

CECIL COUNTY TECHNICAL ADVISORY COMMITTEE
Wednesday April 1, 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), West, Janel (CCPS), Meaders, David (FA), Latham, Cindy (MDE), Bakeoven, Jennifer (CCP&Z).

Absent: Cwiek, Philip (USCoE), Ouano, Jun (Delmarva Power), Davis, Gary (SHA), Graham, Daniel (Citizen's Representative).

1. North East Commerce Center, LLC, Courtesy Review for the Town of North East, Center Drive, Frederick Ward Associates, Fifth Election District.

Lou Shaffer, Frederick Ward Associates and Betsy Vennell, Director of Planning and Bethany Brock, Town of North East, appeared and presented an overview of the project.

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

1. The Town of North East owns Center Drive, Lums Road from MD Route 272 to Center Drive, and the water distribution system servicing this site. As such, the CCDPW will only review any SWM plan associated with this development
2. Is any change to the existing site impervious cover proposed? Mr. Shaffer said no. If no new impervious area is created by this site plan there should be no need for additional SWM. The SWM for the existing impervious area is addressed by two ponds located to the east of the existing building.
3. What type of traffic loading will your proposal generate? Mr. Shaffer explained that this will be used as flex space. The traffic loading will be subjective to the occupants. Mr. Woodhull asked that the applicant provide a narrative of the expected traffic loading that will be generated.
4. What number of employees do you foresee with this site? Mr. Shaffer said around 350 employees are expected. Mr. Woodhull asked the applicant to submit a letter for sewer allocation to DPW.

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

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

Mrs. West, CCPS, had no comments.

Ms. Latham, MDE, stated that neither a GAP nor an exemption would be needed as this project is being served by public sewer and water.

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

Submit written documentation of adequate water and sewer allocations for the proposed project.

Any food preparation or storage in any unit may require food facility plans; contact the Cecil County Health Department with details if applicable.

Discussion ensued regarding Ms. Vennell's concerns regarding the parking lot on top of a utility easement.

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

As a courtesy to the Towns in the County, the TAC from time to time reviews subdivision proposals and site plans – such as this.

OPZ's comments/questions are as follows:

- It should be noted that the correct name of the Town, "North East," is two words and not one.
- The site plan was reviewed by the TAC on 3/5/08.
- At that time, it was noted that all the improvements shown were previously approved by the Town's Planning Commission on 8/26/96 and 2/24/99. It is recommended that those previous approvals and dates be noted on the site plan.
- It should be confirmed whether or not the Town's Zoning Ordinance and Subdivision Regulations have changed since the 8/26/96 and 2/24/99 approvals and subsequent construction.
- Current consistency with other pertinent codes and regulations is assumed.
- It should be confirmed that the Town's Zoning Ordinance permits the proposed uses in the Town's HI zone.
- Other than additional parking spaces, are any other improvements proposed at this time? Mr. Shaffer said no.
- Why are an additional 155 parking spaces proposed to be added to the existing 292, and how do 447 spaces relate to 350 proposed employees noted? Mr. Shaffer said this space will be flex space. The additional space may serve for security purposes. It should be confirmed that the total number of spaces proposed falls within the Town's regulations' specified minimum and maximum.
- A new use that would trigger a significant increase in the number and/or the types and/or the frequency of visits of vehicles would reasonably demand a new, detailed vehicular/pedestrian circulation and access plan be submitted for the parking area. Potential pedestrian-vehicle safety conflicts should be identified – especially with respect to the 155 new parking spaces in the area of the loading docks. MUTCD signage, other traffic control devices, and striping should be considered.
- In conjunction with the circulation and access plan, how will trash be disposed of, and from where? Mr. Shaffer said there is an existing trash compactor. It is recommended that any

dumpster locations be clearly shown, and any resultant, potential traffic flow conflicts should be identified and corrected.

