

**CECIL COUNTY TECHNICAL ADVISORY COMMITTEE**

**Wednesday July 7, 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), Latham, Cindy (MDE), Davis, Gary (SHA) and Bakeoven, Jennifer (CCP&Z).

Absent: Cwiek, Philip (USCoE), Ouano, Jun (Delmarva Power), West, Janel (CCPS), Brown, Chris (CCSCS), Meaders, David (FA) and Graham, Daniel (Citizen's Rep.).

**1. Village of Stoney Run, 1125 Units, Baron Road, Preliminary Plat, Morris & Ritchie Associates, Inc., Fifth Election District.**

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

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

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. This project was granted an environmental site design waiver on April 28, 2010 allowing the SWM and E&S Control plans to be designed under the requirements of the storm water management ordinance in effect as of May 4, 2009. The applicant is reminded that the waiver shall expire and will not be extended if the development does not receive "Final Approval" of the SWMP by May 4, 2013 or if substantial construction associated with all eleven storm water facilities, in the judgment of the Department of Public Works, has not been completed by May 4, 2017.
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 adequate fire flow and pressure throughout the development and the use of ductile iron water pipe for distribution. Has the serving fire company reviewed & approved all fire hydrant spacing and locations provided on this plat? Mr. Toliver said no. The serving fire company must approve the layout prior final construction drawing approval... 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 Traffic Impact Study dated 4-1-10 was submitted to the Department and is under review.
5. While there have been discussions with Traffic Concepts, Inc. about the impact this size subdivision will have on traffic movement at the Palisades Drive entrance, the Department still requires a formal submittal of a queuing analysis of this principal access point based on the 1125 dwelling units proposed.
6. In regards to off-site road improvements on both Baron & Nazarene Camp Roads, the nine (9) items identified in the Department's 6-15-10 letter must be satisfactorily addressed prior to our recommending preliminary plat approval to the Planning Commission.

7. The Department of Public Works has granted (6-12-10) a Road Code Variance from Standard Detail R-14 (residential Cul-de-sac). No other variances having been sought and/or approved therefore, the applicant will be held to all other applicable requirements as identified in the Cecil County Road Code.
8. The Department's previous opposition to the proposed Emerson Lane access on to Baron Road is withdrawn. Adequate sight distance has been substantiated for this access point. In addition, the developer's engineer is working with our Engineering Services Division to coordinate this access point with the Baron Road improvements proposed in the Department's CSX Bridge project.
9. In regards to providing an additional access Savannah Lane as proposed provides a revertible easement allowing future access to Razor Strap Road via Parcel 548. With this connectivity Savannah Lane must be a collector townhouse road with 38' wide ROW as shown.
10. As the Department requested connectivity to the Jansen property (Parcel 526) has been reestablished.
11. The Department's 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 has been addressed to our satisfaction and are considered acceptable as shown.
12. Adequate off-street parking is always a concern especially in townhouse developments. While needing to address the requirements of ESD on any site legitimate issues of adequate access for emergency services vehicles remain important the Department. In that regard we're concerned over this proposal's 32 fewer spaces than the last proposal provided.
13. Pre-design geotechnical evaluation and borings at stream and wetlands crossings of any proposed road are required along with specific remedial recommendations for subsurface drainage and street sub grade placement.
14. The structure for the Palisades Drive crossing of the unnamed intermittent stream must be designed to pass the 100 year storm without overtopping the road. Its design must be included in the road & stormdrain design plan submitted for approval. A re-mapping of the on-site 100-year flood plain and a hydraulic analysis of the new stream crossing must be submitted by the applicant's engineer as part of the crossing design.
15. All proposed culvert structures under Savannah Lane must be approved as part of the road plan approval passing the 25 year storm without overtopping.
16. The standard fee simple ROW dedication note is required for the Baron & Nazarene Camp Road frontages.
17. Have you analyzed 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? Mr. Toliver said yes. This analysis must be submitted prior to the sanitary sewer plan submittal. The County has an I&I issue on this line.
18. The 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. Until allocation has been granted the developer proceeds with any and all project engineering at his own risk.
19. 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.
20. The preliminary layout of the proposed subdivision sewer system required at Concept Plat review by the Planning Commission was received by the Department on 4-22-10.
21. No pump station was indicated on the preliminary utility layout submitted however, if during design any are determined to be necessary they must be located on a lot dedicated in fee simple to

the Cecil County BOCC and shown as such on the final plat submitted for Planning Commission review.

22. All sanitary sewer lines located outside of County ROW or deeper than 18' must be ductile iron per Section 2700 of the Standards, Specifications and Detail for Water Mains & Sewer Mains.
23. 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:

- 23.1 The Final Plat Lot Grading Note and the Lot Grading Plan Construction Limits Note.
- 23.2 Compliance with Section 251-13 of the Cecil County Stormwater Management Ordinance.
- 23.3 Requirements for Utility relocations.
- 23.4 Requirements for Public Works Agreements.
- 23.5 Requirements for Stormwater Inspection and Maintenance Agreements
- 23.6 Requirements for County Roads.
- 23.7 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. 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.
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. To the maximum extent possible 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. 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).

