

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

Present: Di Giacomo, Tony (CCP&Z), Woodhull, Mark (CCDPW), von Staden, Fred (DEH), Brown, Chris (CCSCS), West, Janel (CCPS), Kelly, Nick (CBCAC), Graham, Daniel (Citizen's Rep.), Latham, Cindy (MDE) and Bakeoven, Jennifer (CCP&Z).

Absent: Cwiek, Philip (USCoE), Ouano, Jun (Delmarva Power), Meaders, David (FA), Davis, Gary (SHA),

**1. Barksdale Village, 71 Lots, PUD, Barksdale Road, Van Cleef Engineering Associates, Fourth Election District.**

Scott Lobdell, Van Cleef Engineering and Bangalore Lakshman, developer, appeared and presented an overview of the project.

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

1. A SWM plan, Road & Storm Drain plan, Sanitary Sewer plan, Water Distribution plan, and a Mass and Final Grading plan must be approved by the CCDPW prior to submittal for Final Plat Approval.
2. This property is outside of the Master Water & Sewer Plan (MWSP) coverage area. Therefore the applicant will need to request an amendment to the MWSP Plan. If this site is brought into the Master Water & Sewer Master Plan, applicant must obtain an allocation for public sewer and water prior to final plat.
3. The Highlands WWTF is planned for decommissioning therefore the applicant must provide for sewer connectivity to the Meadow View WWTP or wait for the Aston Point off-site sewer project completion.
4. The ability of the existing water distribution system, together with the proposed extensions, to provide adequate fire flow and pressure must be demonstrated through an update to the Engineering Report of Meadow View – Highlands Water System Analysis prepared by George, Miles, & Buhr, LLC in October 2004.
5. Will this site require an onsite lift or pumping station to connect to the Highlands WWTP? Mr. Lobdell said he is not sure yet. He will be looking into this matter.
6. Any sanitary sewer lines run outside of County ROW must be ductile iron and located in a utility easement of sufficient width to allow access.
7. Applicant is advised that if the SWM and E&S Control plans for this project are not approved (i.e. signed) by May 4<sup>th</sup> 2010 the new SWM Ordinance will apply and the SWM plan must be designed to meet its requirements.
8. The wetlands & associated buffer differ substantially from what was previously presented to the TAC for this site. Is the wetlands representation here based on a determination by the MDE or COE? Mr. Lobdell said delineation was done previously on this site but it is outdated at this point. It will need to be updated.

9. The Department's policy is not to allow structural SWM BMP's to be located with stream buffers. The facility proposed along Barksdale Road has almost 50% of its area within a stream buffer. If the Applicant continues with this location MDE permitting must be obtained prior to approval of the SWM design.
10. How will anyone build and maintain this proposed SWM pond without impacting the adjacent wetlands and stream buffers? Pond embankments and or excavations should not be located in such close proximity to wetlands boundaries. The Pond MD 378 states that trees and/or shrubs will not be allowed within the buffer zone (15' from the toe of embankment).
11. 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 Section 251-13 of the Cecil County SWM Ordinance. Any and/or all structures (i.e. dwellings, outbuildings, driveways, etc...) on down-gradient properties so impacted must be identified on the SWM Plans.
12. The downstream conveyance of storm water must be analyzed in accordance with Section 251-9 A. (5) of the county's SWM Ordinance. This analysis must include the culvert under Barksdale Road. Special care must be given to the design if a concentration of runoff will result from the SWM facilities.
13. The Lot Grading Plan and SWM Plan must address how the conveyance of drainage from the proposed road will be handled.
14. If SWM structural BMPs are required for this site, they must be provided for within Common Open Space (COS) and located within a private stormwater management easement. Fee simple access from the county road system must be provided to each SWM facility on site.
15. All conveyance and access easements must be identified on the Final Plat. The standard easement width is 20' however they may need to be wider depending on the type of conveyance and/or the combination of access and conveyance.
16. A Traffic Impact Study (TIS) is required for a subdivision of this size. The TIS must be completed & submitted prior to Preliminary Plat review by the TAC.
17. Why was the connectivity to Parcel 619 shown on the first concept plat reviewed by the TAC removed? Mr. Lobdell said the applicant attempted to have that parcel rezoned commercial. If the Planning Commission approves connectivity, all of the connecting road stubs may be temporarily terminated in "Tee Turnarounds" per the Road Code.
18. Change all references to the Barksdale Road frontage dedication to read "30' wide strip dedicated in fee simple to the Board of County Commissioners of Cecil County." This applies to the note on Barksdale Road.
19. Correct the road stationing on all proposed roads. Stationing begins at 0+00 not 10+00.
20. With 71 lots proposed Isaiah Avenue, from station 0+00 to 10+00 will be classified as a "Minor Collector Road" which requires a 60' wide right-of-way and a 32' wide paved section. From station 10+00 to 16+95 Isaiah Avenue will be classified as a "Minor Road" with 50' ROW and 30' wide pave section.
21. With the minimum lot frontage being 20', Section 2.07 of the Road Code requires that a curbed road section be used throughout the development.
22. Proposed roads must be designed in accordance with the current road code. Specifically the minimum road design standards identified in Standard Detail R-35 of the Cecil County Road Code.
23. The Cul-de-sac bulb proposed is not in compliance with the Standard Detail R-14 of the Cecil County Road Code.
24. Any applicable Road Code Variances must be requested prior to submittal for Preliminary Plat approval.