- Similarly, the lighting plan (the details of which are not shown) should be reviewed for its adequacy, given the proposed new use.
- If the traffic generated by the new use is significantly greater than heretofore, then it is recommended that a new Traffic Impact Study be completed and its recommendations accepted or agreed to prior to final site plan approval. Traffic volumes have increased since the 8/26/96 and 2/24/99 approvals, and 155 more parking spaces are now proposed.
- It should be confirmed whether or not this proposal is exempt from the Forest Conservation Regulations. The Town of North East and Cecil County signed an “*Assigning obligations under the Forest Conservation Act*” agreement on 2/4/00.
- It should be confirmed that any proposed change in signage is consistent with the requirements of the Town’s Zoning Ordinance for the HI zone.
- Consideration should be given to soliciting review and comment by the North East Fire Company with respect to emergency access issues and fire hydrant and standpipe locations and accessibility. Visibility and easy accessibility are the keys to good hydrant location, which are not easily discernable on this submittal.
- It is recommended that all fire hydrant, dry hydrant, and standpipe locations be clearly shown on the site plan. It is further recommended that no final approval be granted until after the North East Fire Company has reviewed and commented on a site plan containing that vital information.
- Some of the “height, area, and bulk” information is curious. It should be confirmed that building heights are actually required to be 75’. If so, will a Variance be required, and has the North East Fire Co. had a chance to comment? Mr. Shaffer said the building height is only approximately 35 ft.
- It is recommended that all/any required variance numbers be shown on the approved site plan.
- The site plan indicates that 71 loading docks currently exist (the previous submittal indicated that only 10 then existed). How do the circled numbers, 1-37, relate to the locations and number of loading docks? Mr. Shaffer said that those numbers have nothing to do with the loading docks, each one of those areas are designated as bays. The spaces are being least out in a number of the bays.
- It is recommended that the limits of the stream and wetland buffers and the floodplain boundary be clearly indicated on the site plan. All are referenced, but actual boundary locations cannot be discerned.
- Some locations showing “existing tanks” are shown. What kind(s) of tanks are they? Mr. Shaffer said they are underground gas tanks.

- Water allocation must be confirmed by the Town of North East prior to final site plan approval.
- Sewer allocation must be confirmed by the Cecil County Department of Public Works prior to final site plan approval.
- The water and sewer flows proposed do not correspond precisely to those approved. Are approvals cumulative? Mrs. Vennell said yes.
- The approved (1999) fire flow of 1,775 GPM is lower than the possible 2,500 GPM high end cited for a possible range, cited in a note. How will any discrepancy, or deficit, be resolved? Mr. Shaffer said he suggested to his client that a fire flow test be provided.

Mr. Di Giacomo read the comments of Delmarva Power. See file.

2. North Creek Run (f/k/a Silverado), Preliminary Major Site Plan (Apts.), Razor Strap Road, McCrone, Inc., Fifth Election District.

Mike Burcham, McCrone, Inc., and Barry Montgomery, developer, appeared and presented an overview of the project.

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

1. A sanitary sewer allocation of 50 ELU was granted to Silverado Subdivision on 2/6/08. This does not transfer to North Creek Run therefore new allocation for the eight apartments will be required. At this time applicants are limited to a maximum of 50 ELU may per request. The Applicant must understand that this allocation covers both the 8 apartments proposed with this preliminary site plan as well as the townhouses proposed in North Creek Run subdivision. When these 50 ELU are exhausted by connection of townhouses, apartment units and/or community building additional allocation may be requested. This will require phasing of the project with no more than 50 ELU accounted for in any one phase. A final plat will be required for each phase.
2. A SWM plan, Road & Storm Drain plan, Sanitary Sewer plan and a Mass and Final Grading plan must be approved by the CCDPW prior to submittal for Final Plat Approval.
3. The Town of North East will own the water distribution system in this development. The CCDPW recommends that the water distribution system, including fire hydrant locations, be designed to meet or exceed the County's standards. We also recommend that the Town request that the serving fire company review fire hydrant spacing and locations. The water lines must be reflected on the sanitary sewer plans and as-builts. All easements for the water lines must be reflected on the final plat.
4. How do you intend to address the SWM requirements for this site? Mr. Burcham said they are proposing to have a 3 to 1 slope off the back of the building.
5. The Department has a concern that run off may be concentrated and directed on to the Lands of Conley creating an adverse impact. The Applicant is reminded of the requirement to comply with Sections 251-9 A (5), 251-13 & 251-15 D of the Cecil County Stormwater Management Ordinance.
6. For the road improvements associated with Section 3.07.15 of the Road Code, 100' either side of the POI of Razor Strap Road & the proposed Stoney Run Creek Road, a full depth replacement of

the existing road with a minor collector road vertical cross section (SN 4.15) will be required. No widening of the pavement will be required.

