

CECIL COUNTY TECHNICAL ADVISORY COMMITTEE
Wednesday September 2, 2009, 9:00 a.m.
County Administration Building
200 Chesapeake Blvd., Elkton, Maryland

Present: Black, David (CCP&Z), Woodhull, Mark (CCDPW), von Staden, Fred (DEH), Brown, Chris (CCSCS), Graham, Daniel (Citizen's Rep.), Latham, Cindy (MDE), Bakeoven, Jennifer (CCP&Z).

Absent: Cwiek, Philip (USCoE), Ouano, Jun (Delmarva Power), West, Janel (CCPS), Meaders, David (FA), Davis, Gary (SHA) and Di Giacomo, Tony (P&Z).

1. Lands of Ronald and Linda Guns, Lots 3 & 4 and Add-on of Remaining Lands, Tonys Road, Preliminary / Final Plat, C. Robert Webb, Professional Land Surveyor, Third Election District.

Bob Webb, Surveyor, and Ronald Guns, owner, appeared and presented an overview of the project.

Mr. Black stated that the Fire Chief's Representative had no comments on this project and that SHA has no objection to approval of this project.

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

1. No SWM plan submittal has been received to date. Therefore, the Department will and can only recommend approval of the preliminary plat for this project. The SWM plan and a Mass & Final Grading plan must be approved by the CCDPW prior to submittal for Final Plat Approval.
2. The final plat when submitted must contain the standard "Lot Grading" note or the Department will not recommend its approval ("*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.*"). See our comments from the December 2006 & 2008 Planning commission meetings.
3. Sight distance measurements submitted for this project were approved on March 10, 2009.

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

A Groundwater Appropriation Permit Exemption has been filed with Maryland Department of the Environment. Verify with Planning & Zoning that wells are allowed in buffered yard "c"

Ms. Latham, MDE, stated that an exemption was approved in August 2009. The department requests that the wells be moved further apart if possible. Mr. von Staden said they will not be able to move the wells any further apart.

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

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

Discussion ensued regarding the sight distance note on the plat.

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

This project 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: RR¹

The 'Present Zoning' Note is at odds with County records, which reflect the 1/26/07 rezoning to RR.

Density: The Concept Plat² proposing 2 lots plus remaining lands on 9.5543 acres (which should have been stated as 11.4432 acres) for a bonus density of 1/3.18 (or 1/3.81, based upon 11.4432 acres), was approved on 12/21/06, conditioned on:

- 1) The boundary line survey's being completed prior to TAC review of the Preliminary Plat;
- 2) Documentation of the JD's completion being received prior to the Planning Commission's review of the Preliminary Plat;
- 3) The front setback modification being granted;
- 4) The Area Tabulation being clarified prior to the TAC's review of the Preliminary Plat; and
- 5) The remaining lands being given a lots number, to serve as the large lot, prior to the TAC's review of the Preliminary Plat.

At that time, per §4.0.9, Concept Plat approvals remained valid for two years. Therefore, an extension was granted on 12/15/08, to expire on 12/21/09.

Parcel 557 was added to Parcel 144 through the approval of Minor Sub. 1742. Therefore, the total acreage of parcels 144 and 557 were included for density calculation purposes. In addition, the acreage of Parcel 415 was included, although the plat's graphic add-on arrow is confusing.

After subtracting the 0.6632 acres for the add-on to Parcel 635, subtracting the 0.2292 acres for the add-on to Parcel 636, and subtracting the 0.1769 acres for the add-on to Parcel 613 from Parcel 144's 9.6687 acres, Parcel 557's 0.6050 acres, and Parcel 415's 1.6442 acres, one is left with a total of 10.8486 acres, which, while different from the Concept Plat's cited acreages, does preserve bonus density approval.

However, the 'Total Area of Site' acreage of 14.4646 acres does not compute under the area tabulation for the total aggregate 1.0693 acres for the add-ons to Parcels 144, 613, and 636. In addition, the cited, bottom-line Parcel 415 acreage of 8.1045 suggests a proposed density of the 1/3 that is permitted. The plat should make clear the 10.8486 acres is the figure upon which the density calculation must be made. Thus, the fourth condition of Concept Plat approval has not been satisfied. The applicant is cautioned that any NAR acreage proposed to be added now to Parcel 144, that was not part of the 1/26/07 rezoning and not part of the 12/21/06 Concept Plat approval, would jeopardize the bonus density approval.

§4.1.22 (r) requires that the proposed density be stated in the area table.

¹ At the time of Concept Plat approval, the site was zoned **NAR** and **RR**, but rezoned to all **RR** on 1/26/07.

² Parcel 144 has exhausted minor subdivision eligibility through the creation of parcels 558, 613, 635 & 636. The remaining lands must be given a lot number, so that they can serve as the large lot – which, in this case consist of **83.5%** of the total area.

If approved, the remaining lands must be given a lot number, so that they can serve as the large lot – which, in this case consist of 68% (was 83.5%) of the total area. In this case, Parcel 144 has neither been labeled as remaining lands nor given a lot number. Therefore, the fifth condition of Concept plat approval has not been met.

Does the completed boundary line survey account for acreage changes since the Concept Plat review? Mr. Webb 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.³

Slopes greater than 25% have been shown.

The required 110' perennial stream buffer has been shown on the plat; however, it has been mislabeled as a "110' non-tidal stream buffer." That must be corrected prior to Planning Commission review.

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. Therefore, the second condition of Concept Plat approval has been rendered moot.

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

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

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

Bufferyard Standard C is required, outside the right-of-way, along the road frontages of Tony's Road (see 'bufferyard plant spacing detail' insert).

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

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

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

³ 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 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.

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

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

Should, for any reason, either the Health Department or DPW not recommend approval of the Preliminary-Final Plat, staff would support consideration as a Preliminary Plat, only.

RECOMMENDATION:

'06 School information:	Elementary	Middle	High School
	Leeds	Cherry Hill	North East
FTE	385	571	1110
Capacity	364	754	1009
% Utilization	106%	76%	110%
School information:	Elementary	Middle	High School
	Leeds	Cherry Hill	North East
FTE	391	494	1084
Capacity	408	775	1009
% Utilization	96%	64%	107%

Mr. Webb asked if it would be necessary to return to TAC for Final Plat review once the department receives the SWM plan. Mr. Black said they would not have to return to TAC for Final Plat review. Today's review represents the review for the Preliminary Plat.

The September TAC meeting adjourned at 9:21 a.m.

Respectfully submitted,

Jennifer Bakeoven