

CECIL COUNTY TECHNICAL ADVISORY COMMITTEE
Wednesday June 2, 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) and Bakeoven, Jennifer (CCP&Z).

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

1. Barksdale Village, 118 Lots, PUD, Barksdale & Valley Road, Concept Plat, Van Cleef Engineering Associates, Fourth Election District.

Scott Lobdell, Van Cleef Engineering Associates, 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 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. The SWM plan must be design in accordance with the current Ordinance.
3. 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.
4. 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.
5. 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.
6. Will this site require an onsite lift or pumping station to connect to existing sewer service?
7. 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.
8. 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.
9. 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?

10. 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.
11. 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.
12. The Lot Grading Plan and SWM Plan must address how the conveyance of drainage from the proposed road will be handled.
13. 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.
14. 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.
15. 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.
16. 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.
17. 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.
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. 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.
22. 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.

23. 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?
24. The access to Torres & Miller properties (Parcels 223, 356 & 711) must be aligned with the proposed street to provide a 90⁰ angle.
25. Any Tot Lots or active recreation areas required by the Planning Commission must be included in a PWA and have approved construction plans.
26. A PWA is required for the Roads and Storm Drains, Public Sanitary Sewer, and Water System.
27. An I&M Agreement is required for SWM facilities.
28. 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. Brown, CCSCS, provided the applicant with soil maps and reports. Mr. Brown advised the applicant to contact CCSCS after they meet with DPW as the E&S will be integrated with SWM.

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 read the comments of Delmarva Power, MDE and Singerly Fire Company.

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 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

§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."

Ordinarily, per §251.12 of the 2009 Cecil County SWM Ordinance, and per §5.1.C, Cecil County Forest Conservation Regulations and §4.0.13 (a) of the Subdivision Regulations, a project's SWM Concept Plan and Forest Stand Delineation, respectively, would need to be approved prior to the Concept Plat's submission for review by the Planning Commission. Since, per §256.2, this is a "Sketch Plat/Special Exception Application," and per §256.4, as will again be cited below, it is the

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.

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.

Board of Appeals that actually decides on approval or disapproval, the Concept Plat's submission for Planning Commission review has already been accepted – in the absence of both an approved SWM Concept Plan and Forest Stand Delineation (FSD).

The applicant is hereby served notice that the “Sketch Plat/Special Exception Application” will not be accepted for review by the Board of Appeals if the SWM Concept Plan has not first been approved, or if the FSD has not first been approved, or if any other requirement set forth in §4.0.13 (a) has not first been satisfied.

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 118 dwelling units, with no commercial buildings, on 42.61 acres, for a proposed residential density of 2.722/1.

A boundary line survey must be completed 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(1).

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'.

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.”

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); 31.4% 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).

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 & 64-72 must be denied access to Barksdale Road, and proposed Lots 56-63 must be denied access to Valley Road.

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 frontages of Barksdale Road & the west side of Valley Road.

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.

As previously stated, The FSD must be approved prior to the submission of the PUD Special Exception Application (§5.1.C, Cecil County Forest Conservation Regulations). Again, the Special Exception application cannot be accepted unless the FSD has already been approved.

The Preliminary Forest Conservation Plan (PFCP) and SWM Preliminary Plan must (shall) be approved prior to Planning Commission review of the Preliminary Plat (§6.2.B(1), Cecil County Forest Conservation Regulations; §251.12, 2009 Cecil County SWM Ordinance).

The final Forest Conservation Plan (FCP)/Landscape Plan and SWM Final Plan must (shall) be approved prior to Planning Commission review of the Final Plat (§6.3.B(1)(a), Cecil County Forest Conservation Regulations; §251.12, 2009 Cecil County SWM Ordinance).

Per previous discussion, neighbors in the adjacent Country Hills subdivision in Newark are concerned about headlights on vehicles exiting the proposed Adeline Avenue onto Valley Road. Since the end-of-cul-de-sac properties on Long Meadow Court are actually in Cecil County, staff will recommend that applicant include vegetative screening on the Cecil County portion of those lots in this project's Landscape Plan. However, the owners of those lots must agree to accept those plantings on their lots.

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.

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

This design is consistent with §7.2.12.E.4 and §7.2.12.E.5.

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

Note # 13 contains specific parking details (per §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%. 30% of the dwellings are proposed as duplexes, and 20% are proposed as townhouses. The remaining 50% are proposed as single family dwellings. Given:

- 1) The proximity of the proposed townhouse and duplex locations to the City of Newark; and
- 2) The design, which decreases and transitions the proposed density as one moves farther from Newark; ...