7. Cecil County proposes to upgrade Razor Strap Road from approximately 1,000ft west of your proposed entrance to Red Toad Road. The applicant will be required to upgrade Razor Strap Road from the end of the full depth repair, associated with the Section 3.07.15 requirements(100' west of the POI), to the point where the County road work ends. The pavement section must be brought to a structural number of 4.15 (minor collector). Have your Geotech and Engineer analyze the data from the borings already taken by Duffield Associates and identify what improvements will be required to meet this structural number. No widening of the pavement will be required.
8. The detail of this off site road improvement must be identified by note on the preliminary plat presented to the Planning Commission for review or the Department will recommend disapproval.
9. The layout of the parking spaces and their close proximity to the proposed intersection is of serious concern to the Department. As shown the southernmost space is closer than the 75' minimum offset for driveways at intersections and will not be allowed. Turning movements into and out of these spaces conflict with normal traffic flow in both directions along the proposed Stony Run Creek Road. Parking must be completely outside of the County ROW. Investigate the possibility of moving the parking off of Stoney Run Creek Road. This conflict must be resolved prior to the Department approving the road & storm drain plans.
10. All parking areas are to be maintained by the HOA unless otherwise noted.
11. The following standard notes and requirements apply to this plat and project: The details of these notes and requirements will be identified in the record but will not be read at this time:
 - 11.1 The Final Plat Lot Grading, Sidewalk Maintenance, and Lot Grading Plan Construction Limits Notes.
 - 11.2 Compliance with Sections 251-9.A (5), 251-13, and 251-15.D. of the Cecil County Stormwater Management Ordinance.
 - 11.3 Compliance with Section 3.07.15 of the Cecil County Road Code.
 - 11.4 Requirements for Utility relocations.
 - 11.5 Requirements for Public Works Agreements.
 - 11.6 Requirements for Stormwater Inspection and Maintenance Agreements.
 - 11.7 Requirements for County Roads.
 - 11.8 Requirements for Final Plat - Public Water and Sewer Allocation.
 - 11.9 Requirements for Sewer Service Cleanouts – Location.

Notes and requirements identified for record:

1. The Final Plat must include the standard lot grading note and the note indicating that sidewalk maintenance will be required of the adjacent property owner (if sidewalks are required). The Lot Grading Plan must include the standard construction limits note.
 - a. *Final Plat: "A lot grading plan has been approved by the CCDPW for the construction shown hereon. A site construction as built shall be submitted to the CCDPW prior to use and/or occupancy of any of the sites shown hereon. Any change to the Forest Retention, Forestation, and/or Reforestation will require a consistency review, of the SWM approval, with CCDPW."*
 - b. *Final Plat: "Sidewalk maintenance will be required of the adjacent property owner, as required by the Cecil County Road Code."*
 - c. *Grading Plan: "No clearing or grading is permitted beyond the limits of disturbance show hereon. Any expanded clearing and/or grading in the absence of an approved revised lot grading plan may be considered non-compliance with Chapter 251 of the Cecil County Code and either or both the developer and/or Builder may be subject to the enforcement of the penalty provisions therein."*
2. The downstream conveyance of storm water must be analyzed in accordance with Section 251-9 A. (5) of the county's SWM Ordinance. If stormwater discharge is directed off of the site on to adjacent property it is the responsibility of the Developer to obtain appropriate easements from the affected property owners per Sections 251-13 and 251-15.D of the Cecil County SWM Ordinance.
3. Section 3.07.15 of the Road Code requires that Razor Strap Road be upgraded to a Minor Collector Road equivalency for 100' either side of the proposed entrance. The design engineer must address the requirement for minimum acceleration, deceleration, and bypass lanes. Any right-of-way acquisition necessary shall be performed by the applicant and at the applicant's expense.
4. Where determined necessary by the utility companies, the owner, the designer, or DPW, utility poles must be relocated at the Developer's expense.

5. A Public Works Agreement is required for the streets & storm drainage, and public sewer system constructions.
6. An Inspection & Maintenance Agreement is required for the private SWM facilities.
7. The internal street grade leaving Razor Strap Road may not exceed 5% within the limits of the intersection right-of-way.
8. Developer must request and obtain a public sewer allocation from the Department of Public Works before submitting a final plat to the Cecil County Planning Commission for approval.
9. All sewer service cleanouts must be designed to be outside of all paved or concrete areas on each lot and this must be shown on the utility plans.

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

Mr. Meaders, FC, read the comments of the local Fire Department. See file.

Mrs. West, CCPS, stated that her comments are more applicable for the next agenda item.

Mrs. Latham, MDE, stated that neither a GAP nor an exemption would be needed as this project is being served by public sewer and water.

Mr. von Staden, DEH, read the comments of the department:
Submit written documentation of adequate water and sewer allocations for the proposed project.

Mr. Di Giacomo stated that Delmarva Power had no comments.

The following are comments submitted by SHA:

SHA recommends that the county request an update to the 2006 Traffic Impact Study for the North Creek developments to more accurately assess the impacts to the US 40 intersections at Wells Camp Road and Red Toad Road. If roadway improvements are required within SHA right-of-way, a SHA access permit will be required.

