

CECIL COUNTY TECHNICAL ADVISORY COMMITTEE
Wednesday January 6, 2010, 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), Graham, Daniel (Citizen's Rep.); Meaders, David (FA) and Bakeoven, Jennifer (CCP&Z).

Absent: Cwiek, Philip (USCoE), Ouano, Jun (Delmarva Power), Latham, Cindy (MDE), Davis, Gary (SHA).

Mr. Di Giacomo explained the approval process to which a PUD will be required to go through.

1. Barksdale Village, 116 Lots, PUD, Barksdale and Valley Roads, Concept Plat, Van Cleef Engineering Associates, Fourth Election District.

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

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

No capacity exists for this site at the Highlands WWTP. Water supply from the Meadowview WTP is insufficient to service this development at this time. Both water & sewer service will be dependent upon the Artesian Water Company taking assuming operation of the Meadowview WWTP & WTP. The following comments are based on water & sewer service being provided by Artesian Water Company:

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 the 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 existing sewer service?
6. All portions of the proposed water and sewer systems located within County ROW must be designed to County standards and utility easements between Artesian Water Company and the County will be required.

7. Applicant is advised that if the SWM and E&S Control plans for this project are not approved (i.e. signed) by May 4th 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?
9. 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.
10. 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.
11. The Lot Grading Plan and SWM Plan must address how the conveyance of drainage from the proposed road will be handled.
12. SWM structural BMPs required for this site must be provided for within Common Open Space (COS) and located within a private stormwater management easement. Access from the county road system must be provided to each SWM facility on site.
13. 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.
14. 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.
15. As indicated on the plat Isaiah Avenue, from station 0+00 to 9+00 will be classified as a "Minor Collector Road" with 60' wide right-of-way and a 32' wide paved section. From station 9+00 to 16+55.79 Isaiah Avenue will be a "Minor Road" with 50' ROW and 30" wide pave section.
16. 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.
17. The Cul-de-sac bulb proposed is not in compliance with the Standard Detail R-14 of the Cecil County Road Code.
18. Any applicable Road Code Variances must be requested prior to submittal for Preliminary Plat approval.
19. 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.
20. Where determined necessary by the utility companies, the owner, the designer, or DPW, utilities poles must be relocated at the Owner's expense.
21. Lots 44 & 116 are denied direct access to Isaiah Avenue. All denied access must be identified on the Final Plat as well as the Lot Grading Plan.
22. 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 and Valley Road from Kirkcaldy Drive to Barksdale Road. The Department may require the Applicant to perform

off-site upgrades to these roads 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.

23. 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.
24. What existing rights and obligation do the owners of Parcels 223, 356 & 711 have in regards to the existing access drive? Is this access owned in fee simple or is it an access easement? What is the proposed disposition of the access to these Parcels?
25. The access to Torres & Miller properties (Parcels 223, 356 & 711) must be aligned with the proposed street to provide a 90⁰ angle.
26. Any Tot Lots or active recreation areas required by the Planning Commission must be included in a PWA and have approved construction plans.
27. A PWA is required for the Roads and Storm Drains, Public Sanitary Sewer, and Water System.
28. An I&M Agreement is required for SWM facilities.
29. 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.”

Discussion ensued regarding the “Site Report” provided by Van Cleef Engineering.

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

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

Mr. Meaders, Fire Chief’s Representative, provided the applicant with comments.

Mrs. West, CCPS, asked the applicant to clarify whether this project is a 55 + community. Mr. Lobdell explained that the owner is expecting to target the 55 + community but this proposed subdivision will not be strictly a community restricted to 55 + home owners. The applicant was provided with a copy of the bus stop guidelines.

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 sewerlines should include capacity for parcels 223 and 711.

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 provided that applicant with a copy of the comments received from Delmarva Power, SHA and MDE. See file.

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 part of this site, under the names W. Harris Construction, Estates at Barksdale, and Barksdale Village, on 8/4/04, 1/5/05 and 11/4/09 respectively. This submission now includes Parcels 45, 288, and 619.

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.¹

¹ Generally, the **condominium approval process** that was established in 1991 has worked as follows: From the approved Preliminary Plat/Site Plan, building permits are then issued. Next, the units are built, and then the Final Condominium Plats come back to the Planning Commission for approval, "**as built.**" The Final Condominium Plats are used to record the actual footprints of the units and the actual building plans as constructed.

§256.3 requires that the “Sketch Plat/Special Exception Application” next shall be reviewed by the Planning Commission, and that the Planning Commission² 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.”³

§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.

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 116 dwelling units and 3 commercial buildings on 42.61 acres, for a proposed residential density of 2.722/1.

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 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 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

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

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

A 25’ buffer is required around all non-tidal wetlands and intermittent streams present. Permits are required from the (US Army) Corps of Engineers and MDE for all non-tidal wetland and stream impacts prior to recordation. JD’s are required in conjunction with permitting. If no permits are required, and if the proposed project meets the policy standards established on 3/20/95 and revised on

² 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.

³ It is incumbent upon the applicant to become thoroughly familiar with all aspects Article XVII, Part II.

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.”

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); 34.6% 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. Is the “area dedicated to public use” intended to be common open space? If not, then who will own it? Mr. Lobdell stated that the land is to be dedicated to the county for road widening.

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

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).

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 & 44-64 must be denied access to Barksdale Road, and proposed Lots 64-71 must be denied access to Valley Road. Discussion ensued regarding possible landscaping.

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

Bufferyard Standard C is required, outside the right-of-way, along all road frontages of Barksdale & Valley Roads.

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' of sewer laterals and cleanouts.

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

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

The internal road names have been approved. Mr. Di Giacomo recommended that the applicant meet with the local fire company regarding possible road name issues.

A Traffic Impact Study (TIS) is required prior to the TAC's Preliminary Plat review.

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

Note # 13 contains specific parking details (§4.0.13 (m) 3).

The minimum distance between townhouse structures shall be 60' if the townhouse structures are face to face. No townhouse structure shall be closer than 20' to any interior roadway or closer than 15' to any off-street parking area – excluding garages built into an individual townhouse unit.

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 & Sewer Plan must be amended to include this site, as a W2 & 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% & townhomes cannot exceed 20%. Only 19% (out of 30% permitted) of the dwellings are proposed as duplexes, but 44% (out of only 20% permitted) are proposed as townhouses. Given:

- 1) The proximity of the proposed townhouse location to the City of Newark;

- 2) The design, which incorporates enveloping the commercial component with townhouses;
- 3) The design, which decreases and transitions the proposed density as one moves farther from Newark; and
- 4) That the inclusion of a greater percentage of townhouses is a reasonable approach to maximizing the achievable density of this proposed PUD;

staff does not oppose the exceedence of the townhouse percentage, which can be approved per §3.5 of the Subdivision Regulations and §170 of the Zoning Ordinance.

This housing-type diversity is one of the two hallmarks of PUDs.

This proposal is also consistent with §248.2, the other hallmark of a PUD, with the inclusion of “commercial uses in a PUD that serve the day to day needs of the residents of the PUD.”

§252.2 stipulates that business uses permitted in a PUD shall be the same as those permitted in the BL zone, and §252.3 states “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.

§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 generally been provided in the accompanying “Site Report.”

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 Cecil Manor	Middle Cherry Hill	High School Elkton
FTE	488	532	1141
Capacity	523	775	1380
% Utilization	93%	67%	83%

At this time, Mr. Woodhull read additional comments on this project.

The January TAC meeting adjourned at 9:35 a.m.

Respectfully submitted,

Jennifer Bakeoven