

CECIL COUNTY TECHNICAL ADVISORY COMMITTEE
Wednesday, August, 4 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), Brown, Chris (CCSCS) and Bakeoven, Jennifer (CCP&Z).

Absent: Cwiek, Philip (USCoE), Ouano, Jun (Delmarva Power), Langford, Ariana (CCPS), Meaders, David (FA) Graham, Daniel (Citizen's Rep.) and Davis, Gary (SHA).

1. Lum's Estates, Lot 7A, Section 2, Walton Lane, Concept Plat, Will Whiteman Land Surveying, Inc., Fifth Election District.

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

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

1. The concept SWM plan must be approved prior to the applicant submitting the concept plat to the Planning Commission for review. The fees for this concept plan design review were provided with the first design submittal.
2. The proposed lot is located on a private mini road and as such the deed language should reference the rights & responsibilities of the property owner in this regard.
3. 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:

- 3.1 The Final Plat Lot Grading Note and the Lot Grading Plan Construction Limits Note.
- 3.2 Compliance with Section 251-13 of the Cecil County Stormwater Management Ordinance.
- 3.3 Requirements for Stormwater Inspection and Maintenance Agreements

Notes and requirements identified for record:

1. The Final Plat must include the Lot Grading Plan standard note (a.) and the Lot Grading Plan must include the standard construction limits note (b.).
 - 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 plans 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. An Inspection & Maintenance Agreement, covering any and/or all private SWM BMP's required for this project, must be executed prior to the Department signing the final plat.

Mr. Brown, CCSCS, provided the applicant with soil maps and reports. Mr. Brown asked the applicant if the ESD Plan had been submitted to the CCSCS. Mr. Carpenter said that it has been submitted.

Mrs. Latham, MDE, stated that a notice of exemption will be part of the Final Plat application.

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

The Concept Plat is satisfactory. Submit a written request for a well variance.

The Health Department has reviewed the Concept Stormwater Management Plan. The Health Department has no objection to the proposed grading and stormwater management practices, however, our office cannot sign a plat giving Health Department approval for 1 year. COMAR 26.04.03 states that Health Department approval of subdivision plans is limited to 6 months, with provisions for written requests for extensions for no longer than 12 additional months. The Health Department signature block should read *“This stormwater management plan has been reviewed and accepted by the Cecil County Health Department”*

Mr. Di Giacomo stated that SHA, the Citizen’s Representative, Delmarva Power, CCPS and the Fire Chief’s Representative had no comment for this project.

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

Upon inspection, this proposal was found to be in compliance with §3.9.1 of the Subdivision Regulations regarding public notification signs.

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

Density: The SR zone permits a density of 1 du/ 1 ac. The original subdivision consisted of 250.987 acres, with 9 lots. The Final Plat was approved on 7/17/79, with the Section 1 Record Plat being signed on 7/23/79, and the Section 2 Record Plat signed on 8/7/79.

Section 2 consisted of Lots, or ‘Parcels’, 1, 2, 3, 6, 7, 8 and 9. Section 1 consisted of Lots, or ‘Parcels’, 4 and 5. Section 1 Lot 5 was further subdivided to create 5 lots, bringing the total number of lots to 13. The Section 1 Record Plat (Note # 9 states: “The parcels shown hereon cannot be further subdivided.”) was signed on 9/27/83.

Subsequently, a resubdivision was approved to add 4.5 acres from Parcel 4 to Lot 5 of the old Parcel 5. No new lot was created, so the total remained at 13.

The vicinity map on the Concept Plat submitted for today’s review shows the add-on to Lots 4 and 5; however, the signed Record Plat indicates the add-on to Lot 5 only.

Subsequently, in a resubdivision in Section 2, Lot 2 was divided into “Parcel 2 and Parcel 1A” “whereby the southerly portion of Parcel 2 ...” was “... acquired by the ... owner of Parcel 1.” A note on the Record Plat, signed on 3/2/84, states: “Application is hereby made for your approval of the indicated transfer of land solely for adding to adjoining holdings and not for development. Any future subdivision of this land or building development will be submitted in the regular manner for approval in accordance with the existing ‘subdivision regulations.’”

Although Lot 1A remains separate and distinct from Lot 1, as it was not created as a buildable lot, the lot count remained at 13.

This Concept Plat proposes one additional lot, the 14th on the Lum's Estates' original 250.987 acres, for a proposed density of 1/17.93.