25. Applicant must provide intersection & stopping sight distance measurements for the Barksdale Road access to DPW prior to preliminary plat submittal. The centerline of the proposed entrance location must be marked in the field. Section 3.07.15 of the Road Code requires that Barksdale Road be upgraded to Minor Collector Road equivalency standard for 100' either side of the proposed entrances. The design engineer must address the requirement to improve/ establish shoulders, construct the minimum acceleration and deceleration lanes, and improve any deficient roadside drainage along the development's road frontage on the street construction drawings.
26. Where determined necessary by the utility companies, the owner, the designer, or DPW, utilities poles must be relocated at the Owner's expense.
27. Lots 1 & 62 must be denied access to Barksdale Road along their entire road frontage. Add a note indicating the same to the final plat. And both lots must also be denied access to the proposed road for the first 75' as measured from the point of intersection with Barksdale Road. All denied access must be identified on the Final Plat as well as the Lot Grading Plan.
28. The Applicant must conduct a Category 3 Protocol road condition survey along Barksdale Road from its intersection with Appleton Road to its intersection with Valley Road. The Department may require the Applicant to perform off-site upgrades to Barksdale Road based on the findings of this condition survey. All necessary road improvements must be agreed to by the Department and shown on the preliminary plat presented to the TAC for review.
29. How do you propose to parking for the townhouses shown? Mr. Lobdell said the homes would have garages with driveways. The Department has concern about on-street parking interfering with EMS & DPW access to the area of the cul-de-sac (Lots 25-40).
30. All driveways must be paved at least to the right of way. The driveway paving, within the ROW, must be complete for all lots at the time when the surface course for the internal roads is installed (80% of Lots are built-out). The Developer/Contractor must establish the driveways for any lots not built –out at that time. In addition any driveway in excess of 5% up-gradient-slope from the road rights-of-way must be paved to the crest and the Developer/Contractor will be responsible for this at the time of surface course installation. If the development is phased this requirement will apply to each phase when 80% of the lots are built-out. All of this must be so indicated on the Lot Grading Plan.
31. What existing rights and obligation do the owners of Parcels 223 & 711 have in regards to the existing access drive? Mr. Lobdell said he believes this is an access easement. Is this access owned in fee simple or is it an access easement? What is the proposed disposition of the access to these Parcels? The applicant's intent is to keep an access way for them.
32. The access to Torres & Miller properties (Parcels 223 & 711) must be aligned with the proposed street to provide a 90<sup>0</sup> angle.
33. Any Tot Lots or active recreation areas required by the Planning Commission must be included in a PWA and have approved construction plans.
34. A PWA is required for the Roads and Storm Drains, Public Sanitary Sewer, and Water System.
35. An I&M Agreement is required for SWM facilities.
36. The Final Plat must include the Lot Grading Plan standard note and a 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. These notes will be identified in the record but will not be read at this time.

*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."

*Final Plat:* “Sidewalk maintenance will be required of the adjacent property owner, as required by the Cecil County Road Code.”

*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.”