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

Zoning: RM

The RM zone permits a maximum density of 6 du/ 1 ac. with community facilities, up to 12/1 for townhouses, and up to 16/1 for apartments.

The site on which these 8 apartment units are proposed, was previously reviewed as Montgomery Springs, Lots 15 & 16, and then as Silverado, Lots 76 & 77. This proposed density is approximately 8/1.

The Montgomery Springs Lots 5-14 Final Plat¹ was approved on 11/18/96 and recorded on 4/23/04.²

The original Concept Plat, approved on 7/17/95, expired. Because §4.0.1 eliminates the need for a Concept Plat for projects involving fewer than 10 lots and less than 25 acres, the Preliminary Plat,

¹ Though recorded, those lots were never developed. Rather, the land on which they sat was re-proposed as Silverado.

² The area involving the current proposal is listed on the record plat as remaining lands for future development.

proposing 2 lots on 1.027 acres for a density of 1.95/1 for this section, was approved 12/04/04, conditioned on:

- 1) Health Department requirements being met;
- 2) DPW requirements being met;
- 3) Any modifications to the FCP and Landscape Plan being approved prior to the Planning commission's review of the Final Plat;
- 4) Documentation of the completed JD being provided prior to the Planning commission's review of the Final Plat;
- 5) Written documentation of water allocation from the Town of North East being provided prior to the Planning commission's review of the Final Plat;
- 6) Documentation of sewer capacity being provided prior to the Planning commission's review of the Final Plat; and
- 7) Waiving the 25' planted buffer requirement.

A 1-year extension was granted on 11/20/06. It expired on 11/20/07.

The Silverado Concept Plat, showing this area as "lands reserved for future development by owner" and proposing 71 townhouse lots on 14.98 acres, for a proposed density of 4.74/1, was approved on 8/15/05, conditioned on:

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

The Silverado Preliminary Plat, also showing this area as "lands reserved for future development by owner" and including some of the adjacent lands of Jansen³, was approved on 4/17/06, 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) All required documents from AT&T granting permission or agreeing to easement impacts must be received prior to Final Plat review;
- 5) Water allocation being confirmed in writing by the Town of North East prior to Final Plat review;
- 6) Sewer allocation must be confirmed by the DPW prior to Final Plat review;
- 7) An amended TIS has been submitted, reviewed, and its conclusions and recommendations agreed to;
- 8) The Stoney Run Creek Road teardrop turnaround design, without the §29.5.a (2) bufferyard requirement, being conditionally approved contingent upon future adjacent Northwoods sections showing the adjacent Northwoods area as common open space; and
- 9) Fire hydrant locations being finalized in consultation with the North East Volunteer Fire Company and the Department of Public Works.

A 1-year extension of Preliminary Plat approval was granted on 7/21/08. It remains valid until 7/21/09.

Since all Montgomery Springs approvals have expired, and proposed Lots 76 & 77 were never detailed on any Silverado approvals, this Preliminary Plat was considered a new submission. As was

³ Those add-ons increased the total acreage to 15.226 acres, thus lowering the proposed density to 4.66/1.

the case with the 12/4/04 Montgomery Springs Preliminary Plat approval, §4.0.1 eliminates the need for a Concept Plat for projects involving fewer than 10 lots and less than 25 acres.⁴

Though labeled as Silverado Lots 76 & 77, the Lots 76 & 77 Preliminary Plat was the same Montgomery Springs Lots 15 & 16 Preliminary-Final Plat that was reviewed by the TAC on 11/3/04 (prior to the 12/20/04 Preliminary Plat approval).⁵

Per §4.0.1, since fewer than 10 units and 25 acres are involved, no Concept Plat is required. In addition, per §6.3, §6.3.2, and §6.3.3, apartment projects must be reviewed and approved using the normal process applied to subdivisions.

Technically, Montgomery Springs is a recorded and legally-existing subdivision. Site Data Note # 21 indicates that this proposal supersedes both the Montgomery Springs and Silverado proposals.

Has boundary line survey been completed? Mr. Burcham said yes.

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.

The 110' perennial stream buffer is shown.

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.

25% landscaping of the development envelope is required in the RM zone.⁶

Site Data Note # 18 is partially correct: 20% open space is required, but if these are apartments, then it cannot be common open space that is owned by an HOA.

How does this design fulfill the §29.5.a (2) requirement for a peripheral Bufferyard C?

Sidewalks are recommended along Razor Strap and Stoney Run Creek Roads.

A Bufferyard Standard C is required, outside the right-of-way, along the road frontage of Razor Strap Road.

⁴ These proposed lots have never been included in any Concept Plat.