Staff finds that this design is a reasonable approach to maximizing the achievable PUD density, given the parameters of the comments received at the 4/19/10 Planning Commission review of the previous design iteration of Barksdale Village.

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

This proposal is not 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."⁵

Based upon comments received at the Planning Commission's 4/19/10 review of the previous iteration of Barksdale Village, the exclusion of a commercial component is consistent. Just as the Planning Commission has the power to grant modifications, in this case, the Board of Appeals has the power to approve this application – with no commercial component.

§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.

⁵ §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."

(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.

While 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, the applicant is also again reminded that the SWM Concept Plan must be approved prior to the Concept Sketch Plat/ Special Exception Application’s submission for subsequent review, and possible approval, by the Board of Appeals.

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

2. Elk Point Marina, Lots 1-18, Oldfield Point Road, Concept Plat, CNA Engineers, Third Election District.

Doug Kopeck, CNA Engineers, 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, Sewer & Water 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. All plans must be designed in accordance with the current regulations & ordinances.
3. With that in mind why have you chosen a private road with a 60’ wide Right of Way (ROW)? The standard ROW for a private road is 36’ also why propose a 24’ wide pavement especially within the Critical Area?
4. The Department has strong objection to running private septic lines as proposed here for Lots 10-12.
5. How do Lots 2-9 & 13-17 access the proposed Elk Point Road? Lots 11 & 12 extend between those lots and the road barring their direct access.
6. We strongly suggest that the Engineer meet with the Department to discuss how these issues can be resolved to the satisfaction of the Department prior to submitting this plat for Planning Commission review.
7. How do you propose to address SWM for this site? Water quality facilities within the IDA are required to meet the 10% pollutant load removal rule.
8. As stated above the SWM plan must meet the requirements of the May 4, 2010 Ordinance & current Maryland Department of Environment regulations. This includes the requirement to obtain concept SWM plan approval prior to submitting this plat to the Planning Commission for review

9. All SWM conveyance easements and/or inspection & maintenance easements must be shown on the preliminary and final plats.
10. A Protocol Three (3) Road Condition Survey and Improvements Plan is required for Oldfield Point Road along this development's road frontage. The information from this survey and will be used by the Department to determine what if any offsite road improvements will be required. This determination and agreement by the Developer must be complete prior to submitting the preliminary plat to the TAC.
11. At a minimum Section 3.07.15 of the Road Code directs that Oldfield Point Road must be upgraded for a distance of 100' either side of the point of intersection between Oldfield Point Road and Elk Point Road. The improvements required must address roadside drainage issues and pavement distress at a minimum.
12. Acceleration and deceleration lanes have been reflected on the plat.
13. The Department of Public Works requires that any Road Code Variances for offsite/entrance roads sought must be requested and the major road issues are resolved, to the Department's satisfaction and shown on the preliminary plat prior to submittal of the preliminary plat to the Technical Advisory Committee. 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.
14. Sight distance measurements (intersection & stopping), for the proposed access point on to Oldfield Point Road, must be submitted and approved prior to the preliminary plat submission for TAC review.
15. The Department has some concern about the horizontal curvature of Elk Point Road near the proposed intersection with Oldfield Point Road. Section 3.04 of the Road Code applies.
16. A traffic impact study will be required for this development.
17. All sewer lines running within the proposed 60' ROW must be shown on the preliminary plat submitted to the TAC.
18. The same applies to the proposed community potable water system.
19. The proposed potable water system must be designed to provide fire flow & pressure adequate for this development.
20. The access easement for the WWTP must be of sufficient width to accommodate the access road and any/all pipes proposed. The same applies to the water treatment plant.
21. 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:
 - 21.1 The Final Plat Lot Grading and Lot Grading Plan Construction Limits Notes.
 - 21.2 Compliance with Sections 251-9.A (5), 251-13, and 251-15.D. of the Cecil County Stormwater Management Ordinance.
 - 21.3 Requirements for Stormwater Inspection and Maintenance Agreements.
 - 21.4 Requirements for Public Works Agreements.
 - 21.5 Requirements for Utility relocations.
 - 21.6 Requirements for Driveways

Notes and requirements identified for record:

1. The Final Plat must include the Lot Grading Plan standard note. The Lot Grading Plan must include the standard construction limits note.
 - a. *Final Plat: "A lot grading plan has been approved by the CCDPW for the construction shown hereon. A site construction as built shall be submitted to the CCDPW prior to use and/or occupancy of any of the sites shown hereon. Any change to the Forest Retention, Forestation, and/or Reforestation will require a consistency review, of the SWM approval, with CCDPW."*
 - b. *Grading Plan: "No clearing or grading is permitted beyond the limits of disturbance 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. An Inspection & Maintenance Agreement is required for the private SWM facilities.
4. A Public Works Agreement is required for the proposed county road and all work done on Oldfield Point Road.
5. Where determined necessary by the utility companies, the owner, the designer, or DPW, utility poles must be relocated at the Developer's expense.
1. *All driveways accessing them 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 proposed road is installed. This requirement includes any vacant but platted lots. Any driveway exceeding 5% up-gradient-slope from the roadway must be paved to the crest. If the development is phased these requirements will apply to each phase when 80% of the lots are built-out. All of these requirements must be reflected on the Lot Grading Plan.*

Mr. Brown, CCSCS, provided the applicant with soil maps and reports. Mr. Brown advised the applicant to contact SCS after they meet with DPW as the E&S will be integrated with SWM.

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

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

Submit a written description of the proposed use of the marina. The plat states “± 50 existing boat slips” and “15 boat slips to be repaired”. Does that mean 15 slips need repair and the other 35 are OK, or are 35 slips being removed?

Add a note that the existing well (s) will be abandoned and sealed by a licensed well driller and the existing septic tank (s) will be pumped and filled with earth prior to record plat approval.

Use 2009 soil types. Show percolation holes and data on preliminary plat. Sewage areas cannot be reviewed without percolation data.

Lots must connect house area to designated sewage area by a minimum 20' fee simple strip. Lot 13 proposes an easement only and cannot be approved as shown. Lots 10, 11 and 12 show 20' wide fee simple strips; however, the mechanism allowing the roadway over these strips is not clear. Nothing can constrain lot owners from working on sewer pressure lines that would be installed under the roadway when necessary. While it may be possible to arrange this without violating specific Health Department regulations, liability issues may arise (traffic damaging pressure lines, on lines damaging roadway).

The Stormwater Management Plan proposes infiltration berms. Any swales created must be 25' from designated sewage areas. Are the berms in the Critical Area Buffer?

Mr. Di Giacomo read the comments of Delmarva Power, MDE and Singerly Fire Company.

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: MB, SR, IDA (Critical Area), & RCA (Critical Area)

Density: The SR zone permits a base density of 1 du/ 1 ac., or 2/1 with community facilities. The MB zone, per §'s 54.4, 69, 70.3, 75.2, 76.2 and the Schedule of Zone Regulations, permits various types of residences under various circumstances and conditions.

As cited in Site Data Note # 8, this proposal⁶ will require the rezoning of the MB portion of the site to SR. As the Planning Commission cannot approve Concept Plats for development proposals that are in direct conflict with what the Zoning Ordinance permits, until the rezoning is successfully completed, OPZ will not accept a Concept Plat for review by the Planning Commission.

In addition, General Note #13 indicates that a Variance will be sought to create lots on the proposed private road, Elk Point Road. That must be done prior to Final Plat review, but it is recommended to be accomplished as early in the process as possible.

Further, while this appears unlikely, should the 100-year floodplain boundary change, and, as a result, any dwelling sites were to find themselves within a revised floodplain boundary, then, in that case, those affected dwelling sites could be approved, but only pursuant to the provisions of §241.2.d (1).

In the proposed and existing SR zone, this Concept Plat proposes 18 lots on 76.326 acres, for a proposed density of 1/4.240. Currently, the SR-zoned area of the site is coterminous with its RCA overlay zone, which permits the density of only 1 du/ 20 ac. For that area, only two dwellings are proposed on 48.331 acres, for a proposed density of 1/24.166 – which is consistent with that permitted in the RCA.

In the current MB zone, this Concept Plat proposes 16 dwelling units on 27.995 acres, for a proposed density of 2.5/1. Per § 75.2, the density is limited to 4/1, and the MB-zoned portion of the site is coterminous with its IDA overlay zone, which permits the density of the underlying zoning district. However, per §54.4, Table of Permissible Uses, dwellings are permitted only with conditions, however, §69 clarifies that detached dwellings are permitted in the MB zone, “provided that the dwelling is for the owner, operator, or employee of an on-site business.” Thus, the required re-zoning to SR.

§4.0.13 (b) requires that the block, or grid, number be provided in addition to the tax map and parcel numbers. The block, or grid, number shall be provided on any future plans. That requirement relates to Tax Map grids, not to ADC map grids.

