

CECIL COUNTY TECHNICAL ADVISORY COMMITTEE
Wednesday March 3, 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.); Davis, Gary (SHA) and Bakeoven, Jennifer (CCP&Z).

Absent: Cwiek, Philip (USCoE), Ouano, Jun (Delmarva Power), Latham, Cindy (MDE), Meaders, David (FA)

1. Fletchwood Station, Lots 1-4, Fletchwood Road, Concept Plat, Will Whiteman Land Surveying, Inc., Third Election District.

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

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

1. A SWM plan, Street and Storm Drain plan, Sanitary Sewer plan and a Mass and Final Grading plan must be approved by the CCDPW prior to submittal for Final Plat Approval. The fees for design review of this project must be provided at the time of first design submittals.

Mr. Graham, Citizens' Representative, asked Mr. Whiteman to clarify whether a buffer would be placed between the entrance road and Mr. Menton's property. Mr. Graham also stated that he received a call that expressed the concern of having 4 lots on an acre of property.

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

Mrs. West, CCPS, stated that the serving schools for this project are Cecil Manor Elementary, Elkton Middle and Elkton High Schools. With this few number of lots, CCPS has little concern with this project impacting the schools.

Mr. Davis, SHA, read the comments of the department. See file.

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

Identify the source of public water and sewer on the preliminary and final plats. An allocation for water and sewer must be granted 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 read the comments of Delmarva Power and Light 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: RM

Density: The RM zone permits a density of up to 6 du/ 1 ac., with community facilities. This Concept Plat¹ proposes 4 lots on 1.585 acres, for a proposed density of 2.52/1.

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

It is recommended that the "Addition of Land Statement" be modified since it is integral to the proposed subdivision.

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.²

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 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.

Per §29.6.a, 15% common open space is required.

¹ §4.0.1 of the Subdivision Regulations allows for the elimination of a Concept Plat 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.

² 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."

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.

Per §29.5, no landscaping of the development envelope is required; however, per §29.3.d and §186.3, 25% landscaping of the development envelope, including a Bufferyard Standard C along the Fletchwood Road road frontage, will be recommended.

Sidewalks are recommended.

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.

Per §186.1, 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 Forest Stand Delineation (FSD) must be approved prior to Planning Commission review of the Concept Plat (§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.

The proposed mini-road name, Red Rose Court, will need to be approved by the County 911 Emergency Center prior to Planning Commission review of the Preliminary Plat.

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

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.

A Mini-road Maintenance Association for maintenance of the mini road must be established prior to recordation, with the owners of all lots accessing the mini-road becoming members.

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 Master Water and Sewer Plan classifies this site as W1 and S1.

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.

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

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

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
	Cecil Manor	Elkton	Elkton
FTE	488	593	1141
Capacity	523	712	1380
% Utilization	93%	83%	83%

Discussion ensued regarding the requirement of Common Open Space.

2. Village of Stoney Run, 1125 Units, Baron Road, Concept Plat, Morris & Ritchie Associate, Inc., Fifth Election District.

Phil Toliver, Morris & Ritchie Associates and Randy Mitchell, owner, appeared and presented an overview of the project.

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

1. A SWM plan, Street and Storm Drain plan, Sanitary Sewer plan and a Mass and Final Grading plan must be approved by the CCDPW prior to submittal for Final Plat Approval. The fees for design review of this project must be provided at the time of first design submittals.
2. 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.
3. The Department understands that the water distribution system in this development will be a private system provided by Artesian Water Company. The water distribution system must be designed to meet or exceed the County's standards. This includes providing fire flow and pressure throughout the development and the use of ductile iron water pipe for distribution. The serving fire company must review all fire hydrant spacing and locations provided on final construction drawings. Private utility easements will be required for all water lines run in County

ROW. The water lines must be reflected on the sanitary sewer plans and as-builts. All easements for the water lines must be reflected on the final plat.