⁵ No common open space was proposed. However, the Silverado Preliminary Plat proposed 50.82 % common open space (20% is required in the **RM** zone.); therefore, when that acreage was included in the balance to the overall Silverado calculation, the result was that about 47.6% common open space was proposed overall, thus fulfilling the C.O.S. requirements for that section of the project.

⁶ In addition, all areas not occupied by buildings, roads, parking areas, service areas, or other required or permitted uses, including open spaces and usable recreation areas shall be landscaped by trees, shrubs, gardens, or other suitable ground cover.

Rows of street trees with 10' planting easements are required along both lot frontages on Stoney Run Creek Road. In areas with community facilities, no street trees shall be planted within 20 feet of sewer laterals and cleanouts.

The FSD & PFCP were approved on 12/7/94, and the FCP/Landscape Plan was approved on 12/10/04. FSD approval has expired, so it must be resubmitted. A revised PFCP must be approved prior to the Planning Commission's review of the Preliminary Plat.

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

A Landscape Agreement must be executed prior to recordation.

A 30' road widening strip along Razor Strap Road is required to be dedicated fee simple to the Cecil County Board of County Commissioners.

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

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

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

Water allocation must be confirmed prior to Final Plat review.⁷

Sewer capacity must be confirmed by CCDPW prior to Final Plat review.

There appears to be a potential safety issue relating to an inherent design conflict between WB Razor Strap Road traffic turning right into Stoney Run Creek Road and backing movements from the parking spaces closest to Razor Strap Road. w

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

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

The 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
	Bay View	North East	North East
FTE	569	753	1084
Capacity	608	712	1009
% Utilization	94%	106%	107%

⁷ The Master Water and Sewer Plan shows this site to be in **W1** and **S1** service areas.

3. North Creek Run (f/k/a Silverado), Lots 5-71, Razor Strap Road, Revised Preliminary Plat, McCrone, Inc., Fifth Election District.

Mike Burcham, McCrone, Inc., Barry Montgomery, developer and Andy Bodowitz, owner/developer, appeared and presented an overview of the project.

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

1. The revision requested appears to cover changes not only in the name of the proposed subdivision but also in ownership of the property. In addition several changes have been made to the previously approved layout.
2. This layout impacts Stony Run Creek Estates proposed layout which received a one-year extension of Concept Plat @ the 3/16/09 Planning Commission meeting. Lot 49 proposed here is 10' wider than that shown on the Silverado preliminary plat and now a water main is proposed where Lot 1 of Stony Run Creek Estates is located. Both of these changes would effectively eliminate Lot 1 of Stony Run Creek Estates.
3. Does the owner of North Creek Run intend to continue whatever access agreement existed between the owners of Silverado & Stony Run Creek Estates? Mr. Montgomery said yes.
4. A sanitary sewer allocation of 50 ELU was granted to Silverado Subdivision on 2/6/08. This does not transfer to North Creek Run therefore new allocation for the eight apartments will be required. At this time applicants are limited to a maximum of 50 ELU may per request. The Applicant must understand that this allocation covers both the 8 apartments proposed with this preliminary site plan as well as the townhouses proposed in North Creek Run subdivision. When these 50 ELU are exhausted by connection of townhouses, apartment units and/or community building additional allocation may be requested. This will require phasing of the project with no more than 50 ELU accounted for in any one phase. A final plat will be required for each phase.
5. The plat presented indicates a phase line however it must be more clearly identified on the plat. As shown and lacking a legend the Department cannot determine the full extent of each phase.
6. A SWM plan, Road & Storm Drain plan, Sanitary Sewer plan and a Mass and Final Grading plan must be approved by the CCDPW prior to submittal for Final Plat Approval.
7. The storm drain pipes located between Lots 11/12, 27/28 & 35/36 must be located in a conveyance easement that is a minimum of 20' wide. If the depth of the pipe requires it the easement may need to be wider.
8. The Town of North East will own the water distribution system in this development. The CCDPW recommends that the water distribution system, including fire hydrant locations, be designed to meet or exceed the County's standards, that the Town requests that the serving fire company review fire hydrant spacing and locations and that the Town require a PWA for the work associated with the water distribution system installation.
9. The water lines must be reflected on the sanitary sewer plans and as-builts. All easements for the water lines must be reflected on the final plat.
10. The new layout proposes only 2.34 parking spaces/unit verses the 3.02 proposed by Silverado. Why the decrease? Mr. Burcham said because of the reduction from 3 bedroom units to 2 bedroom units. Why was the 14 space overflow parking lot removed? Mr. Burcham said that area is now being used as the SWM area. The overflow lot shown would make more sense located adjacent to the community building.
11. In regards to parking, the spaces in front of Lots 19, 20, 57 & the southerly two in front of the community building are considered problematic by the Department. Turning movements into and out of these spaces conflict with the traffic control islands at the intermediate turnaround. This conflict must be resolved prior to the Department approving the road & storm drain plans.