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.

Mrs. Latham, MDE, read the comments of the department:

1. Appropriation - Considering to proximity of the proposed site to the service area of Mountain Hill Water Company, which is owned by Artesian Water Company, it is assumed to be the proposed source. Mountain Hills's water appropriation and use permit (CE2006G005) allows an annual average use of 297,000 gpd and a maximum monthly use of 496,000 gpd from two wells in the Lower Potomac aquifer. This appropriation is dedicated to serving Principio Business Park and Charlestown Crossing Subdivision, both of which are currently under construction. At the time the permit was issued, the available drawdown in the aquifer was 31 feet. It was projected that full use of the permit would decrease available drawdown to about 22 feet. There is not enough available drawdown in the area to consider substantial increases in the permit.
2. Capacity - The two wells on the Mountain Hill permit have a total yield of about 145,000 gpd, which is not enough water for the currently committed service area. No application has been made to add additional wells to the water appropriation permit.
3. Consistency with Water & Sewerage Plan – Water service to this project by Mountain Hill Water Company/Artesian does not appear to be consistent with the current comprehensive water and sewerage plan.

Mr. Di Giacomo, provided the applicant with a copy of the map & soil reports from CCSCS and the comments provided by Delmarva Power.

Mr. Di Giacomo stated that comments were not received from the Citizen's Representative or the Fire Chief's Representative.

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

Density: With community facilities, the RM zone permits a density of 12/1 for townhouses and 16/1 for apartments.

The Concept Plat, proposing 287 townhouses, 672 apartment units, and approximately 166 assisted living units on 136.76 acres at a proposed density of 8.23/1, was approved on 4/19/10, conditioned on:

- 1) Any necessary DPW requirements relating to SWM being completed prior to Preliminary Plat review by the Planning Commission;
- 2) A Traffic Impact Study(TIS)'s being updated prior to the TAC's Preliminary Plat review;
- 3) The revised PFCP's being approved prior to Preliminary Plat review by the Planning Commission;
- 4) The water provider issue's being resolved prior to Final Plat review;
- 5) The Board of Appeals granting a Special Exception for a nursing care facility in the RM zone prior to Final plat approval;

- 6) The Preliminary Plat's showing the 100-year floodplain based on field-run topographic information; and
- 7) Two entrances being required for emergency response vehicle access.

Note # 18 of the approved Concept Plat indicated that the boundary line survey had been completed by Thompson & McCord Associates, LLC, while Note # 18 on this Preliminary Plat indicates that it was by Thompson and Associates. Either way, there is no signed and sealed copy of the boundary line survey in the file.

Is the P.L.S. signature and seal on this plat attesting to the accuracy of the 'Thompson' boundary line survey? Mr. Toliver said yes. If not, then a copy of the signed and sealed 'Thompson' boundary line survey must be submitted prior to the submission of the Preliminary Plat for Planning Commission review. If so, then Note # 18 requires modification.

§4.1.22 (r) requires the total number of lots, the area of lots, the density, the total area and types of right-of-way dedicated, and total area of subdivision to be indicated in table form.

The Lot Area Table in the lower left-hand corner contains only the first two information and data sets. Site Data Note # 3 cites the total subdivision area, Site Data Note # 11 cites the density, but the total area and types of right-of-way to be dedicated could not be found.

Unless all of the data and information required by §4.1.22 (r) is indicated in table form, staff will be unable to recommend approval if and when a Preliminary Plat is submitted for review by the Planning Commission.

Dwellings or impervious surfaces shall not occur on slopes with a grade of 25% or more covering a contiguous area of 10,000 ft<sup>2</sup> or more. On slopes between 15 and 25%, good engineering practices shall be used to ensure sediment and erosion control and slope stabilization before, during and after disturbance activities.<sup>1</sup>

Areas of steep slopes have been shown.

A 110' perennial stream buffer is required from all perennial streams present. This buffer shall be expanded to include contiguous areas of hydric soils, highly erodible soils, and soils on slopes greater than 15% -- to a maximum distance of 160'<sup>2</sup>.

The 100-year floodplain has been shown. Note # 19 now indicates that the 100-year floodplain boundary was determined by MRA rather than being taken from a FEMA Panel, as was a condition of Concept Plat approval. Thus, this plat is consistent with the requirements of §4.1.22 (i) & §4.1.22 (p).<sup>3</sup>

Per the DPW comments, the 100-year floodplain boundary may need to be revisited.

Stream and wetland buffers have been depicted.