Mr. Woodhull informed the applicant that if Artesian is the water supplier, there will need to be a utility easement agreement in place between them and the county.

Mr. Kelly, CBCAC, had no comment.

Mr. Graham, Citizen’s Representative, had no comment.

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

Mrs. West, CCPS, had no comments as this project is proposed as an age restricted community.

Ms. Latham, MDE, said that a GAP or exemption will not be necessary if the community will be serviced by public water.

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

Identify the public water supply and public sewer plant to be utilized by this development on the plat. Written confirmation of adequate water and sewer allocation must be received prior to final plat approval. If an upgrade to the water system or sewer plant is required to serve this development, approval for the upgrade must be approved by Cecil County Department of Public Works and Maryland Department of the Environment prior to final plat approval.

Design of the water and sewer lines should include capacity for parcels 223 and 711.

Buildings on parcel 288 must be removed prior to record plat approval. The existing well must be abandoned and sealed by a licensed well driller prior to record plat approval. The existing cesspool/septic tank must be pumped and filled with earth prior to record plat approval.

The Master Water and Sewer Plan must be amended to include this project as an area served by Public Water and Sewer prior to final plat approval.

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

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

Mr. Di Giacomo stated that SHA had no comment.

Mr. Di Giacomo read the comments of Delmarva Power and provided the applicant with a copy of the comments received from the Fire Chief's Representative.

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

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

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

Zoning: SR

The TAC has previously reviewed Concept Plats for this site, under the names W. Harris Construction and Estates at Barksdale, on 8/4/04 and 1/5/05, respectively.

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

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

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

§256.3 requires that the "Sketch Plat/Special Exception Application" next shall be reviewed by the Planning Commission, and that the Planning Commission<sup>1</sup> shall "make recommendations to the Board of Appeals."

Next, the Sketch Plat/Special Exception must be placed on the Board of Appeals' agenda, per §256.4, which specifies that then it "... shall be reviewed by the Board of Appeals. The Board shall consider the recommendations of the Technical Advisory Committee, the Planning staff, the Planning Commission and the standards in Article XVII, Part II, in making their determination to approve or disapprove the proposed PUD."<sup>2</sup>

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

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<sup>1</sup> Moreover, §'s 256.3 & 256.4 make clear that the Planning Commission's role first is to make a **recommendation** to the Board of Appeals on the "Sketch Plat/Special Exception Application" **rather than an actual decision** on what would otherwise be considered a Concept Plat.

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

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

Density: The SR zone permits a PUD density of 4 du/ 1 ac. Otherwise, the SR zone permits a density of only 2/1 with community facilities. This Concept Sketch Plat proposes 71 lots on 29.61 acres, for a proposed density of 2.398/1.

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

The existing zoning of adjacent properties has not been shown, per §4.0.13(l).

Dwellings or impervious surfaces shall not occur on slopes with a grade of 25% or more covering a contiguous area of 10,000 ft<sup>2</sup> or more. On slopes between 15 and 25%, good engineering practices shall be used to ensure sediment and erosion control and slope stabilization before, during and after disturbance activities.<sup>3</sup>

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

A 110’ perennial stream buffer is required from all perennial streams present. This buffer shall be expanded to include contiguous areas of hydric soils, highly erodible soils, and soils on slopes greater than 15% -- to a maximum distance of 160’. Any necessary expansion could possibly adversely affect proposed Lots 41-44.

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.

30% common open space is required (§25.3.b); 46% is proposed.

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

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

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

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<sup>3</sup> The Cecil County Subdivision Regulations define steep slopes as “15 percent or greater incline.” The Cecil County Zoning Ordinance defines steep slopes as consisting of a grade of 25% or more covering a contiguous area of 10,000 ft<sup>2</sup> or more. The Cecil County Forest Conservation Regulations define steep slopes as “areas with slopes greater than 25 percent slope.”

All existing easements on site (especially those mentioned in Deeds NDS 273/262, WLB 653/923, and WLB 837/248) must be shown on the plat, per §4.0.13(h).

The required (§4.0.13(j)), proposed lot dimensions of all sides of the lots are, for the most part, provided on sheets 3 and 4. Curve data are missing, however.

If any of the Lands of Torres and/or the Lands of Miller are included, then the acreages of these areas must be provided, and Torres and/or Miller must sign the Record Plat.

