

CECIL COUNTY TECHNICAL ADVISORY COMMITTEE
Wednesday October 7, 2009, 9:00 a.m.
County Administration Building
200 Chesapeake Blvd., Elkton, Maryland

Present: Di Giacomo, Tony (CCP&Z), Woodhull, Mark (CCDPW), Harmon, Lloyd (DEH), Brown, Chris (CCSCS), West, Janel (CCPS), Bakeoven, Jennifer (CCP&Z).

Absent: Cwiek, Philip (USCoE), Ouano, Jun (Delmarva Power), West, Janel (CCPS), Meaders, David (FA), Davis, Gary (SHA), Graham, Daniel (Citizen's Rep.) and Latham, Cindy (MDE),

1. Lands of Jeffrey H. and Judith L. Remmel, Lots 1-5 & 19, Spears Hill Road, Preliminary Plat, Will Whiteman Land Surveying, Inc., Second Election District.

Will Whiteman, Surveyor and Ron Carpenter, Carpenter Engineering, appeared and presented an overview of the project.

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

In conformance with Section 4.1.22 (m) & (p) preliminary plat submittals must identify pavement width and slope for the proposed road and also show proposed storm water conveyance. The plat presented here does not contain this level of detail and the Department cannot recommend approval to the Planning Commission. We will however provide you with the following comments:

1. A SWM plan, Road & Storm Drain plan, and a Mass and Final Grading plan must be approved by the CCDPW prior to submittal for Final Plat Approval. The fees for design review of this project must be provided at the time of first design submittals.
2. The SWM plan must include a downstream analysis addressing the impact of storm water runoff on the cross culvert conveying the perennial stream under Spears Hill Road.
3. Adequate sight distance measurements are obtainable therefore the Department has approved the proposed Spears Hill Road access location.
4. The protocol 3 road condition survey & road improvements plan for the entire length of Spears Hill Road has been submitted and reviewed. We concur with the findings presented. The Department's August 7, 2008 letter has identified the extent of the Applicant's responsibilities as road side drainage improvements along the development's Spears Hill Road frontage and the mill & overlay of both lanes of Spears Hill Road for 100' either side of the point of intersection with the proposed access road.
5. Preliminary plat submittals must identify pavement width and slope for the proposed road and also show proposed stormwater conveyance. The plat presented here does not contain this level of detail. The preliminary plat presented to the Planning Commission must identify this level of detail or the Department will not recommend approval. See the preliminary plat for Lots 6-18 approved on 11/17/08.
6. The Department previously requested that the applicant amend the TIS for Brickhouse Farm Estates to address the additional traffic loading generated by this development. However due to the relatively small number of lots (19) we no longer see a benefit to revisit the Brickhouse Farm TIS at this time and withdraw our request.

7. The acceleration/deceleration lanes are not correct. Each lane consists of 100' long by 10' wide pavement. The 100' is divided into a 50' long transition lane with a 5/1 taper stripe and the remaining 50' long speed change lane. The 100' length is measured from the PC of the entrance curve.
8. The utility pole located just north of the proposed entrance must be relocated away from the edge of the proposed deceleration lane. The pole must be a minimum of 2 feet beyond the back of curbing for the lane.
9. The internal street grade leaving Spears Hill Road may not exceed 5% within the limits of the intersection right-of-way and the maximum grade break (algebraic difference) at the intersection is 6%.
10. The preliminary plat for Lots 6-18, approved on 11/17/08, indicated that storm water conveyance to the proposed SWM pond was to be provided in part by roadside drainage ditches. As such, driveway pipes were proposed. This included Lots 2-5 & 19. These pipes must be analyzed & sized, at the time of road & storm drain design, to provide adequate drainage to the SWM facility. The preliminary plat presented to the Planning Commission must identify the driveway locations and any driveway pipes necessary or the Department will not recommend approval.
11. The proposed street trees must be located outside the ROW.
12. The following standard notes and requirements apply to this plat and project: The details of these notes and requirements will be identified in the record but will not be read at this time:
 - 12.1 The Final Plat Lot Grading and Lot Grading Plan Construction Limits Notes.
 - 12.2 Compliance with Sections 251-9.A (5), 251-13, and 251-15.D. of the Cecil County Stormwater Management Ordinance.
 - 12.3 Requirements for Utility relocations.
 - 12.4 Requirements for Public Works Agreements.
 - 12.5 Requirements for Stormwater Inspection and Maintenance Agreements.
 - 12.6 Requirements for County Roads.
 - 12.7 Requirements for Driveways.

Notes and requirements identified for record:

1. The Final Plat must include the Lot Grading Plan standard note. The Lot Grading Plan must include the standard construction limits note.
 - a. *Final Plat: "A lot grading plan has been approved by the CCDPW for the construction shown hereon. A site construction as built shall be submitted to the CCDPW prior to use and/or occupancy of any of the sites shown hereon. Any change to the Forest Retention, Forestation, and/or Reforestation will require a consistency review, of the SWM approval, with CCDPW."*
 - b. *Grading Plan: "No clearing or grading is permitted beyond the limits of disturbance show hereon. Any expanded clearing and/or grading in the absence of an approved revised lot grading plan may be considered non-compliance with Chapter 251 of the Cecil County Code and either or both the developer and/or Builder may be subject to the enforcement of the penalty provisions therein."*
2. The downstream conveyance of storm water must be analyzed in accordance with Section 251-9 A. (5) of the county's SWM Ordinance. If stormwater discharge is directed off of the site on to adjacent property it is the responsibility of the Developer to obtain appropriate easements from the affected property owners per Sections 251-13 and 251-15.D of the Cecil County SWM Ordinance.
3. Where determined necessary by the utility companies, the owner, the designer, or DPW, utility poles must be relocated at the Developer's expense.
4. A Public Works Agreement is required for the streets & storm drainage construction.
5. An Inspection & Maintenance Agreement is required for the private SWM facilities.
6. The internal street grade leaving Spears Hill Road may not exceed 5% within the limits of the intersection right-of-way.
7. All driveways must be paved at least to the right of way. The driveway paving must be complete for all lots at the time when the surface course for the internal roads is installed. This requirement includes any vacant but platted lots. Any driveway exceeding 5% up-gradient-slope from the roadway must be paved to the crest. If the development is phased these requirements will apply to each phase when 80% of the lots are built-out. All of these requirements must be reflected on the Lot Grading Plan.

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

Mrs. West CCPS, had no comment.

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

A Groundwater Appropriation Permit Exemption must be requested from Maryland Department of the Environment prior to final plat approval.

A written request for a well variance is required for lots 3, 4, 5 and 19.

The existing well in the proposed Open Space must be abandoned and sealed by a licensed well driller prior to record plat approval.

The existing septic tank in the Open Space must be pumped and filled with earth prior to record plat approval.

Adjust proposed well on lot 1 to avoid existing septic system.

Mr. Di Giacomo stated that Delmarva, SHA and the Fire Chief Associate had no comment. Also, no comments were received by Daniel Graham, Citizen's Representative.

Mr. Di Giacomo stated that Mrs. Latham, MDE was unable to attend but her comments will be forwarded to the applicant once the Office of Planning and Zoning receives them.

Mr. Woodhull reminded the applicant of the deadline for the new SWM Ordinance.

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

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

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

Zoning: NAR¹

Density: Invoking the density provisions of §2.4.1, the Concept Plat, proposing 2 minor- and 17 major-subdivision lots on 51.7017 acres, at a bonus density of 1/3.042², was approved on 12/21/06, conditioned on:

- 1) The boundary line survey being completed prior to the TAC's review of the Preliminary Plat;
- 2) The roadway easement acreage's deduction clearly demonstrating there to be at least 60% net common open space for bonus density eligibility;
- 3) Documentation of the completion of the JD being submitted prior to the Planning Commission's review of the Preliminary Plat;
- 4) The PFCP being approved any sensitive species issues also being adequately addressed prior to the Planning Commission's review of the Preliminary Plat;
- 5) All road names being approved prior to the Planning Commission's review of the Preliminary Plat; and

¹ The NAR zone's permitted density was reduced to 1/10, effective 1/1/07.

² The NAR zone permitted a base density of 1 du/ 5 ac.; bonus density eligibility carried with it a permitted density of 1/3.

- 6) An amendment to the Brickhouse Farm Estates TIS being completed prior to the TAC's review of the Preliminary Plat.³

The Phase 1 Preliminary Plat was approved on 11/17/08, conditioned on:

- 1) Health Department requirements being met;
- 2) DPW requirements being met;
- 3) A note appearing on the Final Plat to the effect that Parcels 618, 619, and 620 in Tax Map 38 shall be activated as building lots only via the major subdivision process;
- 4) The FCP/Landscape Plan being approved prior to submission of the Final Plat;
- 5) Deed restrictions for the long-term protection of the street trees & Forest Retention/Afforestation Areas (FRAs) being recorded & noted on the plat prior to recordation, with the metes & bounds description of the FRA being shown on the Final and Record Plats;
- 6) The Final Plat's depicting and clearly labeling the 10' street tree planting easement outside the right-of-way; and
- 7) All common open space shown or referenced on the Final Plat being clearly labeled and referenced as such.

Per Note #6, the boundary line survey has been completed.

This Phase 2 Preliminary Plat for proposed Lots 1-5 & 19 is generally consistent with the approved Concept & Preliminary Plats, & the 9/3/08 Preliminary Plat reviewed by the TAC.

The locations and sizes of proposed Lots 2, 3 & 4 has changed.

Proposed Lots 1 & 19 are in the same locations, but have been reduced in size.

The aggregate total acreage of lots 1-5 & 19 on the Phase 1 plat was 4.899 ac., and is 4.842 ac. on this Phase 2 plat. If that difference, 0.057 ac., and the 0.165 that was unnecessarily subtracted from the C.O.S. total on the Phase 1 plat are added to the 30.723 C.O.S. acres cited on the Phase 1 plat, the sum total is 30.940 ac., not the 31.660 cited on this plat. The inconsistencies have been resolved.

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

No slopes greater than 25% have been shown.

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

A 25' buffer is required around all non-tidal wetlands and intermittent streams present. Permits are required from the (US Army) Corps of Engineers and MDE for all non-tidal wetland and stream impacts prior to recordation. JD's are now required in conjunction with permitting. If no permits are

³ This condition was added, the request of DPW. There was no Brickhouse Farm Estates TIS, and a Protocol 3 Road Condition Survey was completed instead, to the satisfaction of DPW. See Note # 19.

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."

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.⁵ Thus, the third condition of Concept Plat approval has been rendered moot.

No rare, threatened, or endangered species exist on site.