Critical Area Growth Allocation will not be required.

The previous proposed design used the “lotominium” concept. These appear to be fee-simple lots, not lotominiums. Is that correct? Mr. Kopeck said yes.

There is precedent for split lots. In this case, however, it appears, and it is somewhat difficult to read, but it appears that the plat shows lot shapes that encompass the proposed Elk Point Road right-of-way, and there is no precedent for that.

⁶ On 15 September 2009, the previous iteration of the Elk Point Marina Concept Plat was disapproved by the Planning Commission, based on:

- 1) The following planning staff's comment: “§175.3.c.1 requires 10,000 ft² of subsurface disposal area to be set aside for each dwelling unit, and 626,253 ft² have been planned to serve only 62 proposed dwelling units.” This project is proposing 75 units;
- 2) The non clarification of the lot size could affect the layout and density;
- 3) The removal or changing of the current road that lies within the 110' buffer area would affect the layout; and
- 4) The CBCAC comments regarding the “strongly recommended” 300' buffer would seriously alter the density and also require a change in the layout.

A disapproved Concept Plat has no status, or standing.

An existing cemetery is shown between proposed units 2 & 3. §93 requires a Bufferyard standard C between the burial plot(s) and all lot lines. ART. 27, §267 of COMAR covers abandoned cemeteries. How will access to the cemetery be effectuated via the proposed private road?

Any proposed signage or fencing associated with the cemetery must be included in the public works agreement.⁷

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

Dwellings or impervious surfaces shall not occur on slopes with a grade of 25% or more covering a contiguous area of 10,000 ft² or more. On slopes between 15 and 25%, good engineering practices shall be used to ensure sediment and erosion control and slope stabilization before, during and after disturbance activities.⁸

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

The 100-year floodplain boundary has been clearly labeled, in conjunction with a legend.

A 110' 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. A Variance could possibly be required, per §195.3.b & c, should the Buffer need to be expanded.

At 7/2/08 TAC review, Mr. Kopeck provided a copy of documentation submitted to MDE for bulkhead repair & maintenance, and testified that this marina had been in continuous operation. The boat launch & slips details must be consistent with §'s 169 & 198.

What effect will the parking area for 20+ cars with boat trailers have on the lot coverage calculations?

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, a JD is recommended to be done prior to Final Plat review, but required to be completed prior to recordation.

The habitats of any rare, threatened, and endangered species must be avoided. The concentric protective zones associated with the bald eagle's nest on the adjacent property have been shown.⁹

⁷ This is based upon the Meadow Run precedent, 6/30/97.

⁸ The Cecil County Subdivision Regulations define steep slopes as "15 percent or greater incline." The Cecil County Zoning Ordinance defines steep slopes as consisting of a grade of 25% or more covering a contiguous area of 10,000 ft² or more. The Cecil County Forest Conservation Regulations define steep slopes as "areas with slopes greater than 25 percent slope."

⁹ If seasonal perc tests are required, then that portion of the subsurface discharge area that is within a date-constrained protective zone could be problematic.

15% common open space is required, and though common open space is depicted, its precise acreage is not cited among the Site Data Notes or the Lot Area Table. Any Concept Plat that does not clearly, quantitatively demonstrate compliance with §25.3.a cannot be approved. 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 calculations again must be included on any Preliminary Plat.

The SR zone requires 20% landscaping (of the development envelope); 25%, in the MB zone.

Sidewalks are not recommended, so as to reduce the amount of lot coverage (impervious surfaces).

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

Per §187.2, the Planning Commission may require bufferyards to separate different zoning districts from one another.

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

Rows of street trees with 10' planting easements are required, outside the right-of-way, along both sides the proposed private Elk Point Road. Where feasible, the natural vegetative equivalent may be used to satisfy the bufferyard & street tree requirements.

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

No development is permitted in the tidal wetlands and tidal waters Buffer, including septic systems, impervious surfaces, parking areas, roads, or structures.

No more than 15% of the surface area can be converted to lot coverage (impervious surface) in the RCA or LDA. No more than 20% of the forest or developed woodland may be removed.

In the IDA, §199.4 mandates demonstration that Best Management Practices for stormwater to assure a ten percent reduction of pre-development pollutant loadings. The community boat slip details, per §291, including proposed parking & impervious surfaces, must be included on the Preliminary Plat.

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

The FSD/Conceptual Environmental Assessment was approved on 8/19/08. The revised EA has been submitted. It and the SWM Concept Plan both must be approved prior to the submission of a Concept plat for review by the Planning Commission.

