.

Respectfully submitted,

Jennifer Bakeoven