At least 15% common open space is required; 60.8% was proposed.⁶ As was a condition of the Phase 1 Preliminary Plat approval, all 'common open space' must be consistently labeled and referenced as such. As this project was approved at bonus density, with no large lot, this requirement is not pedantic.

No common open space was proposed as part of Phase 1.

§4.1.22 (r) requires a tabular accounting of the acreage, and it is situated on this plat just above the surveyor's seal. Additional accounting is provided in the Acreage Tabulation column, which suggests that common open space is not part of Phase 2, either.

It is strongly recommended that the common open space acreage be included in the §4.1.22 (r) table, so that the Planning Commission clearly understands that common open space has been accounted for as this project potentially moves forward to the Final Plat stage. In addition, it should be cited in the plat's title block.

Because §176.2.a prohibits roads in common open space, the Shonert easement, 0.165 ac., and the private access easement, 0.152 ac., must be deducted from the C.O.S. total. If the total is 30.94 acres, then the remainder would be 30.623 acres.

30.623 acres represents only 59.2298% of the 51.702-acre total. Therefore, either an additional 0.3982 of additional C.O.S. must be proposed or the plat's 31.660-ac. figure must be reconciled prior to Final Plat review.

Concerning Parcels 618, 619, and 620 on Tax Map 38, a note must appear on any Final and Record Plat stating that they can be activated as building lots only via the major subdivision process.

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

Bufferyard Standard C is required, outside the right-of-way, along the road frontages of Spears Hill Road. No Bufferyard Standard C has been depicted.

⁵ Per the Planning Commission's policy, established on 3/20/95 and revised on 1/16/96, so long as the wetlands are in the common open space or the forest retention area or the large lot, a **JD** need not be done.

⁶ The roadway easement depicted in the common open space is specifically prohibited in **§176.2.a**. Therefore, the roadway easement's acreage has been deducted from the common open space total acreage, and the proposal is still eligible for bonus density under the provisions of **§22** that were in effect on 12/21/06.

Rows of street trees with 10' planting easements are required, outside the right-of-way, along both sides of all internal roads. They are neither noted nor graphically represented.

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

The FSD was approved on 11/08/06.

The PFCP was approved on 9/29/08.

The FCP/Landscape Plan must be approved prior to submission of the Final Plat.

A Landscape Agreement must be executed prior to recordation.

The internal road name, Rimmell Way, has been approved.

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 and bounds description of the FRA being shown on the Final and Record Plats.

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

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

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
	Chesapeake City	Bo Manor	Bo Manor
FTE	307	601	643
Capacity	353	478	733
% Utilization	87%	80%	114%

2. Lands of Thomas and Jane Garvin, Lot 2, New Bridge Road, Preliminary Plat, C. Robert Webb, Professional Land Surveyor, Eighth Election District.

Bob Webb, Surveyor and Ben Garvin, developer, appeared and presented an overview of the project.

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.

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

Mrs. West, CCPS, had no comment.

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

A Groundwater Appropriation Permit exemption has been filed with the Maryland Department of the Environment.

Show pumping details to allow excess to upper sewage area. Show 2009 soil designations.

Mr. Di Giacomo stated that SHA, Delmarva and the Fire Chief's Association had no comments. Also, no comments were received by Daniel Graham, Citizen's Representative.

Mr. Di Giacomo stated that once comments are received by MDE, they will be forwarded to the applicant.

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

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

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

Zoning: 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.

The Lot 2 Concept Plat, proposing the new Lot 2, plus the dwelling on the remaining lands, on an estimated 46.1947 acres, for a proposed density of 1/15.398 was approved on 4/20/09, conditioned on:

- 1) No Bufferyard A, no §187.2 bufferyard, and no street trees being required; and
- 2) A 30' wide road right-of-way strip being shown, dedicated to the Board of County Commissioners, consistent with Minor Subdivision #1351.

This Preliminary Plat is generally consistent with the approved Concept Plat. The new acreage figure of 45.0591 acres yields a revised density of 1/15.0197.

Lot 2 is proposed to consist of 1.2073 acres.

The creation of any additional lots in the future shall require a boundary line survey for the entirety of Parcel 21.

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

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

A 30' wide road right-of-way strip has been shown, dedicated to the Board of County Commissioners, consistent with Minor Subdivision #1351.

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.⁷

Slopes greater than 15% have been shown.

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

A 25' buffer is required around all non-tidal wetlands and intermittent streams present. Permits are required from the (US Army) Corps of Engineers and MDE for all non-tidal wetland and stream impacts prior to recordation. 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.

This proposal is exempt, per §3.2K.

Any Landscape Plan must be approved prior to Final Plat review (§6.3.B(1)(a), Forest Cons. Regs.).

Any Landscape Agreement must be executed prior to recordation.

⁷ 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."

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

Legal arrangements (e.g., a PRMA) for maintenance of the shared entrance must be established prior to recordation.

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	615	1201
Capacity	534	818	924
% Utilization	102%	72%	130%

3. Lands of Helena duPont Wright, 1 Lot, Middle Neck Road, Concept Plat, Michael Scott, Inc., Second Election District.

Michael Scott, Surveyor, appeared and presented an overview of the project.

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. The standard lot grading note will need to be on the plat.
2. Provide sight distance measurements for the proposed access point onto Middle Neck Road. The sight distance submittal must be approved by the Department of Public Works prior to presenting the preliminary plat for review by the Technical Advisory Committee. Mark the proposed driveway access location in the field prior to making the sight distance submittal.