4. The Department will require a Traffic Impact Study as well as a queuing analysis for this proposal.
5. The Department had reached an agreement with the previous Developer on the extent and nature of the required offsite improvements to Baron Road south of the CSX Bridge and Nazarene Camp Road to MD 272 as contained in an attached memo. We will require the same from this Developer and request that the Planning Commission make the completion of the improvements identified in the memo a condition of approval for the preliminary plat and that the memo is made part of the record.
6. The Department of Public Works requires that any Road Code Variances sought for offsite/entrance/onsite roads must be requested and the major road issues, including offsite road improvements required, be resolved, to the Department's satisfaction and shown on the preliminary plat prior to submittal of the preliminary plat to the Planning Commission. If no variances are requested & approved prior to the preliminary plat approval by the Planning Commission the applicant will be held to all Road Code requirements as dictated by the DPW.
7. The Department is opposed to the proposed Buck Road access on to Baron Road. While providing a second access point into this development its location does not work with sight distance looking north over the CSX bridge and will be further complicated once the bridge has been replaced (approx. 2 ½ yrs). The new bridge will be taller and grading for the approaches makes this location unsuitable / less safe for access. The Department recommends that the Developer's engineer meet with our Engineering Division to coordinate the Baron Road improvements with the Department's CSX Bridge project.
8. In regards to providing a second access Antler Way as proposed provides a revertible easement allowing future access to Razor Strap Road via Parcel 548. With this connectivity Antler Way must be a collector townhouse road with 38' wide ROW.
9. Why has connectivity to the Jansen property (Parcel 526) been removed? Mr. Mitchell stated that Mr. Jansen already has access off of Razor Strap Road, therefore the access through his property is not a necessity.
10. The Department has concern over the geometry of the "U" shaped loops. As well as the "P" loop (see Standard Detail 14A) and traffic island at Elk Court.
11. Adequate off-street parking is always a concern especially in townhouse developments. In that regard the proposed 3.11 parking spaces per townhouse unit is more in line with the Persimmon Creek Section IV & V proposal of approximately 3.24 spaces per unit developed in response to the Department's concern.
12. Pre-design geotechnical evaluation and borings along the proposed road, at stream and wetlands crossings, are required along with specific remedial recommendations for subsurface drainage and street sub grade placement.
13. The structure on West Nazarene Camp Road over the unnamed stream must be approved as part of the road plan approval passing the 100 year storm without overtopping. A re-mapping of the 100-year flood plain onsite and a hydraulic analysis of the new stream crossing must be submitted by the applicant's engineer as part of the crossing design.
14. Likewise the stream crossing structures on Antler Way must be approved as part of the road plan approval passing the 25 year storm without overtopping.
15. The standard fee simple ROW dedication note is required for the Baron & Nazarene Camp Road frontages.
16. The Developer must also analyze the existing sanitary sewer main from the proposed point of connection to the Washington Street Pump station to determine if adequate capacity exists in the

line. This analysis must be submitted prior to the sanitary sewer plan submittal. The County has an I&I issue on this line.

17. Developer must request and obtain a public sewer allocation from the Department of Public Works before submitting a final plat to the Cecil County Planning Commission for approval. The request can be made once this project has received preliminary plat approval. Until allocation has been granted the Developer proceeds with any and all project engineering at his own risk.
18. Connection to the Stoney Run Interceptor line will be the Developer's responsibility including obtaining all required easements and the installation of the sewer main between the site and the main. The applicant is also responsible for all costs in doing so.
19. The preliminary layout of the proposed subdivision sewer system required at Concept Plat review by the Planning Commission.
20. Any pump station required must be located on a lot dedicated in fee simple to the Cecil County BOCC.
21. All sanitary sewer lines located outside of County ROW or deeper than 15' must be ductile iron.
22. 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:
 - 22.1 The Final Plat Lot Grading Note and the Lot Grading Plan Construction Limits Note.
 - 22.2 Compliance with Sections 251-9.A (5), 251-13, and 251-15.D. of the Cecil County Stormwater Management Ordinance.
 - 22.3 Requirements for Utility relocations.
 - 22.4 Requirements for Public Works Agreements.
 - 22.5 Requirements for Stormwater Inspection and Maintenance Agreements
 - 22.6 Requirements for County Roads.
 - 22.7 Requirements for Driveways.
 - 22.8 Requirements for Private Mini Roads
 - 22.9 Requirements for Sewer Service Cleanouts – Location.

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 shown 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 sanitary sewer construction and county streets & storm drain construction.
5. An Inspection & Maintenance Agreement is required for the private SWM facilities.
6. The street R.O.W. entrance tapers must be offset 25' from the R.O.W. point of intersection and be straight lines, per 7.2.12.E.3 of the Subdivision Regulations. All curves must comply with the Road Code (Section 3.04).The internal street grade may not exceed 5% within the limits of the intersection right-of-way.
7. For County Roads, 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.
8. The private mini-road plans must adhere to the provisions of Section 2.13 of the Road Code which addresses requirements for private roads. A statement clearly outlining the responsibilities of the homeowners in the maintenance of roads and storm drainage systems must be approved by the Planning Commission and placed on the final plat. Deed restrictions must be developed and recorded in accordance with Road Code Section 2.13.D. If mini-road profile grades exceed 5%, the mini-road travel way and cul-de-sac must be paved in accordance with Section 2.13.F of the Road Code.