12. All parking areas are to be maintained by the HOA (owner) unless otherwise noted. Identify parking easements as private easements for HOA maintenance of the parking areas.
13. The off street parking lot shown will require a road code variance.
14. For the road improvements associated with Section 3.07.15 of the Road Code, 100' either side of the POI of Razor Strap Road & the proposed Stoney Run Creek Road, a full depth replacement of the existing road with a minor collector road vertical cross section (SN 4.15) will be required. No widening of the pavement will be required.
15. Cecil County proposes to upgrade Razor Strap Road from approximately 1,000ft west of your proposed entrance to Red Toad Road. The applicant will be required to upgrade Razor Strap Road from the end of the full depth repair, associated with the Section 3.07.15 requirements(100' west of the POI), to the point where the County road work ends. The pavement section must be brought to a structural number of 4.15 (minor collector). Have your Geotech and Engineer analyze the data from the borings already taken by Duffield Associates and identify what improvements will be required to meet this structural number. No widening of the pavement will be required.
16. The detail of this off site road improvement must be identified by note on the preliminary plat presented to the Planning Commission for review or the Department will recommend disapproval.
17. 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:
 - 17.1 The Final Plat Lot Grading, Sidewalk Maintenance, and Lot Grading Plan Construction Limits Notes.
 - 17.2 Compliance with Sections 251-9.A (5), 251-13, and 251-15.D. of the Cecil County Stormwater Management Ordinance.
 - 17.3 Compliance with Section 3.07.15 of the Cecil County Road Code.
 - 17.4 Requirements for Utility relocations.
 - 17.5 Requirements for Public Works Agreements.
 - 17.6 Requirements for Stormwater Inspection and Maintenance Agreements.
 - 17.7 Requirements for County Roads.
 - 17.8 Requirements for Sewer Service Cleanouts – Location.

Notes and requirements identified for record:

1. The Final Plat must include the note indicating that sidewalk maintenance will be required of the adjacent property owner (if sidewalks are required). The Lot Grading Plan must include the standard construction limits note.
 - a. *Final Plat:* ~~“A lot grading plan has been approved by the CCDPW for the construction shown hereon. A site construction as built shall be submitted to the CCDPW prior to use and/or occupancy of any of the sites shown hereon. Any change to the Forest Retention, Forestation, and/or Reforestation will require a consistency review, of the SWM approval, with CCDPW.”~~
 - b. *Final Plat:* “Sidewalk maintenance will be required of the adjacent property owner, as required by the Cecil County Road Code.”
 - c. *Grading Plan:* “No clearing or grading is permitted beyond the limits of disturbance show hereon. Any expanded clearing and/or grading in the absence of an approved revised lot grading plan may be considered non-compliance with Chapter 251 of the Cecil County Code and either or both the developer and/or Builder may be subject to the enforcement of the penalty provisions therein.”
2. The downstream conveyance of storm water must be analyzed in accordance with Section 251-9 A. (5) of the county’s SWM Ordinance. If stormwater discharge is directed off of the site on to adjacent property it is the responsibility of the Developer to obtain appropriate easements from the affected property owners per Sections 251-13 and 251-15.D of the Cecil County SWM Ordinance.
3. Section 3.07of the Road Code requires that the design engineer must address the requirement for minimum acceleration, deceleration, and bypass lanes. Any right-of-way acquisition necessary shall be performed by the applicant and at the applicant’s expense.
4. Where determined necessary by the utility companies, the owner, the designer, or DPW, utility poles must be relocated at the Developer’s expense.
5. Public Works Agreements are required for the work associated with the construction of the streets & storm drainage, and public sewer system.
6. An Inspection & Maintenance Agreement is required for the private SWM facilities.
7. The internal street grade leaving Razor Strap Road may not exceed 5% within the limits of the intersection right-of-way.
8. All sewer service cleanouts must be designed to be outside of all paved or concrete areas on each lot and this must be shown on the utility plans.

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

Mr. Meaders, FC, read the comments of the local Fire Department. See file.

Mrs. West, CCPS, stated that North East Middle and High Schools are currently overcapacity. The applicant was provided a copy of the school bus guidelines. Mrs. West asked the applicant if they have a time frame for when they plan to start building. Mr. Bodowitz stated that they would like to start around September 2009 with the first occupancy taking place in June 2010. Mr. Bodowitz also foresees most occupants of the proposed rentals to be people with children that are already in the schools; he believes most occupants will simply be relocating.