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

Mrs. West, CCPS, had no comment.

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

A Groundwater Appropriation Permit Exemption must be requested from Maryland Department of the Environment prior to final plat approval.

Proposed well must be at least 50' from designated sewage area.

Show 2009 soil designations.

Mr. Di Giacomo stated that SHA had no comment. Also, no comments were received by Daniel Graham, Citizen's Representative.

Delmarva Power stated that this project would be supplied by Choptank.

The Cecilton Fire Company provided the following comment:

- If the drive is lined with trees, they must have a 20 foot clearance in height so fire units can gain access.

Mr. Di Giacomo stated that once comments are received by MDE, they will be forwarded to the applicant.

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

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

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

Zoning: SAR

Density: The SAR zone permits a maximum base density of 1 du/ 20 ac. This Concept Plat proposes 1 lot on 103.079 acres, for a proposed density of 1/103.79.

A boundary line survey must be done in conjunction with the preparation of the Preliminary-Final Plat for density calculation purposes.

§4.0.1 of the Subdivision Regulations allows for the elimination of a Concept Plat only for projects with fewer than 10 lots and 25 acres. §2.0 of the Subdivision Regulations allows for a combined Preliminary-Final Plat if there are from 1 to 5 lots.

The RCA zone also permits a density of 1/20 (90.320 acres are cited). The proposed Critical Area density is 1/90.32. The RCA's 15% lot coverage threshold applies.

An environmental assessment is required prior to TAC review of the Preliminary-Final Plat. All perennial and intermittent streams, areas of steep slopes, any habitat protection areas, and tidal and non-tidal wetlands must be shown in the Critical Area portion of the plat prior to Planning Commission review. FIDS habitat must be avoided in the Critical Area.

No development is permitted in the tidal wetlands and tidal waters buffers, including septic systems, impervious surfaces, parking areas, roads, or structures, as noted in Note # 15.

A Critical Area buffer, and expansions thereof, have been shown. However, the Buffer in the RCA is a minimum of 200', not 110'. Therefore, the proposed dwelling and septic locations must be relocated outside the 200' Buffer.

CBCAC comments relating to this project were received on 10/2/09. A copy is being provided to the applicant.

Per §200.6.b (2), no more than 20% of the forest or developed woodland may be removed. When less than 15% of the site is in forest cover, at least 15% of the gross site area shall be afforested (§200.6.a).

In the critical area, no structure shall exceed 35' in height.

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.⁸

Slopes greater than 25% must be shown on the Preliminary-Final 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 (If an intermittent stream is located in the Critical Area and is tidal, it would require a 200' buffer). 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, and no landscaping of the development envelope is required in the SAR zone.

Bufferyard Standard C is required, outside the right-of-way, along the road frontage of Middle Neck Road. Staff would support a request for modification.

Per §187.2, the Planning Commission may require bufferyards to separate different zoning districts from one another. The adjacent properties' zoning has not been shown. A Bufferyard Standard A will be required adjacent to any adjoining property on which an agricultural operation is occurring.

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

The Forest Stand Delineation (FSD) and a Conceptual Environmental Assessment must be approved prior to Planning Commission review of the Concept Plat (§5.1.C, Cecil County Forest Conservation Regulations).

The FFCP, Landscape Plan and EA must be approved prior to Planning Commission review of the Preliminary-Final Plat (§6.3.B(1)(a), Forest Conservation Regulations).

⁸ 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 Landscape Agreement if any must be executed prior to recordation.

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

A MALPF easement exists on this property. On 11/25/08, the MALPF Board of Trustees granted an exclusion for an owner's lot, with the agreement that "it would not be subdivided from the surrounding land."

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
	Ches. City	Bo Manor	Bo Manor
FTE	307	478	733
Capacity	353	601	643
% Utilization	87%	80%	114%

Discussion ensued regarding the 110' Critical Area buffer.

4. Smith Creek II, Lots 5, 6 & 7, Welders Lane, Preliminary Plat, Michael Scott, Inc., First Election District.

Michael Scott, Surveyor, appeared and presented an overview of the project.

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

In conformance with Section 4.1.22 (m) & (p) preliminary plat submittals must identify pavement width and slope for the proposed road and also show proposed storm water conveyance. The plat presented here does not contain this level of detail and the Department cannot recommend approval to the Planning Commission. The preliminary plat presented and approved at the December 15, 2008 Planning Commission meeting contained all this information. Why is this plat different?

1. A SWM plan, Road & Storm Drain plan and a Mass and Final Grading plan must be approved by the CCDPW prior to submittal for Final Plat Approval. What is the status of the design plans? Mr. Scott said DMS is working on the design plans. We've had no response to our last comments when we sent the plans back as incomplete on November 19, 2008.
2. As the Department stated at the June 6, and December 3, 2008 TAC meetings and, preliminary plat submittals must identify pavement width and slope for the proposed road and also show proposed storm water conveyance. The plat presented here does not contain this level of detail and the Department does not recommend approval.
3. Has any consideration been given to how SWM quantity control will be addressed for this site? If a SWM pond or similar BMP is required it should be located in common open space. If it is on an

individual lot language for all affected lots must be included in the deeds addressing rights and responsibilities of all parties.