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<sup>1</sup> The Cecil County Subdivision Regulations define steep slopes as "15 percent or greater incline." The Cecil County Zoning Ordinance defines steep slopes as consisting of a grade of 25% or more covering a contiguous area of 10,000 ft<sup>2</sup> or more. The Cecil County Forest Conservation Regulations define steep slopes as "areas with slopes greater than 25 percent slope."

<sup>2</sup> 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.

<sup>3</sup> §241.2.d(1), §241.2.d(2), and §241.2.e(1-3) of the *Cecil County Zoning Ordinance*, §4.1.22(h), §4.1.22(i), §4.1.22(p), and §7.5.1 of the *Cecil County Subdivision Regulations* mandate that floodplain information be included on Preliminary Plats, and §239.1.b and §239.2.a-b of the *Zoning Ordinance* further require an **accurate determination** of the floodplain boundaries.

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.

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 of 62.07% is proposed.

As stated at Concept review, the C.O.S. sensitive areas thresholds must be calculated and included on the Preliminary Plat.

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.

Those threshold calculations could not be found on the plat. Without them, staff would be unable to recommend Preliminary Plat approval.

§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.

If 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, 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 now 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.

A PFCP was previously approved on 7/11/07. A revised PFCP and SWM Preliminary Plan (unless grandfathered) must (shall) be approved prior to Planning Commission review of the Preliminary Plat (§6.2.B(1), 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 & 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 old Traffic Impact Study(TIS)'s being updated prior to the TAC's Preliminary Plat review was a condition of the 4/19/10 Concept Plat approval. Actually, an updated TIS, dated 4/1/10, had been received on 4/5/10.

On 6/3/10 Mr. Caloggero requested that the applicant be permitted to submit today's Preliminary Plat for TAC review. The problem was that since the SHA had not provided their "SYNCHRO" model for the update and to identify road improvements and contributions,' the above condition could not yet be met, and the project's review would be delayed.

Staff determined that, in fact, SHA had not provided the "SYNCHRO" model. Therefore, for the sole purpose of being able to submit the Preliminary Plat for TAC review, given the 4/1/10 TIS, less the SYNCHRO model input, the TIS condition of approval would be considered having been met. Thus, the Preliminary Plat's review today.

However, the completed TIS, with the SYNCHRO model input, would need to be completed prior to the Preliminary Plat's review by the Planning Commission rather than the TAC.

The proposed Savannah Lane 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.

Additional access is desirable from the emergency response and planning perspectives.

Sight distance must be confirmed for the proposed Emerson Lane entrance onto Barron Road. Mr. Woodhull stated that this has been established and is acceptable to the department.

Does the applicant have any updated design information on connectivity from Navarene Camp Road onto MD 272? Mr. Toliver stated that he has been in contact with Clark Turner Companies.

Road names have been approved.

An unnamed stub road shows connectivity (per §7.2.12.B.2 & §7.2.12.B.3) to the Lands of Jansen.<sup>4</sup>

As was stated at Concept review, ‘The “Typical Townhouse Lot Layout” schematic shows access to townhouse rear yards. While fee simple access is always preferable, the Preliminary and Final Plats must clearly show the easements. In addition, such easement may be impossible to effectuate in areas such as Tupelo Court.’ This Preliminary Plat simply duplicates the schematic and does not clearly show the easements.

The “Typical Townhouse Lot Layout” schematic satisfied the requirements of §4.0.13(j) with respect to dimensions, as relates to Concept Plat requirements. Reflecting the Preliminary Plat’s being the most detail-intense, §’s 4.1.22 (j), (l), and (n) require dimensions – which could not be found on this plat.

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

This project is on the Planning Commission’s 7/19/10 agenda, as an information item. Inasmuch as the TAC advises the Planning Commission, please explain the nature of the modification proposed to be broached and in what way(s) the revised design would be different from what is before us today. Will the modification adversely affect access to townhouse rear yards?

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. The fire hydrant graphic must be added to the Legend.

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

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.

As stated at Concept review, the details of the assisted living section component of the projects can either be included in the Preliminary Plat or submitted as a separate site plan. Either must conform to the requirements of Appendix A, and any site plan must be approved prior to the approval of the project’s Final Plat. Since those details are not now provided, the applicant is locked into the separate site plan approval scenario.

A site plan will also be required for the club house/pool area.

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 (condominium Preliminary Plat/ Site Plan) 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.

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<sup>4</sup> The Stoney Run Creek Estates Concept Plat was approved on 3/19/07 and extended on 3/16/09. It expired on 3/19/10 and no longer has any standing.

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. Artesian Water is cited as the water service provider, however the Board of County Commissioners has not granted a franchise for that area – which is in the Town of North East’s water service area.

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

The applicant is reminded of the 4:30 p.m. submission deadline on the 3<sup>rd</sup> Thursday for review by the Planning Commission the following month. As previously mentioned, the project is on the Planning Commission’s 7/19/10 agenda as an information item.

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 July TAC meeting adjourned at 9:37 a.m.

Respectfully submitted,

*Jennifer Bakeoven*