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

If the recomputed property line would amend the previously recorded plats, than the title should reflect that. What is the net effect of the recomputed boundary line on parcel 3, the Benjamin property, and would, because of that, the Benjamin's be required to sign the Final and Record Plats. Mr. Whiteman stated, in his opinion, the markers shown, clearly is the boundary line marker. The Benjamin's are occupying to the north of that line and the McGee's are occupying to the south. Discussion ensued.

The original Lum's Estates Final Plat was approved on 7/17/79, at which time: "Mr. Pugh advised that before any of the 5 lots on Walton Lane were subdivided further, Walton Lane would have to become a County Road and the Home Owners [sic] Association would have to agree to this."

As Lot 1A was not a building lot, the conversion of the mini road to a County Road did not then come into play with its creation.

§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.

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.¹

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.

¹ 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."

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

§25.3.a requires 15% common open space “for all subdivisions involving ten (10) or more lots.” If approved, then proposed Lot 7A would be the 14th lot.

15% of any 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. Any C.O.S. sensitive areas thresholds must be calculated for inclusion on the Preliminary Plat.

Per Note #8, 20% landscaping of the development envelope is required in the SR zone.

No sidewalks are recommended.

A Bufferyard Standard C is not required, but Street trees with a 10’ planting easement are required, outside the right-of-way, along the Walton Lane mini-road. Where feasible, the natural vegetative equivalent may be used to satisfy the street tree requirements.

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

Per Note # 6, this project is exempt under §3.2K. What is the relationship (daughter?) between the applicant and the proposed lot owner? Selena McGee is the daughter of Willie and Alice McGee.

The Forest Stand Delineation (FSD) and SWM Concept Plan must (shall) be approved prior to Planning Commission review of the Concept Plat (§5.1.C, Cecil County Forest Conservation Regulations; §251.12, 2009 Cecil County SWM Ordinance).

The Preliminary Forest Conservation Plan (PFCP) and Preliminary SWM 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 and bounds description of the FRA being shown on the Final and Record Plats.

As the Walton Lane mini-road already exists, the name does not need to be approved by the County 911 Emergency Center prior to Planning Commission review of the Preliminary Plat.

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

The 8/7/79 Section 2 Record Plat references the Lum’s Estates Maintenance Association, as well as the responsibility for “their fair share of maintaining all lots, storm drainage structures, [and] sediment and erosion control structures for in common with all other members” – the members’ being the owners of Lots “3, 6, 7, 8 & 9.” If approved, then how would proposed Lot 7A affect the HOA’s

Article of Declaration referenced on the 8/7/79 Section 2 Record Plat (e.g., amending terms, possible inclusion of common open space, etc.)? Mr. Whiteman said they are not proposing any common situation as far as stormwater management is concerned; it is strictly on lot.

Any necessary changes to the HOA's 'Article of Declaration' must be identified prior to Final Plat review by the Planning Commission and effectuated through recordation prior to recordation of the subdivision Record Plat.

Although the Section 2 Record Plat's references to the Lum's Estates Maintenance Association do not include the maintenance of the Walton Lane private mini-road, the 5 lots cited were those with direct access onto the mini-road. If approved, then the mini-road maintenance covenants must be revised to include proposed Lot 7A and recorded prior to recordation.

Consent by the other Walton Lane lot owners will be the sole responsibility of the applicant, and documentation thereof must be submitted prior to the Planning Commission's review of the Final Plat.

Contrariwise, if Walton Lane is proposed to be a County road, then documentation to the effect that the other Walton Lane lots owners actually agree to this must be submitted prior to the Planning Commission's review of the Final Plat.

What steps have been taken in regard to either of those possibilities? Mr. Whiteman said he believes his clients have no intention of changing Walton Lane into a county road.

Private mini-roads are limited to 5 lots, or 7 lots if two also front on a County Road.

From the perspective of road frontage, the Walton Lane mini-road now has 6 lots, not counting Lot 1A. If 1A is counted, then Walton Lane already has seven lots.

If proposed Lot 7A is approved, from the perspective of road frontage, then Lot 7A would be the seventh and final lot on Walton Lane.

From the perspective of mini—road access, the Walton Lane mini-road now provides road access to 5 lots – only one of which also fronts on a County road.

If proposed Lot 7A is approved, from the perspective of access, then Lot 7A would be the sixth and final lot on Walton Lane.

The Walton Lane Mini-road Maintenance Association must include the owners of proposed Lot 7A, unless the Road is to be converted to a County road. Has the applicant contacted DPW with regard to that possibility?

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%

The August TAC meeting adjourned at 9:33 a.m.

Respectfully submitted,

Jennifer Bakeoven