4. Where are the storm water drainage easements identified on the preliminary plat you presented and had approved at the December 15, 2008 Planning Commission meeting? That approved plat identified a storm water drainage easement on Lot 2 that provided for conveyance from the proposed cul-de-sac to the Lot 5 property line but not beyond. The easement must be continued across Lot 5 until it reaches an existing stream, swale or other defined conveyance. All storm water conveyance easements must be identified on the preliminary plat presented to the Planning Commission for review or the Department will not recommend approval.
5. If the storm water management plan involves the redirection of some or all the storm water runoff of the site or concentrates the release of storm water runoff in an offsite area that previously received non-concentrated flow permission (via easements or other property interests) where necessary must be obtained.
6. Why was the fee simple add-on proposed for Parcel 76, Lot 1 on the approved concept plat removed? How does this lot legally access the proposed road and what impact does this have on the proposed Lot 1?
7. 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:
 - 7.1 The Final Plat Lot Grading and the Lot Grading Plan Construction Limits Note.
 - 7.2 Compliance with Sections 251-9.A (5), 251-13, and 251-15.D. of the Cecil County Storm Water Management Ordinance.
 - 7.3 Requirements for Utility relocations.
 - 7.4 Requirements for Stormwater Inspection and Maintenance Agreements.
 - 7.5 Requirements for Public Works Agreement.
 - 7.6 Requirements for Driveways.

Notes and requirements identified for record:

1. The Final Plat must include the Lot Grading Plan standard note and the Lot Grading Plan must include the standard construction limits note.
 - a. *Final Plat: "A lot grading plan has been approved by the CCDPW for the construction shown hereon. A site construction as built shall be submitted to the CCDPW prior to use and/or occupancy of any of the sites shown hereon. Any change to the Forest Retention, Forestation, and/or Reforestation will require a consistency review, of the SWM approval, with CCDPW."*
 - b. *Grading Plan: "No clearing or grading is permitted beyond the limits of disturbance show hereon. Any expanded clearing and/or grading in the absence of an approved revised lot grading plan may be considered non-compliance with Chapter 251 of the Cecil County Code and either or both the developer and/or Builder may be subject to the enforcement of the penalty provisions therein."*
2. The downstream conveyance of storm water must be analyzed in accordance with Section 251-9 A. (5) of the county's SWM Ordinance. If stormwater discharge is directed off of the site on to adjacent property it is the responsibility of the Developer to obtain appropriate easements from the affected property owners per Sections 251-13 and 251-15.D of the Cecil County SWM Ordinance.
3. Where determined necessary by the utility companies, the owner, the designer, or DPW, utility poles must be relocated at the Developer's expense.
4. An Inspection & Maintenance Agreement is required for the private SWM facilities.
5. A Public Works Agreement is required for the road & storm drain work.
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. Brown, SCS, provided the applicant with soil maps and reports.

Mrs. West, CCPS, had no comment.

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

A Groundwater Appropriation Permit Exemption must be requested from Maryland Department of the Environment prior to final plat approval.

Show 2009 soil designations.

Delmarva Power stated that this project would be supplied by Choptank.

Mr. Di Giacomo stated that SHA and the Fire Chief's Association had no comments. Also, no comments were received by Daniel Graham, Citizen's Representative.

Mr. Di Giacomo stated that once comments are received by MDE, they will be forwarded to the applicant.

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

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

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

Zoning: SAR & RCA (Critical Area)

Density: The Concept Plat,⁹ proposing 8 lots, a reconfigured Lot 4, and the inclusion of Lot 5¹⁰ in the density calculation, on approximately 149.291 acres, for a density of 1:16.59,¹¹ was approved on 12/21/06, conditioned on:

- 1) The boundary line survey being completed prior to the TAC's review of any Preliminary Plat;
- 2) Documentation of the JD's completion being submitted prior to the Planning Commission's review of the Preliminary Plat;
- 3) Acreage totals consistently agreeing with one another on any Preliminary Plat;
- 4) Any Preliminary Plat's title block accurately reflecting what is actually being proposed;
- 5) The PFCP and any preliminary environmental assessment being approved prior to the Planning Commission's review of the Preliminary Plat;
- 6) All road name being approved prior to the Planning Commission's review of the Preliminary Plat;
- 7) Any Preliminary Plat's tabular information accurately reflecting lots in the proposal; and
- 8) Misspellings being corrected on all future submissions.

The Preliminary Plat for proposed Lots 1-4 only, was approved on 12/15/08, conditioned on:

- 1) Health Department requirements being met;
- 2) DPW requirements being met;
- 3) All Critical Area details being clearly and fully provided on subsequent submittals;
- 4) All Critical Area Commission comments being fully addressed on subsequent submittals;
- 5) The street tree planting easement's being depicted on the Final Plat;
- 6) The FCP/Landscape Plan being approved prior to the submission of the Final Plat;

⁹ A previous Concept Plat for this portion of the property was approved on 8/19/02. A one year extension was granted of the concept plat on 8/16/04, and a subsequent one year extension was granted on 8/15/05. It was allowed to expire in August 2006.

¹⁰ As stated at the 2/22/00 Planning Commission meeting: "The dwelling on the proposed lot 5 must be located on the original Parcel 1 portion of the lot, not the Parcel 3 add-on piece. Therefore, lot 5 will be included in the density calculation for this and all future subdivision proposals for Parcel 1."

Those comments pertain to Lot 5 of Smith Creek.

¹¹ SAR zone then permitted a base density of 1/8. Today, both it and the RCA overlay zone permit a density of 1 du/ 20 ac.