9. All sewer service cleanouts must be designed to be outside of all paved or concrete areas on each lot and this must be shown on the utility plans.

Mr. Graham, Citizens' Representative, asked the applicant if a portion of Baron Road is a dirt road. Mr. Toliver said yes. Mr. Graham also asked if Buck Road could be moved to a different location on Baron Road. Mr. Toliver said yes but Mr. Woodhull stated that the department would not be able to support that change.

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

Mrs. West, CCPS, stated that the servicing schools for this project are Bayview Elementary, North East Middle and High Schools. Mrs. West also stated that the school board has a serious concern with a project of this size's impact to the already over capacitated schools.

Mr. Davis, SHA, read the comments of the department. See file.

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

An allocation for public water and sewer must be granted prior to final plat approval. Permits for any sewer pumping stations or public water system upgrades must be approved by Maryland Department of the Environment 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).

Plans for the swimming pools and nursing care facilities must be approved by the Department of Health and Mental Hygiene prior to site plan or building permit approval.

Mr. Di Giacomo read the comments from Delmarva Power and Light and MDE. See file.

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

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

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

Zoning: RM

Background: The Villages of Stoney Run Concept Plat, proposing 234 single family and 162 townhouses on approx. 137 acres, for a proposed density of 2.89/1, was approved on 3/19/07, with 9 conditions,³ and the Prelim. Plat, proposing 231 single-family & 159 townhouse lots on 136.76 acres

³ 1) A boundary line survey being completed prior to the TAC's review of the Preliminary Plat; 2) A TIS being completed prior to the TAC's review of the Preliminary Plat; 3) A field-delineated 100-year floodplain boundary being used on the Preliminary Plat; 4) All road names being approved prior to the Planning Commission's review of the Preliminary Plat; 5) The PFCP being approved prior to the Planning Commission's review of the Preliminary

for a density of 2.85/1, was approved on 7/16/07 w/ 10 conditions.⁴ All previous approvals have expired and, therefore, have no standing.

Density: With community facilities, the RM zone permits a density of 12/1 for townhouses and 16/1 for apartments. This Village of Stoney Run Concept Plat proposes 287 townhouses, 672 apartment units, and approximately 166 assisted living units. 1,125 dwelling units on 136.76 acres would yield a proposed density of 8.23/1.

Per Note # 18, the boundary line survey has been completed.

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.⁵

Steep slopes have been shown. Slopes greater than 25% must again 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 160'⁶.

The 100-year floodplain has been shown. Note # 19 indicates that the 100-year floodplain boundary was taken from a FEMA Panel. A condition of any Concept approval will be that the Preliminary Plat must accurately depict the floodplain (per §4.1.22 (i) & §4.1.22 (p)).

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. The JD is recommended to be done prior to Final Plat review by the Planning Commission, but required to be completed prior to recordation.

Plat; 6) The JD being completed prior to the Planning Commission's review of the Preliminary Plat; 7) All stream buffers being depicted prior to the TAC's review of the Preliminary Plat; 8) At a minimum, access easements being designed for proposed lots 308-315 and 316-318 prior to the TAC's review of the Preliminary Plat; and 9) A redesign to eliminate the three adjacent panhandle lots. Being 87, 88 & 89, as that type of design is prohibited by the Cecil County Subdivision Regulations.

⁴ Health Department requirements being met; 2) DPW requirements being met; 3) Written verification of **water allocation** and **sewer allocation** being received prior to Final Plat review; 4) Sewer allocation being confirmed prior to Final Plat review; 5) Final Plats clearly showing the easements for townhouse rear yard access; 6) The **FCP** and **Landscape Plan** being approved prior to Final Plat review; 7) Deed restrictions for the long-term protection of the Forest Retention/ Afforestation Areas (**FRAs**) being 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; 8) Documentation of the completed **JD** being submitted prior to Final Plat review (if **JDs** are once again performed); 9) Verification of the filed-delineated floodplain limits being made prior to Final Plat review; and 10) TIS recommendations being finalized and agreed to by all parties prior to Final Plat review.

⁵ 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."

⁶ If necessary, consistent with §174.1.b (1) (a) & (b), since this property is located in the Development District, as defined by the Cecil County Comprehensive Plan, the Planning Commission **may** waive the expanded buffer if evidence is provided that this design would provide the same level of water quality or better.

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

20% common open space is required for the townhouse section; 20% open space is required for the apartment and assisted living sections. An aggregate 60.26% 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. and sensitive areas thresholds must be calculated and included on the Preliminary Plat.