The Critical Area Commission has expressed a number of concerns, which can possibly be addressed at the Preliminary Plat stage. The possible approval of the Concept Plat neither guarantees subsequent approvals nor obviates the need to address all concerns and issues.

A minimum 200' Buffer is required in the RCA. The 300' Buffer cited in previous CBCAC correspondence is moot since a Growth Allocation would not be required to achieve this proposal, as designed.

The Preliminary Forest Conservation Plan (PFCP) and SWM Preliminary Plan must (shall) be approved prior to Planning Commission review of the Preliminary Plat (§6.2.B(1), Cecil County Forest Conservation Regulations; §251.12, 2009 Cecil County SWM Ordinance).

The final Forest Conservation Plan (FCP)/Landscape Plan and SWM Final Plan must (shall) be approved prior to Planning Commission review of the Final Plat (§6.3.B(1)(a), Cecil County Forest Conservation Regulations; §251.12, 2009 Cecil County SWM Ordinance).

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

The 'Typical Lot Layout in IDA Portion of the Property' schematic attempts to provide the proposed lot dimensions, as required by §4.0.13 (j). However, the §4.0.13 (j) requirement is not limited to just the IDA portion, in which no 2 proposed lots are exactly alike. Lot dimensions should be added.

The proposed road name, Elk Point Road, has been approved.

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

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

This plat depicts protective, concentric zones for bald eagles' nests on the adjacent Chesapeake Cove subdivision.

In the review and approval process for Chesapeake Cove, in a DNR letter dated 9/8/06 (received by OPZ on 9/28/07), Lori Byrne, Environmental Review Coordinator, spoke to the necessity of establishing a 3-zoned, ¼ mile radius protection area for the bald eagle's nest.¹⁰

In a 10/1/07 letter, the Planning Director wrote that OPZ found¹¹ that "the plats ... must show the required protective zones," and advised that the applicant had 15 days from receipt to file an appeal with the Cecil County Board of Appeals. None was filed.

Subsequently, at a 10/11/07 meeting, it was agreed that language regarding the protection of the eagles' nests could be added to the plat in lieu of the zones' depiction. A 10/19/07 letter from the applicant's counsel proposed said language, which, found to be satisfactory was included in two notes on sheet 1.

Moreover, the protective language used on the adjoining Chesapeake Cove subdivision Record Plats would suffice, rendering the depiction of the protective, concentric zones on this plat unnecessary:

"Active bald eagle nesting trees were identified at these locations on the adjoining Chesapeake Cove subdivision when this plat was prepared. The then current state and County bald eagle habitat protection guidance recommended development of restrictions on construction within a ¼ mile radius of bald eagle nests between December 15 and June 15. See the Environmental Assessment report

¹⁰ That letter stated that the nest is on an adjacent property, but thus and previous submittals have shown it to be on the subject property.

¹¹ As stated in the referenced letter, the finds was "based on Article IX, Section 174.6 of the Zoning Ordinance; Article II, Section 2.4.2 (e) of the Subdivision Regulations; Article IV, Section 4.2.13 (x), 4.2.13 (y), 4.2.13 (z) of the Subdivision Regulations; Article VII, Section 7.5.2 (d), 7.5.2 (e) 3, 7.5.2 (h) of the Subdivision Regulations; and Section 9.3 of the Cecil County Critical Area Program."

filed with the Cecil County Office of Planning and Zoning for the restrictions devised for the six affected lots (Lots 1, 2, 3, 4, 10, and 18).

So long as the nest remains active, initiation of house construction activities and forest clearing within the Zone 3 protection area (between 660 and 1320 feet of the nest) between December 15th and June 15th are restricted. Construction substantially underway on or before December 15th may continue throughout the restricted period. Construction shall be deemed substantially underway upon Cecil County's: (a) issuance of a building permit; and (b) approval of the foundation inspection.”

§4.0.13 (c) requires that in the event that a record subdivision adjoins the property to be developed, the subdivision should be indicated by dashed lines.

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.

While 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, the applicant is also again reminded that the MB portion must be rezoned to SR, and the SWM Concept Plan and the revised Environmental Assessment must be approved, prior to the Concept Plat's submission for review by the Planning Commission.

School information:	Elementary	Middle	High School
	Elk Neck	North East	North East
FTE	433	776	1138
Capacity	501	712	1009
% Utilization	86%	109%	113%

The June TAC meeting adjourned at 10:38 a.m.

Respectfully submitted,

Jennifer Bakeoven