- 7) The issue of the proposed access easement across proposed Lot 1 being revisited prior to the submission of the Final Plat;
- 8) The Smith Creek Lane acreage being added to Note # 4 to meet the §4.1.22 (r) requirement prior to the submission of the Final Plat;
- 9) Deed Parcel lines being shown on all subsequent submittals; and
- 10) The SAR total acreage being corrected on all subsequent submittals.

This Preliminary Plat is generally consistent with the approved Concept & Preliminary Plats.

It is recommended that these lots be designated Section 2, or Phase 2. The title block should include the proposed lot numbers.

For the previous Preliminary Plat, the acreage and layout had changed and a resubdivision had created a revised Lot 4 on Deed Parcel 3, but no additional density was added to Deed Parcel 3. All of the new dwellings proposed are, and must be, on Deed Parcel 1.

What is the proposed disposition of the shed, with access from the adjacent lot, on proposed Lot 5? Mr. Scott said he believes the owner would like to have the shed remain on the lot.

Did the shed on proposed Lot 5, with access from the adjacent lot, figure into the calculations in Note #12? Mr. Scott said he would have to check on that. If not, then lot coverage must be recalculated.

The dwelling on Lot 5 of Deed Parcel 3 was moved back to within Deed Parcel 1, because the Deed Parcel 3 density had been, and remains, exhausted.

Note # 4 indicates that there are 133.791 acres in this section, 104.312 in the Critical Area. The cited SAR density of 1/44.60 is only for this section. The RCA density is 1/34.77.

The boundary line survey has been completed. The Critical Area boundary and old 110' Buffer have been shown. The new RCA Buffer is 200'.¹²

The Smith Creek Lane road name has been approved.

Slopes > 25% have been depicted. On slopes between 15 and 25%, good engineering practices shall be used to ensure sediment and erosion control and slope stabilization before, during and after disturbance activities.¹³

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

¹² So long as the lots are recorded prior to 7/1/10, they will be considered grandfathered with respect to the 110' Buffer.

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

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.

No common open space is required for fewer than 10 lots, & no landscaping is required in the SAR zone.

Note # 4 meets the §4.1.22 (r) requirement.

The FSD approved on 12/18/99 was extended on 12/20/06 until 10/15/09 – next Thursday.

The PFCP/Prelim. Environmental Assessment was conditionally approved on 11/19/08. The FRA shown is not consistent with the PFCP/PEA.

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

A Landscape Agreement must be executed prior to recordation.

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

The RCA's 15% lot coverage threshold applies; those percentages have been calculated and included in Note #12 on Sheet 1 of 4.

FIDS habitat must be avoided in the Critical Area.

No development is permitted in the tidal wetlands and tidal waters buffers, including septic systems, impervious surfaces, parking areas, roads, or structures, as noted in an unnumbered note.

A Critical Area 110' buffer, and expansions thereof, have been shown. However, the new Buffer in the RCA is a minimum of 200', not 110'.

CBCAC comments relating to this project were received on 10/5/09. A copy is being provided to the applicant.

Per §200.6.b (2), no more than 20% of the forest or developed woodland may be removed. When less than 15% of the site is in forest cover, at least 15% of the gross site area shall be afforested (§200.6.a).

In the critical area, no structure shall exceed 35' in height.

A 200' tidal wetland and tidal waters buffer shall be established in natural vegetation. This buffer shall be expanded to include contiguous sensitive areas featuring hydric soils, highly erodible soils on slopes greater than 15%, or areas of impact including streams, wetlands, or other aquatic environments.

The plat does not show how lots 5, 6, & 7 will be accessed. Specifically, how will lots 5, 6 and 7 be accessed?

Without that information, how can the lot coverage calculations be made, or verified?

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
	Cecilton	Bo Manor	Bo Manor
FTE	328	478	733
Capacity	350	601	643
% Utilization	94%	80%	114%

5. Smith Creek II, Lots 1-5, Welders Lane, Final Plat, Michael Scott, Inc., First Election District.

Michael Scott, Surveyor, appeared and presented an overview of the project.

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

This is extremely premature for a final plat submittal. The SWM plan, Road & Storm Drain plan and the Mass and Final Grading plan approvals required prior to submittal for Final Plat Approval have not been granted. In fact the Department is waiting on response to our November 19, 2008 comments wherein the design plans were returned as incomplete. We have had no response since then from the Applicant and/or his Engineer. The Department cannot recommend approval of this final plat. We will however provide you with the following comments:

1. Has any consideration been given to how SWM quantity control will be addressed for this site? If a SWM pond or similar BMP is required it should be located in common open space. If it is on an individual lot language for all affected lots must be included in the deeds addressing rights and responsibilities of all parties.
2. The stormwater drainage easement shown on Lot 2 appears to provide for conveyance from the proposed cul-de-sac to the Lot 5 property line but not beyond. The easement must be continued across Lot 5 until it reaches an existing stream, swale or other defined conveyance. This must be identified on the preliminary plat presented to the Planning Commission.
3. If the stormwater management plan involves the redirection of some or all the stormwater runoff of the site or concentrates the release of stormwater runoff in an offsite area that previously received non-concentrated flow permission (via easements or other property interests) where necessary must be obtained.
4. The legend on Sheet 2/5 must reflect the cross hatching used to identify the proposed perpetual right of way for the dwelling on Parcel 76, Lot 1.
5. The Department will require, at a minimum, a deeded right of access for the dwelling on Parcel 76, Lot 1 across the proposed Lot 1 of this subdivision. This terminology must be reflected in the note referencing this access on Sheet 2/5
6. 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:
 - 6.1 The Final Plat Lot Grading and the Lot Grading Plan Construction Limits Note.
 - 6.2 Compliance with Sections 251-9.A (5), 251-13, and 251-15.D. of the Cecil County Stormwater Management Ordinance.
 - 6.3 Requirements for Utility relocations.
 - 6.4 Requirements for Stormwater Inspection and Maintenance Agreements.
 - 6.5 Requirements for Public Works Agreement.
 - 6.6 Requirements for Driveways.