Ms. Latham, MDE, stated that neither a GAP nor an exemption would be needed as this project is being served by public sewer and water.

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

Submit written documentation of adequate water and sewer allocations for the proposed project. Change the note by the owner's signature block to "Public water and sewerage will be available to all lots offered for sale". The note regarding conformance with the water and sewer plans should be by the Health Department's signature.

Submit a written proposal of amenities to be in the community building, specifically relating to any food facility.

Revise note 14 to indicate the existing well must be abandoned and sealed prior to record plat approval.

Mr. Di Giacomo stated that Delmarva had no comment.

SHA comments remain the same as the previous agenda item.

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

Zoning: RM

The RM zone permits a maximum density of 6 du/ 1 ac. with community facilities, up to 12/1 for townhouses, and up to 16/1 for apartments.

The site on which these 71 townhouse units are proposed, was previously approved as Montgomery Springs, Lots 5 - 14, and then as Silverado, Lots 5-77. These proposed 67 lots on 14.678 acres yields a proposed density of 4.56/1.

The Montgomery Springs Lots 5-14 Final Plat⁸ was approved on 11/18/96 and recorded on 4/23/04.⁹

⁸ Though recorded, those lots were never developed. Rather, the land on which they sat was re-proposed as Silverado.

⁹ The area involving the current proposal is listed on the record plat as remaining lands for future development.

The original Concept Plat, approved on 7/17/95, expired. Because §4.0.1 eliminates the need for a Concept Plat for projects involving fewer than 10 lots and less than 25 acres, the Preliminary Plat, proposing 2 lots on 1.027 acres for a density of 1.95/1 for this section, was approved 12/04/04, conditioned on:

- 1) Health Department requirements being met;
- 2) DPW requirements being met;
- 3) Any modifications to the FCP and Landscape Plan being approved prior to the Planning commission's review of the Final Plat;
- 4) Documentation of the completed JD being provided prior to the Planning commission's review of the Final Plat;
- 5) Written documentation of water allocation from the Town of North East being provided prior to the Planning commission's review of the Final Plat;
- 6) Documentation of sewer capacity being provided prior to the Planning commission's review of the Final Plat; and
- 7) Waiving the 25' planted buffer requirement.

A 1-year extension was granted on 11/20/06. It expired on 11/20/07.

The Silverado Concept Plat, proposing 71 townhouse lots on 14.98 acres, for a proposed density of 4.74/1, was approved on 8/15/05, conditioned on:

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

The Silverado Preliminary Plat, including some of the adjacent lands of Jansen¹⁰, was approved on 4/17/06, 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) All required documents from AT&T granting permission or agreeing to easement impacts must be received prior to Final Plat review;
- 5) Water allocation being confirmed in writing by the Town of North East prior to Final Plat review;
- 6) Sewer allocation must be confirmed by the DPW prior to Final Plat review;
- 7) An amended TIS has been submitted, reviewed, and its conclusions and recommendations agreed to;
- 8) The Stoney Run Creek Road teardrop turnaround design, without the §29.5.a (2) bufferyard requirement, being conditionally approved contingent upon future adjacent Northwoods sections showing the adjacent Northwoods area as common open space; and
- 9) Fire hydrant locations being finalized in consultation with the North East Volunteer Fire Company and the Department of Public Works.

A 1-year extension of Preliminary Plat approval was granted on 7/21/08. It remains valid until 7/21/09.

This revised Preliminary Plat is generally consistent with the approved Silverado Preliminary Plat.

¹⁰ Those add-ons increased the total acreage to 15.226 acres, thus lowering the proposed density to 4.66/1.

Since all Montgomery Springs approvals have expired, and proposed Lots 76 & 77 were never detailed on any Silverado approvals, this Preliminary Plat was considered a new submission. As was the case with the 12/4/04 Montgomery Springs Preliminary Plat approval, §4.0.1 eliminated the need for a Concept Plat for projects involving fewer than 10 lots and less than 25 acres.

This proposed Revised Preliminary Plat reduces the number of dwelling units. The revised TIS for Silverado was complete 3 years ago. Unless there is consensus among SHA and DPW to the contrary, a revised TIS must be completed and reviewed prior to the Planning Commission's review of the Revised Preliminary Plat.

Technically, Montgomery Springs is a recorded and legally-existing subdivision. An unnumbered note indicates that this proposal supersedes both the Montgomery Springs and Silverado proposals.

What will become of the Montgomery Springs HOA and its escrow account? Mr. Montgomery said they are in the process of voiding the account.