§176.2.a prohibits any common open space being used for parking. There can be common overflow parking areas, but they cannot be included in the open space total acreage. Maintenance of the common overflow parking areas will be the responsibility of the Homeowners' Association.

Have the proposed overflow parking spaces in common open space in the townhouse section been included in the cited 42.3 acres of common open space? If so, then their area/acreage must be deducted from the C.O.S. total.

Likewise, the parking area in the apartment and assisted living sections would need to be deducted from the open space total acreage.

All common open space must be labeled and referenced as "common open space."

Sidewalks are recommended on both sides of all internal roads.

A minimum 25% landscaping is required in the RM zone. The required (§29.5.a (2)) 25' peripheral Bufferyard standard C has not been shown. No parking areas, roadways, or accessory structures shall be permitted in the 25' planted bufferyard.

Rows of street trees with 10' planting easements are required, outside the right-of-way, along both sides of all internal roads. The applicant is cautioned that the details of street tree plantings in the townhouse section need to be finalized in advance of any Landscape Plan approval. Where feasible, the natural vegetative equivalent may be used to satisfy the bufferyard and street tree requirements, but they still must be labeled. In areas with community facilities, no street trees shall be planted within 20 feet of sewer laterals and cleanouts.

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

The FSD was approved on 2/6/07.

Two lots are numbered 128.

A PFCP was previously approved on 7/11/07. A revised PFCP must be approved prior to the Planning Commission's review of the Preliminary Plat.

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

A Landscape Agreement must be executed prior to recordation.

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

All internal road names will need to be approved by the County 911 Emergency Center prior to Planning Commission review of the Preliminary Plat. The following names have been disapproved:

- Buck Road
- Chestnut Place
- Elk Court
- Mulberry Court
- Persimmon Place
- Piney Lane
- Sage Place
- Stoney Run Blvd.
- West Nazarene Camp Road ⁷

A new (or possibly updated) TIS will be required.

Previously, an access point was shown to the lands of Jansen, per §7.2.12.B.2 & §7.2.12.B.3. Why hasn't connectivity now been proposed?

The Antler Way cul-de-sac suggests possible, future access to the lands of the Montgomery Brothers. Mr. Montgomery has indicated to OPZ that he is amenable to allowing access through the Montgomery Brothers' property out to Razor Strap Road, so long as the Montgomery brothers do not have to construct the road.

Sight distance must be confirmed for the proposed Buck Road entrance onto Barron Road. The "Typical Townhouse Lot Layout" schematic shows access to townhouse rear yards. While fee simple access is always preferable, the Final Plats must clearly show the easements. In addition, such easements may be impossible to effectuate in areas such as Tupelo Court.

The "Typical Townhouse Lot Layout" schematic does not satisfy the requirements of §4.0.13(j) with respect to dimensions.

All aspects of the design and layout must also conform to appropriate elements of §29.

Per Site Data Note # 12, the number of proposed parking spaces is consistent with §'s 274 & 277 of the Zoning Ordinance.

Fire hydrant locations must be finalized in consultation with the North East Volunteer Fire Company and DPW.

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

⁷The name West Nazarene Camp Road was previously replaced by the approved Vanderbilt Boulevard.

For the townhouse section, 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.

In the apartment & assisted living sections, the open space would not be owned by an HOA.

Should this development proposal be approved and built, and should, at some future point in time, the apartments be converted to condominiums, then, in that case, a revised Preliminary Plat would need to be approved, consistent with the condominium approval process that has been established by the County.

The Master Water and Sewer Plan classifies this site as W-1 and S-1.

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.

Written verification of water allocation and sewer allocation must be received prior to Final Plat review. Otherwise, a Final Plat cannot be approved.

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
	Bay View	North East	North East
FTE	621	776	1138
Capacity	608	712	1009
% Utilization	102%	109%	113%

3. Bayview Station, Lots 1-3, Theodore Road, Revised Preliminary / Final Plat, Will Whiteman Land Surveying, Inc., Fifth Election District.

Will Whiteman, Land Surveyor and John Mascari, appeared and presented an overview of the project.

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

1. With the nature of the proposed revision to the layout the SWM plan and a Mass and Final Grading plan previously submitted must also be revised. The revised plans must be approved by the CCDPW prior to submittal for Final Plat Approval. As such the Department will not recommend final plat approval at this time. The fees for design review of this project must be provided at the time of first design submittals.

Mr. Graham, Citizens' Representative, has no comments.

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

Mrs. West, CCPS, stated that the serving schools for this project are Bayview Elementary, North East Middle and High Schools. With this few number of lots, CCPS has little concern with this project impacting the schools.