Notes and requirements identified for record:

1. The Final Plat must include the Lot Grading Plan standard note and the Lot Grading Plan must include the standard construction limits note.

- c. *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."*
 - d. *Grading Plan: "No clearing or grading is permitted beyond the limits of disturbance show hereon. Any expanded clearing and/or grading in the absence of an approved revised lot grading plan may be considered non-compliance with Chapter 251 of the Cecil County Code and either or both the developer and/or Builder may be subject to the enforcement of the penalty provisions therein."*
2. The downstream conveyance of storm water must be analyzed in accordance with Section 251-9 A. (5) of the county's SWM Ordinance. If stormwater discharge is directed off of the site on to adjacent property it is the responsibility of the Developer to obtain appropriate easements from the affected property owners per Sections 251-13 and 251-15.D of the Cecil County SWM Ordinance.
 3. Where determined necessary by the utility companies, the owner, the designer, or DPW, utility poles must be relocated at the Developer's expense.
 4. An Inspection & Maintenance Agreement is required for the private SWM facilities.
 5. A Public Works Agreement is required for the road & storm drain work.
 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. Brown, SCS, provided the applicant with soil maps and reports.

Mrs. West, CCPS, provided the applicant with the bus stop guidelines and asked that the cul-de-sac be large enough to support a school bus. Also, Lots 5, 6 & 7 will not be provided direct service. The children would have to go to the designated bus stop assigned by the CCPS Transportation Department.

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

A Groundwater Appropriation Permit Exemption must be requested from Maryland Department of the Environment prior to final plat approval (MDE indicates in December 2008 that the previous Groundwater Appropriation Permit was "closed").

If you chose to show soils, use 2009 soil designations.

Plat is satisfactory.

Mr. Di Giacomo stated that SHA and the Fire Chiefs Association had no comments. Also, no comments were received by Daniel Graham, Citizen's Representative. Mr. Di Giacomo referred back to the Cecilton Fire Company's comments there were given to the Wright project earlier reviewed. Those comments may also pertain to this project.

Delmarva Power stated that this project will be supplied by Choptank.

Mr. Di Giacomo stated that once comments are received by MDE, they will be forwarded to the applicant.

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

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

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

Zoning: SAR & RCA (Critical Area)

Density: The Concept Plat,¹⁴ proposing 8 lots, a reconfigured Lot 4, and the inclusion of Lot 5¹⁵ in the density calculation, on approximately 149.291 acres, for a density of 1:16.59,¹⁶ was approved on 12/21/06, conditioned on:

- 1) The boundary line survey being completed prior to the TAC's review of any Preliminary Plat;
- 2) Documentation of the JD's completion being submitted prior to the Planning Commission's review of the Preliminary Plat;
- 3) Acreage totals consistently agreeing with one another on any Preliminary Plat;
- 4) Any Preliminary Plat's title block accurately reflecting what is actually being proposed;
- 5) The PFCP and any preliminary environmental assessment being approved prior to the Planning Commission's review of the Preliminary Plat;
- 6) All road name being approved prior to the Planning Commission's review of the Preliminary Plat;
- 7) Any Preliminary Plat's tabular information accurately reflecting lots in the proposal; and
- 8) Misspellings being corrected on all future submissions.

The Preliminary Plat for proposed Lots 1-4 only, was approved on 12/15/08, conditioned on:

- 1) Health Department requirements being met;
- 2) DPW requirements being met;
- 3) All Critical Area details being clearly and fully provided on subsequent submittals;
- 4) All Critical Area Commission comments being fully addressed on subsequent submittals;
- 5) The street tree planting easement's being depicted on the Final Plat;
- 6) The FCP/Landscape Plan being approved prior to the submission of the Final Plat;
- 7) The issue of the proposed access easement across proposed Lot 1 being revisited prior to the submission of the Final Plat;
- 8) The Smith Creek Lane acreage being added to Note # 4 to meet the §4.1.22 (r) requirement prior to the submission of the Final Plat;
- 9) Deed Parcel lines being shown on all subsequent submittals; and
- 10) The SAR total acreage being corrected on all subsequent submittals.

This Final Plat is generally consistent with the approved Concept Plat, but not consistent with the Preliminary Plat just reviewed. In addition, proposed Lot 5, in any form, has never been part of any Preliminary Plat approval.

What's more, the Preliminary Plat indicated Lot 5's acreage to be only 53.953 acres.

If proposed Lots 5-7 are designated Section 2, or Phase 2, as suggested in the earlier review, then proposed Lot 5 could not also be part of what logically would be Section 1.

¹⁴ A previous Concept Plat for this portion of the property was approved on 8/19/02. A one year extension was granted of the concept plat on 8/16/04, and a subsequent one year extension was granted on 8/15/05. It was allowed to expire in August 2006.