Proposed Lots 1 & 62 must be denied access to Barksdale Road.

How was the placement of the stub road determined? Has any contact been made between the developer and the adjacent landowner, Barczewski? Mr. Lobdell said this connection was based on previous concept plans for this property.

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

Why wasn't a stub road to the adjacent Lands of Lakshman included in the design? Mr. Lobdell said at the time of the layout, the applicant had anticipated the corner parcel being rezoned commercial. Discussion ensued regarding the concept of a PUD.

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

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

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, as is required by §4.0.13(l).

A Bufferyard Standard A will be required adjacent to any adjoining property on which an agricultural operation is occurring (§25.4.c).

Rows of street trees with 10' planting easements are required, outside the right-of-way, along both sides of all internal roads. Where feasible, the natural vegetative equivalent may be used to satisfy the bufferyard and street tree requirements. In areas with community facilities, no street trees shall be planted within 20 feet of sewer laterals and cleanouts.

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

The FSD must be approved prior to any granting of a PUD Special Exception (§5.1.C, Cecil County Forest Conservation Regulations).

The Preliminary Forest Conservation Plan (PFCP) must be approved prior to Planning Commission review of the Preliminary Plat (§6.2.B(1), Cecil County Forest Conservation Regulations).

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

A Landscape Agreement must be executed prior to recordation.

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

Proposed lots 15-23, 26, 30-31, and 34-39 exceed the 3:1 length to width ratio established in §7.4.2.

The internal road names will need to be approved by the County 911 Emergency Center prior to the Planning Commission's review of the Preliminary Plat. The road name "Arianna Avenue" has been disapproved.<sup>4</sup>

A Traffic Impact Study (TIS) is required prior to the TAC's Preliminary Plat review. Any TIS must contemplate the additional development potential of the adjacent property also controlled by the owner/developer.

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

Per §4.0.13 (m) 3, the "total number of off-street parking spaces and the space to unit ratio" must be provided on the plat. Note # 13 must contain more specific detail.

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

The property is not presently shown as a water or sewer service area (W0 & S0). The Master Water and Sewer Plan must be amended to include this site, as a W2 and S2 area, prior to the Planning Commission's review of the Final Plat.

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 name of the water service provider providing the water must also be included on the Final and Record Plats.

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

The identity of the waste water treatment plant must be included on the Final and Record Plats.

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

This proposal is consistent with §248.1 in offering "a variety of building types ... including, detached single-family dwellings, duplexes, semi-detached dwellings, townhouses and apartments." Per §250.2, in the SR zone, proposed duplex homes cannot exceed 30% and townhomes cannot exceed 20%. The 22 and 12, respectively proposed, fall within these limits. This housing type diversity is one of the two hallmarks of PUDs.

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<sup>4</sup> The road name "Arianna Avenue" was already approved on 8/28/06 for the Sun Valley subdivision.

However, this proposal is not consistent with §248.2, the other hallmark of a PUD, by the absence of “commercial uses in a PUD that serve the day to day needs of the residents of the PUD.”

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

Clearly, a mixed use scenario is fundamental to the PUD concept. Why is no mixed use proposed? Mr. Lobdell said the applicant feels that this concept would be more successful for marketing purposes.

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

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

This information has not been provided in the accompanying “Site Report.” Because of that, the requirements set forth in §256.1 (a) – (f) and §256.2 have not been satisfied.

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

The applicant is reminded of the 4:30 p.m. submission deadline on the 3<sup>rd</sup> Thursday for review by the Planning Commission the following month; however, the TAC needs to review the data and information required in §256.1 (a) – (f) prior to the Planning Commission’s review.

School information:	Elementary	Middle	High School
	Cecil Manor	Cherry Hill	Elkton
FTE	434	494	1112
Capacity	523	775	1380
% Utilization	83%	64%	81%

## 2. Smith Creek II, Lots 1-3, Welders Lane, Revised Concept Plat, Michael Scott, Inc., First Election District.

Michael Scott appeared and presented an overview of the project.

Mr. Di Giacomo stated that he felt Mr. Scott has done a good job on this project as it has been going through the approval process for quite some time with different engineers/surveyors.

Mr. Di Giacomo reminded the applicant that this project will need to be recorded prior to July 1, 2010 otherwise this project will be subject to 200' Critical Area buffer requirement.