Mr. Davis, SHA, read the comments of the department. See file.

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

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

Show percolation holes in the sewage area of lot 3.

Adjust sewage area to be 20' upslope of hole # 8.

Mr. Di Giacomo read the comments of Delmarva Power and Light 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: SR⁸

Density: The Concept Plat⁹ was approved at a density of 1/3.37 on 9/15/03, conditioned on:

- 1) The Pleasantview Drive road name being approved by the County 911 Emergency Center prior to the Planning Commission's review of the Preliminary Plat;
- 2) A Jurisdictional Determination (JD) being completed prior to the Planning Commission's review of the Preliminary Plat;
- 3) A Boundary Line Survey being done for the preparation of the Preliminary Plat for density calculation purposes;
- 4) The Bufferyard A and 100' setback being shown on the Preliminary Plat along the rear lots lines of proposed Lots 4, 5 and 6;
- 5) The details of the PFCP and the Preliminary Plat matching up;

⁸ The SR zone permits a maximum base density of 1 du/ 1 ac.

⁹ The Bayview Junction Concept Plat for this same parcel was disapproved on 4/22/03.

- 6) All well locations for all proposed lots being shown on the Preliminary Plat;
- 7) The proposed Lot 7 dwelling location being shifted because of the conflict with a black oak specimen tree; and
- 8) The developer and the Department of Public Works reconciling a mutually agreeable entrance location for Lots 1-6.

The Preliminary Plat was approved on 7/19/04, conditioned on:

- 1) Health Department requirements being met;
- 2) DPW requirements being met;
- 3) The details of the PFCP and the Preliminary Plat matching up;
- 4) The maps accompanying the JD letter being supplied to OPZ for inclusion into the project file;
- 5) The proposed dwelling location for Lot 7 being moved because of the content specimen tree ;
and
- 6) No sidewalks being required.

Extensions of Preliminary Plat approval were granted on 3/20/06, 2/20/07, and 1/23/08.

The Final Plat was approved on 3/18/08, conditioned on:

- 1) Health Department requirements being met;
- 2) DPW requirements being met;
- 3) The access easement across the AT&T easement being formalized (any documents requiring recordation being recorded) between the developer and AT&T prior to the recordation of the Record Plat;
- 4) A Landscape Agreement being executed prior to recordation;
- 5) Deed restrictions for the long-term protection of the Forest Retention/Afforestation Areas (FRAs) being recorded and noted on the plat prior to recordation, with the metes and bounds description of the FRA being shown on the Record Plat;
- 6) A mini-road maintenance association for maintenance of the proposed mini-road being established prior to recordation, with the owners of proposed Lots 1-6 becoming members;
- 7) The Record Plat's noting that Lots 1 & 6 are denied direct access onto Theodore Road, and proposed Lots 1-6 accessing Theodore Road via only the proposed mini-road; and
- 8) Any necessary wetlands disturbance permits being secured prior to recordation.

This revised Preliminary-Final Plat amends the project to propose only 3 lots, total.

§2.0 allows for a combined Preliminary-Final Plat if there are from 1 to 5 lots.

The JD has been done. Permits are required from the (US Army) Corps of Engineers and MDE for all non-tidal wetland impacts prior to recordation.

No common open space is required for only 3 lots in the SR zone, although creating common open space in which to locate any stormwater management areas may be desirable.¹⁰

20% landscaping of the development envelope is required in the SR zone.

Given the adjacent NAR properties, no sidewalks were recommended in this case.

Bufferyard Standard C is required, outside the right-of-way, along the road frontages on Theodore Rd.

¹⁰ If so, then a **Homeowners' Association** for maintenance of common open space must also be established with \$50 per recorded lot placed in escrow for improvements prior to recordation.

Bufferyard Standard A, including the 100' setback, is required and has been shown along the rear lots lines of proposed Lot 2.

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

The FSD was approved on 5/15/03; the PFCP was approved on 7/19/04.

The FCP and Landscape Plan were approved on 12/12/07. The revised FCP/Landscape Plan has been submitted.

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 Record Plat.

The road name "Pleasantview Drive" was approved, but is now irrelevant.

The applicant is reminded of the 4:30 p.m. submission deadline on the 3rd Thursday for review by the Planning Commission the following month.

School information:	Elementary	Middle	High School
	Bay View	North East	North East
FTE	621	776	1138
Capacity	608	712	1009
% Utilization	102%	109%	113%

The March TAC meeting adjourned at 10:25 a.m.

Respectfully submitted,

Jennifer Bakeoven