¹⁵ As stated at the 2/22/00 Planning Commission meeting: "The dwelling on the proposed lot 5 must be located on the original Parcel 1 portion of the lot, not the Parcel 3 add-on piece. Therefore, lot 5 will be included in the density calculation for this and all future subdivision proposals for Parcel 1."

Those comments pertain to Lot 5 of Smith Creek.

¹⁶ SAR zone then permitted a base density of 1/8. Today, both it and the RCA overlay zone permit a density of 1 du/ 20 ac.

The title block should include the proposed lot numbers.

For the previous, overall Preliminary Plat, not the one just reviewed, the acreage and layout had changed and a resubdivision had created a revised Lot 4 on Deed Parcel 3, but no additional density was added to Deed Parcel 3. All of the new dwellings proposed were, and must be, on Deed Parcel 1.

What is the proposed disposition of the shed, with access from the adjacent lot, on proposed Lot 5? If those items were not included in the lot coverage calculations, then those calculations must be redone.

The proposed access to the dwelling on proposed Lot 5 is still not shown. If that was not factored into the lot coverage calculations, then those calculations must be redone.

The details of any proposed access easement/ PRMA must be provided relating to Lot 5 and to Lot 1 on Parcel 76.

Regarding the access lane across proposed Lot 1, as stated at the 12/15/08 Planning Commission review of the Preliminary Plat, the proposed access easement across proposed Lot 1 is not a good design. For that reason, the Planning Commission included as a condition of Preliminary approval: "The issue of the proposed access easement across proposed Lot 1 being revisited prior to the submission of the Final Plat."

How was this issue revisited and with whom? This was revisited in the previous review of the Preliminary Plat.

The dwelling on Lot 5 of Deed Parcel 3 was moved back to within Deed Parcel 1, because the Deed Parcel 3 density had been, and remains, exhausted.

Note # 4 indicates that there are 104.312 in the Critical Area, and that the RCA density is 1:104.312. That suggests that proposed Lots 6 & 7 are being abandoned. If so, then why was the just-reviewed Preliminary Plat submitted?

Note # 4 indicates that the cited SAR density is 1/24.16. However, based on the stated acreage of 144.941, 5 lots would yield a density of 1/28.89. Based on 7 lots, as the Preliminary Plat would suggest, the density would be 1/20.64. Therefore, it is unclear how the 1/24.16 density figure was arrived at, especially given the wording contained in Note # 8.

The wording of Note # 8 is erroneous and must be changed. Concept Plats approved after 7/25/89 do not remain valid in perpetuity, and with the SAR density of 1/20, 7 lots on 144.941 acres completely exhausts all subdivision potential. In addition, the RCA portion of the property and its potential for 1:20 density do not stand independently.

The boundary line survey has been completed. The Critical Area boundary and old 110' Buffer have been shown. The new RCA Buffer is 200'.¹⁷

The Smith Creek Lane road name has been approved.

¹⁷ So long as the lots are recorded prior to 7/1/10, they will be considered grandfathered with respect to the 110' Buffer.

Slopes > 25% have been depicted. 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.¹⁸

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.

No common open space is required for fewer than 10 lots, & no landscaping is required in the SAR zone.

The FSD approved on 12/18/99 was extended on 12/20/06 until 10/15/09 – next Thursday.

The PFCP/Prelim. Environmental Assessment was conditionally approved on 11/19/08. The FRA shown is not consistent with the PFCP/PEA.

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

A Landscape Agreement must be executed prior to recordation.

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

The RCA's 15% lot coverage threshold applies; those per centages were calculated and included in Note #12 on Sheet 1 of 4 of the Preliminary Plat, just reviewed. The Preliminary Plat's lot coverage calculation was based upon proposed Lot 5 consisting of 53.943 acres, not 133.791. Other questions also remain (/have been answered).

FIDS habitat must be avoided in the Critical Area.

No development is permitted in the tidal wetlands and tidal waters buffers, including septic systems, impervious surfaces, parking areas, roads, or structures, as noted in an unnumbered note.

¹⁸ 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 Critical Area 110' buffer, and expansions thereof, have been shown. However, the new Buffer in the RCA is a minimum of 200', not 110'. So long as the lots are recorded prior to 7/1/10, they will be considered grandfathered with respect to the 110' Buffer.

Another Critical Date is 5/4/10, with respect to the stormwater management plan.

Should this project be delayed, and should a redesign therefore be necessary, then a new Concept Plat may be required. The applicant is hereby advised that the new SAR density of 1:20 would then apply – as would new stormwater management regulations and the new 200' minimum Buffer in the RCA.

CBCAC comments relating to this project were received on 10/5/09. Those and promised subsequent comments must be satisfactorily addressed. A copy is being provided to the applicant.

Per §200.6.b (2), no more than 20% of the forest or developed woodland may be removed. When less than 15% of the site is in forest cover, at least 15% of the gross site area shall be afforested (§200.6.a).

In the critical area, no structure shall exceed 35' in height.

A 200' tidal wetland and tidal waters buffer shall be established in natural vegetation. This buffer shall be expanded to include contiguous sensitive areas featuring hydric soils, highly erodible soils on slopes greater than 15%, or areas of impact including streams, wetlands, or other aquatic environments.

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
	Cecilton	Bo Manor	Bo Manor
FTE	328	478	733
Capacity	350	601	643
% Utilization	94%	80%	114%

The October TAC meeting adjourned at 10:22 a.m.

Respectfully submitted,

Jennifer Bakeoven