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

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. 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.
3. 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? 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. Mr. Scott said that Mr. Harrison wants to keep the access the way it is currently.
4. 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:
  - 4.1 The Final Plat Lot Grading and the Lot Grading Plan Construction Limits Note.
  - 4.2 Compliance with Sections 251-9.A (5), 251-13, and 251-15.D. of the Cecil County Stormwater Management Ordinance.
  - 4.3 Requirements for Utility relocations.
  - 4.4 Requirements for Stormwater Inspection and Maintenance Agreements.
  - 4.5 Requirements for Public Works Agreement.
  - 4.6 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. Kelly, CBCAC, highlighted points made in a letter from the CBCAC to the applicant regarding the project. See file.

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

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

Mrs. West, CCPS, had no comment.

Ms. Latham, MDE, stated that a notice of exemption has not yet been filed in her office.

Mr. von Staden, 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.

Only show 1 designated sewage area on proposed lot 1.

Mr. Di Giacomo stated that SHA, Delmarva and the Fire Chief's Representative had no comments.

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 original Concept Plat,<sup>5</sup> proposing 8 lots, a reconfigured Lot 4, and the inclusion of Lot 5<sup>6</sup> in the density calculation, on approximately 149.291 acres, for a density of 1:16.59, 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;

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<sup>5</sup> 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.

<sup>6</sup> 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.

- 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 new Concept Plat does away with the previous proposal of 8 new lots. Only 3 lots are now proposed on 145.438 acres, for a proposed density of 1/36.36,<sup>7</sup> which is consistent with both the SAR and RCA densities of 1/20.

Note # 4's stated SAR density of 1/34.614 can be arrived at only by subtracting the 6.982 acres of "private tidal wetlands" from the gross 145.438 acres and then dividing the remainder (138.456) by the 4 dwelling units.<sup>8</sup> §12 of the Zoning Ordinance defines "density" as follows: "The number of dwelling units that may be constructed per acre or per square foot of a zoned lot area." Per Note # 4, the area zoned SAR is 145.438 acres.

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 now 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 1? Mr. Scott said he does not know.

Will the shed on proposed Lot 1, with access from the adjacent lot, figure into the into the lot coverage calculations?

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 acres in the Critical Area. The RCA density is 1/32.44; Note # 4's 1/24.332 must be corrected. That figure can be arrived at by subtracting the 6.982 acres of "private tidal wetlands" from the 104.312 Critical Area acres and then dividing the remainder (97.33) by the 4 dwelling units. The problem is that the remainder should be divided by 3, because the Lot 5 that was previously approved on Deed Parcel 1 was not in the Critical Area.

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<sup>7</sup> 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.

<sup>8</sup> 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.

The boundary line survey has been completed. The Critical Area boundary and old 110' Buffer have been shown. (The new RCA Buffer is 200'.<sup>9</sup>)

These lots would access Welder's Lane – which needs to be labeled on sheet 1 of 4. Smith Creek Lane is no longer proposed. (The Smith Creek Lane road name has been approved.)

What is the rationale for the access easement across proposed Lot 1 to the Lands of Heath?

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.<sup>10</sup>

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, and a second extension was granted, rendering it valid until 10/15/12.

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 must be calculated and included on the Preliminary Plat.

FIDS habitat must be avoided in the Critical Area.

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<sup>9</sup> So long as the lots are recorded prior to 7/1/10, they will be considered grandfathered with respect to the 110' Buffer.

<sup>10</sup> The Cecil County Subdivision Regulations define steep slopes as "15 percent or greater incline." The Cecil County Zoning Ordinance defines steep slopes as consisting of a grade of 25% or more covering a contiguous area of 10,000 ft<sup>2</sup> or more. The Cecil County Forest Conservation Regulations define steep slopes as "areas with slopes greater than 25 percent slope."

No 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 most recently received on 11/2/09. 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.

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 3<sup>rd</sup> 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%

Mr. Woodhull reminded the applicant of the new SWM Ordinance deadline of May 4, 2010.

Mr. von Staden asked the applicant for clarification on Lot 1.

The November TAC meeting adjourned at 10:26 a.m.

Respectfully submitted,

*Jennifer Bakeoven*