Has boundary line survey been completed? Mr. Burcham said yes.

Note # 13 addresses the intended disposition of Lot 2, Minor Subdivision # 2650.

The 10' wide access easement running along the southeastern part of the site, per MS # 2699, is again depicted.

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.

No slopes greater than 25% have been shown. The 110' perennial stream and 25' wetlands buffers are shown.

A requested modification to the stream buffer requirement in the area of the cul-de-sac is noted. How does this proposal meet the requirements of §174.1.b. (1) (a) and (b)?

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 100-year Floodplain boundary is shown.

25% landscaping of the development envelope is required in the RM zone.¹¹

¹¹ In addition, all areas not occupied by buildings, roads, parking areas, service areas, or other required or permitted uses, including open spaces and usable recreation areas shall be landscaped by trees, shrubs, gardens, or other suitable ground cover.

20% common open space is required; 50.35% is proposed.

The C.O.S sensitive areas thresholds have been calculated and included.

§176.2.a prohibits any common open space from being used for parking. Therefore, that area, consisting of 23 'overflow' parking spaces must be deducted from the common open space total acreage. Maintenance of the 'overflow' parking spaces in common open space must be the responsibility of the HOA. Discussion ensued regarding the rental office being located within common open space and the possible future sale of the lots.

Is there a lighting plan associated with the 'overflow' parking space areas and the proposed community building, and, if so, when will it be submitted? Mr. Burcham said no.

Sidewalks or striped pedestrian walkways are recommended along both sides of the proposed Stoney Run Creek Road.

Is the Mason-Dixon Trail situated entirely within the AT&T right-of-way? Mr. Burcham said yes.

§29.5.a (2) requires a peripheral Bufferyard Standard C. Consistent with the noted, requested modification to that requirement, that bufferyard has been omitted for portions of the site, including the area near the Stoney Run Creek Road cul-de-sac. Part of that area is adjacent to an area of common open space in Northwoods, Section III. The balance of the adjacent Northwoods property is not yet developed¹²; therefore, staff cannot recommend the elimination of the §29.5.a (2) bufferyard requirement while the possibility exists that the turnaround would abut the property lines of future Northwoods lots.

Rows of street trees with 10' planting easements are required along both lot frontages on Stoney Run Creek Road. In areas with community facilities, no street trees shall be planted within 20 feet of sewer laterals and cleanouts.

The FSD was approved on 7/26/05 and revised on 4/13/06. The PFCP was approved on 4/13/06, and the FFCP/Landscape Plan was revised on 10/15/08 for Silverado Lots 5-77. A revised PFCP must be approved prior to the Planning Commission's review of the Preliminary Plat.

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

A Landscape Agreement must be executed prior to recordation.

A 30' road widening strip along Razor Strap Road is required to be dedicated fee simple to the Cecil County Board of County Commissioners.

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

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

¹²The Northwoods Section 5 Prelim. Plat was reviewed by the TAC on 9/6/06. The area of North Run Creek in question abuts proposed lots 201 & 202 in Northwoods Sec. 5. As the Northwoods Section 5 Prelim. Plat was never approved, this North Run Creek Revised Preliminary Plat does, in fact, satisfy the requirements of §4.1.22 (j).

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

Water allocation must be confirmed prior to Final Plat review.¹³

Sewer capacity must be confirmed by CCDPW prior to Final Plat review.

Note # 16 demonstrates that the requirements of §277 have been satisfied. However, as a practical matter, are the ‘overflow’ parking spaces actually situated near the 3-bedroom units? The applicant felt that it was located in a central location. All of the buildings will have a mix of 2 and 3 bedroom units.

Why have no details relating to the proposed community building been provided, consistent with the requirements of §291? If a separate site plan is proposed, then the applicant is advised that staff will not recommend approval of the revised Preliminary Plat until such a site plan has been submitted. In addition, Final Plat approval will be contingent upon prior site plan approval.

Fire hydrant locations must be finalized in consultation with the North East Fire Co. & DPW.

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.

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.

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

What is the purpose of the two proposed phases? Mr. Bodowitz said that the funding is only in place for 53 units at the present time.

Documentation of all necessary easement agreements with AT&T will be required prior to the Planning Commission’s review of any Final Plat. All documents requiring recordation must be recorded prior to the recordation of the Record Plat.

The 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
	Bay View	North East	North East
FTE	569	753	1084
Capacity	608	712	1009
% Utilization	94%	106%	107%

¹³ The Master Water and Sewer Plan shows this site to be in **W1** and **S1** service areas.

The April TAC meeting adjourned at 10:38 a.m.

Respectfully submitted,

Jennifer Bakeoven